

Croydon Corporation Act, 1960

8 & 9 ELIZ. 2 Ch. xl

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CHAPTER xl

An Act to consolidate with amendments numerous enactments in force in the county borough of Croydon to make further provision for the health local government and improvement of the borough to confer further powers upon the mayor aldermen and burgesses of the borough and for other purposes. [29th July 1960.]

WHEREAS—

(1) The borough of Croydon (in this Act called “ the borough ”) is a county borough under the management and local government of the mayor aldermen and burgesses of the borough (in this Act called “ the Corporation ”):

(2) There are in force in the borough numerous local Acts and it would be of local and public advantage if the provisions of those Acts were consolidated with certain amendments and additions in one Act:

(3) It is expedient to make further provision in respect of the health local government and improvement of the borough and to confer upon the Corporation the further powers contained in this Act:

(4) It is expedient that the other provisions contained in this Act be enacted:

(5) The purposes of this Act cannot be effected without the authority of Parliament:

(6) Estimates have been prepared by the Corporation for and in connection with the following purposes:—

- (a) the provision of an assembly hall and other buildings and works authorised by section 61

of the Act of 1956 and section 121 (Power to provide assembly hall etc.) of this Act in addition to the sum which the Corporation were empowered to borrow for those purposes by section 46 of the Act of 1956—

	£
(i) if the office buildings are erected in pursuance of the said section 121 ...	1,152,000
(ii) if the office buildings are erected in pursuance of powers other than those of that section	202,000
(b) the provision and equipment of office buildings on part or parts of the lands in the borough lying between Park Lane Park Street High Street and Friends Road ...	950,000

(7) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed:

(8) Plans and sections showing the lines and levels of the works authorised by the Croydon Corporation Act 1956 and showing the lands required or which might be taken for the purposes or under the powers of that Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were in the month of November nineteen hundred and fifty-five deposited with the town clerk of the borough which plans sections and book of reference are in this Act referred to respectively as the 1956 plans sections and book of reference and the powers of that Act relating to the execution of those works and the acquisition of those lands are re-enacted in this Act:

(9) A map showing the limits for the supply of water by the Corporation was in November nineteen hundred and fifty-nine deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the town clerk of the borough:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

PART I PRELIMINARY

1.—(1) This Act may be cited as the Croydon Corporation Act 1960.

(2) This Act shall come into operation on the first day of October nineteen hundred and sixty.

2. This Act is divided into Parts as follows:—

- Part I.—Preliminary.
 Part II.—Lands.
 Part III.—Street works.
 Part IV.—Water.
 Part V.—Streets.
 Part VI.—Sanitation buildings etc.
 Part VII.—Nuisances and offensive trades.
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 Part X.—Employment agencies.
 Part XI.—Premises used for sales by auction.
 Part XII.—Street trading.
 Part XIII.—Finance.
 Part XIV.—Miscellaneous.
 Part XV.—General.

PART I
—cont.Division of Act
into Parts.

3. The Lands Clauses Acts (so far as the same are applicable for the purposes of and are not varied by or inconsistent with this Act) are hereby incorporated with and form part of this Act with the following exceptions and modification:—

Incorporation
of Lands
Clauses Acts.

- (a) sections 92 127 to 132 and 150 and 151 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act;
 (b) the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section.

4.—(1) In this Act the several words and expressions to which meanings are assigned by sections 90 110 and 343 of the Public Health Act 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Interpretation.

(2) In this Act unless the subject or context otherwise requires—

- “ the Act of 1925 ” means the Rating and Valuation Act 1925;
 “ the Act of 1933 ” means the Local Government Act 1933;
 “ the Act of 1936 ” means the Public Health Act 1936;
 “ the Act of 1945 ” means the Water Act 1945;
 “ the Act of 1947 ” means the Town and Country Planning Act 1947;
 “ the Act of 1950 ” means the Public Utilities Street Works Act 1950;
 “ the Act of 1959 ” means the Highways Act 1959;

PART I
—cont.

- “ the appointed day ” has the meaning assigned to it by section 185 (The appointed day) of this Act;
- “ the borough ” means the county borough of Croydon;
- “ the commission ” means the British Transport Commission;
- “ contravention ” includes a failure to comply and “ contravene ” shall be construed accordingly;
- “ the Corporation ” means the mayor aldermen and burgesses of the borough;
- “ the council ” means the council of the borough;
- “ daily fine ” means a fine for each day on which an offence is continued after conviction;
- “ electricity undertakers ” means the Central Electricity Generating Board or the South Eastern Electricity Board;
- “ enactment ” includes an enactment in this Act or in any general or local Act and any order byelaw scheme or regulation for the time being in force within the borough;
- “ financial year ” means a period of twelve months ending on the thirty-first day of March;
- “ food ” has the meaning assigned to that expression by section 135 of the Food and Drugs Act 1955;
- “ gas board ” means the South Eastern Gas Board;
- “ the general rate fund ” and “ the general rate ” mean respectively the general rate fund and the general rate of the borough;
- “ the Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part V of the Act of 1947 by the Lands Tribunal Act 1949 by the Town and Country Planning Act 1954 by the Town and Country Planning Act 1959 and by this Act;
- “ the limits of supply map ” means the map showing the limits for the supply of water by the Corporation which was deposited in November nineteen hundred and fifty-nine;
- “ the local Acts ” means the local Acts specified in the First Schedule to this Act and each of those Acts is referred to as the Act of the year in which it was passed;
- “ magistrates’ court ” has the meaning assigned to that expression by subsection (1) of section 124 of the Magistrates’ Courts Act 1952;
- “ the Minister ” means the Minister of Housing and Local Government;
- “ the 1956 plans sections and book of reference ” mean respectively the plans sections and book of reference which were deposited with the town clerk for the purposes of the Act of 1956;

“ open space ” has the meaning assigned to that expression by the Open Spaces Act 1906;

“ private street ” “ fronting ” and “ street works ” have the meanings assigned to those expressions by section 213 of the Act of 1959;

“ public service vehicle ” has the meaning assigned to that expression by the Road Traffic Act 1960;

“ statutory borrowing power ” includes a power of borrowing money conferred on the Corporation by or under any enactment except paragraph (a) of subsection (1) of section 215 of the Act of 1933;

“ statutory security ” means any security in which trustees are for the time being authorised by law to invest trust moneys;

“ telegraphic line ” has the same meaning as in the Telegraph Act 1878;

“ the town clerk ” “ the medical officer ” “ the treasurer ” “ the surveyor ” and “ the public health inspector ” mean respectively the town clerk the medical officer of health the treasurer the surveyor and any public health inspector of the borough;

“ the tribunal ” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949;

“ water board ” means the Metropolitan Water Board.

(3) Except where the context otherwise requires any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

PART II

LANDS

5.—(1) Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands in the borough delineated on the 1956 plans and described in the 1956 book of reference as may be required for the purposes of the street works authorised by this Act and for the improvement and development of frontages or of any lands abutting on or adjacent to any street: Power to acquire lands.

Provided that—

(a) nothing in this Act shall authorise the Corporation to enter upon take or use the whole or any part of the properties numbered on the 1956 plans 35 to 42 124 and 125;

PART II
—cont.

- (b) nothing in this Act shall authorise the Corporation to purchase compulsorily any interest of the Crown or to carry out any works on any land in which the Crown has an interest without the consent of the Crown;
- (c) the Corporation shall not under the powers of this Act acquire otherwise than by agreement the respective interests of Norman Neill Barbara Mary Porter and Horace George Paxton in the property numbered 129 on the 1956 plans except so much of the said property as may be required for the purposes of the construction of the new street (Street Work No. 7) authorised by this Act.

(2) The powers of the Corporation for the compulsory purchase of land under this section shall cease after the expiration of five years from the first day of December nineteen hundred and fifty-six.

Continuance
of proceedings
under Act of
1956.

6. In any case in which a notice to treat has been served in pursuance of the Act of 1956 in reference to any of the lands referred to in the last foregoing section or to any interest in any of those lands the further steps to be taken for the acquisition of such land or interest may be taken in pursuance of this Act.

Correction of
errors in
deposited
plans and
book of
reference.

7.—(1) If the 1956 plans or the 1956 book of reference are inaccurate in their description of any land or in their statement or description of the ownership or occupation of any land the Corporation after giving ten days' notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the borough for the correction thereof.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake the justices shall certify the fact accordingly and shall in their certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments and a copy thereof in the Private Bill Office House of Commons and with the town clerk and thereupon the 1956 plans and the 1956 book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Corporation to take the land and execute the works in accordance with the certificate.

(4) Any copy certificate deposited under this section with the town clerk shall be kept by him with the other documents to which it relates.

8.—(1) For the purposes of this Act the following provisions of this section shall have effect in substitution for section 92 of the Lands Clauses Consolidation Act 1845.

PART II
—cont.

(2) No person shall be required to sell a part only of any house building or factory or of a park or garden belonging to a house if he is willing and able to sell the whole of the house building factory park or garden unless the tribunal determines—

Acquisition
of parts only
of certain
properties.

(a) in the case of a house building or factory that such part as is proposed to be taken can be taken without material detriment to the house building or factory; or

(b) in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

(3) If the tribunal determines as aforesaid compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the Corporation that part of the house building factory park or garden.

9. At any time after serving a notice to treat in respect of any land that may be acquired compulsorily under this Act but not less than three months after giving the owner and occupier of the land notice of their intention to exercise the powers of this section the Corporation may enter on and take possession of the land or such part thereof as is specified in the last-mentioned notice without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845:

Power to
expedite
entry.

Provided that the Corporation shall pay the like compensation for land of which possession is taken under this section and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with.

10. Any person acting on behalf of the Corporation and duly authorised by the town clerk may at all reasonable times enter on any land which the Corporation are authorised by this Act to acquire compulsorily for the purpose of surveying or valuing the land:

Power to
enter for
survey or
valuation.

Provided that no land shall be entered under this section unless the Corporation not less than seven days before the first entry and not less than twenty-four hours before any subsequent entry have given notice to the owner and occupier of the land.

PART II
—cont.
Disregard of
recent
improvements
and interests.

11. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act the tribunal shall not take into account—

- (a) any improvement or alteration made or building erected after the fifth day of December nineteen hundred and fifty-five; or
- (b) any interest in the land created after the said date;

which in the opinion of the tribunal was not reasonably necessary and was made erected or created with a view to obtaining or increasing the compensation or purchase money.

Set-off of
betterment
against
compensa-
tion.

12. In determining the amount of compensation or purchase money payable to any person in respect of his interest in land acquired under the Act of 1956 in pursuance of a notice to treat served on or before the twenty-ninth day of October nineteen hundred and fifty-eight in a case where—

- (a) he has an interest in any other land contiguous with or adjacent to the land so acquired; and
- (b) the value of his interest in any such contiguous or adjacent land is enhanced by reason of the execution of the works authorised by this Act or any of them;

the amount of the enhancement in value shall be set off against the compensation or purchase money.

Extinction of
private rights
of way.

13.—(1) Any private right of way over any land that may be acquired compulsorily under this Act shall if the council so resolve and give notice of their resolution to the owner of the right be extinguished as from the acquisition of the land whether compulsorily or by agreement or as from the expiration of one month from the service of the notice whichever is the later.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Corporation compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

Grant of
easements by
persons under
disability.

14.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may if he thinks fit subject to the provisions of those Acts grant to the Corporation any easement or right required for the purposes of this Act in or over or affecting any such lands (not being an easement or right of water in which some person other than the grantor has an interest).

(2) The provisions of the said Acts with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesaid.

PART II
—cont.

15. The power of the Corporation of purchasing land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners and occupiers of land that may be acquired under any enactment.

Provision of
substituted
sites.

16.—(1) The Corporation may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired under this Act with respect to his reinstatement elsewhere.

Power to
reinstate
owners or
occupiers of
property.

(2) Any such agreement may provide for the exchange of land and for that purpose the Corporation may pay or receive money for equality of exchange.

17.—(1) The Corporation may pay to any person displaced from any building acquired under the Act of 1956 in pursuance of a notice to treat served on or before the twenty-ninth day of October nineteen hundred and fifty-eight such reasonable allowance as they may think fit towards the loss which in their opinion he will sustain by reason of the disturbance of his trade or business in consequence of his having to quit the building.

Allowances
to displaced
persons.

(2) In estimating the said loss the Corporation shall have regard to the period for which the premises occupied by that person might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose.

(3) The provisions of this section shall be in addition to and not in derogation of any enactment or any rule of law relating to compensation for disturbance.

18.—(1) The Corporation may enter into and carry into effect agreements with any person being the owner of or interested in any land abutting on any portion either of the street works authorised by this Act or of land that may be acquired under this Act with respect to the sale by the Corporation to him of any land (including any part of a street or highway appropriated by the Corporation under this Act and not required for those works).

Agreements
with
adjoining
owners.

(2) The Corporation may accept as satisfaction of the whole or any part of the consideration for any such sale the grant by the purchaser of any land required by the Corporation for the purposes of this Act or any easement or right therein.

PART II
—cont.Reservation
of easements
etc. by
Corporation.

19. On selling any land the Corporation—

- (a) may reserve to themselves all or any part of the water rights or other rights or easements belonging thereto and may make the sale subject to such reservation accordingly;
- (b) may make the sale subject to such other reservations conditions and restrictions as they think fit and without prejudice to the generality of the foregoing words of this paragraph such conditions and restrictions may prohibit or restrict the exercise of noxious trades or the deposit or discharge of manure or other impure matter.

Development
of land.

20.—(1) (a) The Corporation may lay out and develop the whole or any part of the lands delineated on the 1956 plans and described in the 1956 book of reference and may on any such lands erect and maintain houses flats shops offices commercial and industrial buildings garages warehouses and other buildings and construct sewer drain pave channel and kerb streets.

(b) The Corporation may with the consent of the Minister lay out and develop any land acquired by them under section 22 (Acquisition of land in advance of requirements) of this Act and any land other than the land referred to in paragraph (a) of this subsection for the time being belonging to them and not required for the purpose for which it was acquired and may on any such land erect and maintain houses flats shops offices commercial and industrial buildings garages warehouses and other buildings and construct sewer drain pave channel and kerb streets:

Provided that nothing in this section shall apply to land acquired by the Corporation under section 38 or section 40 of the Act of 1947 or to land appropriated by them for the purposes for which land can be acquired under those sections:

Provided also that the powers of this subsection shall not be exercised with respect to any land within the urban district of Orpington without the consent of the council of that urban district but that consent shall not be unreasonably withheld and any question whether it is or is not unreasonably withheld shall be determined by the Minister.

(2) The Corporation may if they think fit instead of exercising the foregoing powers of this section in relation to any part of the lands delineated on the 1956 plans and described in the 1956 book of reference sell or lease such part of such lands to any person for that purpose.

(3) In this section the expression “ industrial building ” means a building used or designed for use for the carrying on of any process for or incidental to any of the following purposes (namely):—

- (a) the making of any article or of part of any article; or
- (b) the altering repairing ornamenting finishing cleaning washing freezing packing or canning or adapting for sale or breaking up or demolition of any article; or
- (c) without prejudice to the foregoing paragraphs the getting dressing or preparation for sale of minerals or the extraction or preparation for sale of oil or brine;

being a process carried on in the course of a trade or business and for the purposes of this definition the expression “ building ” includes a part of a building and “ article ” means an article of any description including a ship or vessel.

21.—(1) The Corporation may advance money to the purchaser or lessee of any land acquired from or leased by the Corporation for the purpose of enabling or assisting him to build on such land or to extend or improve any existing building thereon: Loans for erection etc. of buildings.

Provided that any such advance shall not exceed three-quarters of the amount which in the opinion of the Corporation will be the market value of the interest of the borrower in the land after the purpose of the loan has been effected.

(2) Before any advance is made under this section its repayment shall be secured to the satisfaction of the Corporation by a mortgage of the land and building in respect of which the advance is to be made or of the lessee’s interest therein and the instrument securing the advance shall—

- (a) fix the rate of interest to be paid being a rate not less than one-quarter per centum in excess of the rate of interest which at the date on which the terms of the advance are settled was the rate fixed by the Treasury under section 1 of the Public Works Loans Act 1897 in respect of loans to local authorities advanced out of the local loans fund and repayable over the same period as the advance;
- (b) fix the period within which the advance is to be repaid being a period not exceeding thirty years from the date of the advance;

PART II
—cont.

- (c) require the repayment to be made either by equal instalments of principal or by an annuity of principal and interest combined;
- (d) fix the intervals at which all payments on account of principal and interest are to be made being intervals not exceeding half a year;
- (e) authorise the borrower at any such days in the year as may be specified in the instrument after one month's notice and on paying all sums due on account of interest to repay the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the said instrument or as the Corporation may be prepared to accept) or a multiple of one hundred pounds (or of such less sum as aforesaid);
- (f) where the repayment is to be made by an annuity of principal and interest combined provide for determining the amount by which the annuity is to be reduced when a part of the advance is paid off otherwise than by way of an instalment of the annuity;
- (g) require the borrower either—
 - (i) to keep the building in respect of which the advance is made insured against fire to the satisfaction of the Corporation and to produce to the Corporation when required the receipts for the premiums paid in respect of the insurance; or
 - (ii) (if the Corporation elect themselves to insure the said building against fire) to repay to the Corporation the amounts of any premiums paid by them from time to time in that behalf;
- (h) require the borrower to keep the said building in good repair.

(3) Any person acting on behalf of the Corporation and authorised in writing by the town clerk shall have power at all reasonable times to enter any building in respect of which an advance has been made under this section for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are being complied with.

(4) In this section the expression "lessee" includes a person to whom the Corporation have agreed to grant a lease and the expression "lease" shall be construed accordingly.

22.—(1) The Corporation may acquire by agreement whether by way of purchase lease or exchange any land whether situate within or without the borough for the purposes of any of their powers or duties or for the benefit improvement or development of the borough notwithstanding that the land is not immediately required:

PART II
—cont.
Acquisition
of land in
advance of
requirements.

Provided that the Corporation shall not under the powers of this section acquire any land situate without the borough except with the consent of the Minister.

(2) Land acquired under this section may until it is appropriated for any purpose for which the Corporation are authorised apart from this section to acquire land be used for the purpose of any of the functions of the Corporation and until it is so appropriated all expenses incurred by them in respect of the land shall be payable out of the general rate fund.

(3) The Corporation shall not acquire land under section 158 of the Act of 1933.

23.—(1) If the Corporation—

(a) acquire land by agreement; or

(b) enter into an agreement to acquire land;

Suspension of
restrictive
covenants.

for a purpose for which they are for the time being authorised (or could under any enactment for the time being in force be authorised) to acquire the land compulsorily and the land is affected by any restriction arising under covenant or otherwise as to the user thereof or the building thereon the council may subject to the provisions of this section by resolution suspend the operation of the restriction.

(2) The resolution shall describe by reference to a map the land to which it applies.

(3) The Corporation shall—

(a) in two successive weeks publish in one or more local newspapers circulating in the locality in which the land referred to in the resolution is situated a notice stating that the resolution has been passed describing the land and naming a place within the locality where a copy of the resolution and map may be inspected and specifying the time (not being less than twenty-one days from the first publication of the notice) within which and the manner in which objections to the suspension of the restriction can be made;

(b) serve on every person who appears to them after diligent inquiry to be entitled to the benefit of the restriction to which the resolution relates a notice containing the like particulars to those specified in the preceding paragraph of this subsection; and

PART II
—cont.

(c) affix to some conspicuous object or objects on the land to which the resolution relates a notice or notices containing the like particulars to those specified in paragraph (a) of this subsection.

(4) Any person claiming to be entitled to the benefit of the restriction may object to the suspension of the restriction by sending notice of his objection and of the grounds thereof to the Minister within the period specified in the notice and by sending a copy thereof to the Corporation.

(5) If any objection is duly made as aforesaid and is not withdrawn the resolution shall be of no effect unless and until it is confirmed by the Minister and before confirming the resolution the Minister shall cause a public local inquiry to be held into the proposed suspension of the restriction and after considering the report of the person who held the inquiry may confirm the resolution.

(6) (a) If no objection is duly made under subsection (4) of this section or if all objections so made are withdrawn the restriction shall be suspended on and after the date of the expiration of the period specified in the notice or the date of the withdrawal of the objection or (if more than one) the last objection or the date on which the Corporation acquire the land (whichever is the latest).

(b) If objection is duly made as aforesaid and the Minister confirms the resolution the restriction shall be suspended on and after such date as the Minister shall determine not being earlier than the date on which the Corporation acquire the land.

(7) The Corporation shall pay compensation in accordance with the provisions of section 68 of the Lands Clauses Consolidation Act 1845 to any person entitled to the benefit of a restriction suspended under the powers of this section who suffers loss in consequence thereof and the amount of such compensation shall be determined in case of dispute in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(8) Any restriction suspended under the powers of this section shall be unenforceable so long as the Corporation are the owners of the land to which the restriction relates or (if the Corporation convey the land to any body for any of the purposes of the Education Acts 1944 to 1953) so long as the land is used by that body for the purpose of those Acts and if compensation is paid by the Corporation under subsection (7) of this section in respect of the suspension of a restriction relating to the building upon or use of land that restriction shall remain unenforceable in respect of such building or use notwithstanding any subsequent conveyance or disposition of the land to any other person:

Provided that if such compensation is paid on the basis that land may be used for a particular purpose the restriction shall after any subsequent conveyance or disposition of the land to a person otherwise than for any of the purposes of the Education Acts 1944 to 1953 remain unenforceable only so long as the land is used for that purpose.

(9) If the Corporation dispose of any land to which the restriction relates they shall in two successive weeks publish notice thereof in one or more local newspapers circulating in the locality in which the land is situated.

24.—(1) Every undertaking given by or to the Corporation to or by the owner of a legal estate in land and every agreement made between the Corporation and any such owner being an undertaking or agreement—

Undertakings and agreements binding successive owners.

(a) given or made under seal either on the passing of plans or otherwise in connection with the land; and

(b) expressed to be given or made in pursuance of this section;

shall be binding not only upon the Corporation and any owner joining in the undertaking or agreement but also upon the successors in title of any owner so joining and any person claiming through or under them.

(2) Every undertaking given and every agreement made before the commencement of this Act and entered in the register kept by the Corporation in pursuance of section 39 of the Act of 1895 shall be binding not only upon the Corporation and any owner joining in the undertaking or agreement but also upon the successors in title of any owner so joining and any person claiming through or under him.

(3) Any undertaking or agreement to which the foregoing provisions of this section apply shall be treated as a local land charge for the purposes of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926.

(4) Any person upon whom any such undertaking or agreement is binding shall be entitled to require from the Corporation a copy thereof.

25. Notwithstanding anything contained in this Act the Corporation shall not under the powers of this Act enter upon take or use the whole or any part of the buildings known as St. Matthew's Church George Street and the other premises coloured pink on the plan signed by the Reverend Francis Edward

Saving for St. Matthew's Church.

PART II
—cont.

Drewett the vicar of the parish of St. Matthew Croydon and by Ernest Taberner on behalf of the Corporation one copy of which has been deposited with the said vicar and the other copy with the town clerk.

For
protection of
owners of
the Ledgers.

26. The provisions of section 8 (For protection of Roger Henry Averell Daniell) of the Act of 1930 so far as they are in force at the commencement of this Act shall continue to have effect but with the substitution for the Corporation of the owners for the time being of the land conveyed by a conveyance dated the twentieth day of July nineteen hundred and thirty-two made between the said Roger Henry Averell Daniell of the one part and the Corporation of the other part being the land referred to in that section.

PART III

STREET WORKS

Construction
and main-
tenance of
authorised
street works.

27. Subject to the provisions of this Act the Corporation may within the borough make and maintain in the lines and according to the levels shown on the 1956 plans and sections such of the street works referred to in this section as have not yet been completed and may maintain such of them as have been completed together in either case with all necessary and proper works and conveniences connected therewith or incidental thereto (that is to say):—

Street Work No. 1 A widening and improvement of Wellesley Road on the easterly side between Walpole Road and George Street and of George Street on the northerly side near its junction with Wellesley Road;

Street Work No. 2 A widening and improvement of Park Lane on the easterly side commencing at its junction with Beech House Road and terminating at its junction with George Street;

Street Work No. 3 A widening and improvement of George Street on the southerly side between Park Lane and Addiscombe Road and of Addiscombe Road on the southerly side between George Street and Altyre Road and of Altyre Road on the westerly side including a widening of the southerly side of the bridge and approaches carrying George Street and Addiscombe Road over the railway of the commission;

Street Work No. 4 A new street commencing at Park Lane and terminating at the access road from Fairfield to George Street;

Street Work No. 5 A widening and improvement of Barclay Road on the northerly side;

Street Work No. 6 A new street in continuation of Barclay Road from Chatsworth Road to Fairfield Road including a new bridge and approaches thereto over the railway of the commission;

Street Work No. 7 A new street from Hazledean Road to Fairfield Road;

Street Work No. 8 A widening and improvement of Fairfield Road and Chepstow Road on both sides;

Street Work No. 9 A new street from Park Hill Rise to Radcliffe Road;

Street Work No. 10 A widening and improvement of Addiscombe Road on the northerly side at or near its junction with Clyde Road;

Street Work No. 11 A widening and improvement of Addiscombe Road on the southerly side and of Radcliffe Road on the north-easterly side at or near the junction of those roads;

Street Work No. 12 A widening and improvement of Crown Hill on the northerly side and of North End on the westerly side at or near their junction commencing in Crown Hill opposite Middle Street and terminating at the northern boundary of No. 9 North End:

Provided that notwithstanding anything shown on the 1956 plans and sections the Corporation shall not under the powers of this Act—

- (1) construct so much of Street Work No. 3 as comprises the widening and improvement of Altyre Road; or
- (2) construct the new street (Street Work No. 7) to a greater width than forty feet except at its junction with Fairfield Road.

28. In the construction of the street works authorised by this Act the Corporation may deviate from the lines thereof as shown on the 1956 plans to any extent not exceeding the limits of deviation shown on those plans and from the levels thereof as shown on the 1956 sections to any extent not exceeding five feet either upwards or downwards. Limits of deviation.

29.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the 1956 plans the Corporation in connection with the street works authorised by this Act may— Power to make subsidiary works.

- (a) make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous with the said works or any of them;

PART III
—cont.

- (b) make diversions widenings or alterations of lines or levels of any existing streets for the purpose of connecting the same with the said works or any of them or of crossing under or over the same or otherwise;
- (c) construct and provide carriageways footways vaults cellars arches sewers drains subways sunken or other ornamental gardens and other works and conveniences;
- (d) stop up and appropriate the site and soil of so much of any streets as shall be rendered unnecessary by the exercise of the powers of this Part of this Act;
- (e) execute any works for the protection of any adjoining land or buildings; and
- (f) remove alter divert or stop up any drain sewer channel or watercourse the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer or water in any channel or watercourse.

(2) Any paving metalling or materials in on or under any street altered or diverted by the Corporation under the powers of this Part of this Act and any sewers drains and works (hereinafter called " apparatus ") rendered unnecessary by the substitution of other apparatus therefor shall vest in the Corporation and the substituted apparatus shall be under the same jurisdiction care management and direction as the existing apparatus for which it may be so substituted.

(3) In the exercise of the powers conferred by this section the Corporation shall cause as little detriment and inconvenience as circumstances admit to any person and shall make reasonable compensation for any damage caused to any person by the exercise of such powers.

(4) Within the limits of deviation shown on the 1956 plans the Corporation may raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and may remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and shall make reasonable compensation for any damage caused by the exercise of the powers of this subsection.

(5) Any question of disputed compensation payable under the foregoing provisions of this section shall be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

30.—(1) (a) The Corporation may stop up the whole or such portion or portions as they think fit of so much of the highways referred to in this subsection as is shown on the 1956 plans as intended to be stopped up and thereupon all rights of way over or along the same shall be extinguished and the Corporation may appropriate and use the sites of the highways stopped up:

PART III
—cont.
Stopping up
of highways.

Provided that the Corporation shall not under the powers of this subsection stop up any part of a highway unless—

- (i) it is bounded on both sides by lands belonging to the Corporation; or
- (ii) the Corporation obtain the consent of the owners lessees and occupiers of the houses and lands on both sides thereof.

(b) The highways hereinbefore referred to are (i) Hooker's Place (ii) the access road from George Street to Fairfield (iii) Hazledean Road (iv) Fairfield Road (v) Wellesley Court Road and (vi) Fairfield Footpath.

(2) Any person who suffers loss by the extinguishment of any private right under this section shall be entitled to be paid by the Corporation compensation to be determined in the case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

31. Before the Corporation break up or otherwise interfere with any street in the metropolitan police district in connection with the execution of any works under the powers of this Act they shall (except in case of emergency) give fourteen days' notice to the commissioner of police of the metropolis and make such arrangements with the said commissioner as may be reasonably necessary so as to cause as little interference as may be reasonably practicable with the traffic in such street during the execution of such works.

Notice to
commissioner
of police.

32.—(1) Where in pursuance of the powers conferred by section 29 (Power to make subsidiary works) or section 30 (Stopping up of highways) of this Act any highway or part of a highway is stopped up the following provisions shall unless otherwise agreed in writing between the Corporation and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such highway or part of a highway at the time of such stopping up:—

For
protection of
Postmaster-
General.

- (a) The power of the Postmaster-General to remove the line shall be exercisable notwithstanding the stopping up of the highway or part of the highway so however that the

PART III
—cont.

said power shall not be exercisable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in subsection (2) of this section unless before the expiration of that period the Postmaster-General has given notice to the Corporation of his intention to remove the line or that part thereof as the case may be;

- (b) The Postmaster-General may by notice to the Corporation in that behalf abandon the said line or any part thereof and shall be deemed as respects the line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;
- (c) The Postmaster-General shall be entitled to recover from the Corporation the expense of providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster-General may require;
- (d) Where under paragraph (b) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the Corporation and the provisions of the Telegraph Acts 1863 to 1954 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

(2) As soon as the whole or any part of any highway has been stopped up the Corporation shall send by post to the Postmaster-General a notice informing him of such stopping up and the period of three months mentioned in subsection (1) of this section shall commence to run from the date on which such notice is sent.

For
protection
of commission.

33. For the protection of the commission the following provisions shall unless otherwise agreed in writing between the Corporation and the commission apply and have effect:—

(1) In this section—

“ railway property ” means the lands belonging to or occupied by the commission and numbered 50 51 52 and 121 on the 1956 plans (except so much of the said properties numbered 51 and 52 as may be reasonably required for the purpose of Street Work No. 3 authorised by this Act) and the railway and railway works of the commission;

“ the authorised works ” means so much of Street Work No. 3 and Street Work No. 6 authorised by

section 27 (Construction and maintenance of authorised street works) of this Act as may be situated upon across under or over any of the railway property or may affect the same:

PART III
— cont.

- (2) The Corporation shall not under the powers of this Act acquire compulsorily any of the railway property but the Corporation may acquire and the commission shall sell and grant accordingly such easements and rights in and over the railway property within the limits of deviation on the 1956 plans as they may reasonably require for the purposes of the authorised works and the payment to be made by the Corporation to the commission for any such easement or right shall be determined in accordance with the Lands Clauses Acts:
- (3) The Corporation shall not commence to construct any part of the authorised works without the consent of the commission which consent shall not be unreasonably withheld but may be given subject to such terms and conditions with regard to the construction repair maintenance renewal or alteration of the said works as may be reasonable:
- (4) Any dispute or difference arising between the Corporation and the commission under this section shall be referred to and settled by a single arbitrator to be agreed between the parties or failing agreement to be appointed on the application of either of them (after notice to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to such arbitration.

PART IV

WATER

34.—(1) Notwithstanding the repeal of the local Acts the water undertaking of the Corporation shall continue vested in them and they may—

Water
undertaking
of
Corporation

- (a) maintain renew alter and improve the undertaking or any part thereof in the manner which was authorised by the local Acts;
- (b) take intercept and impound any water which can or may be intercepted by any of their existing works and which they were entitled to take intercept or impound immediately before the passing of this Act:

Provided that the Corporation shall not at any time raise a greater quantity of water from the pumping station at Addington authorised by the Act of 1884 than ninety million gallons in any consecutive period of two months.

PART IV
—cont.

(2) The sources from which the Corporation are at the commencement of this Act entitled to take intercept and impound water include those referred to in the Second Schedule to this Act.

Application
of Act of
1936.

35. Subject to the provisions of this Act the water undertaking of the Corporation shall be carried on under the Act of 1936 and the provisions of that Act shall apply to that undertaking and the supply of water by the Corporation:

Provided that—

- (a) in the application of Part IV (Water) of that Act the district of the Corporation shall comprise the areas within the limits of supply;
- (b) the Corporation shall not in exercise of the powers conferred by sub-paragraph (i) (b) of subsection (1) of section 15 of the Act of 1936 as so applied lay a main in any land being operational land owned or occupied by statutory undertakers without the consent of those undertakers but their consent shall not be unreasonably withheld and any question whether it is or is not unreasonably withheld shall be referred to and determined by the Minister.

Limits of
supply.

36. The limits within which the Corporation are authorised to supply water (in this Act referred to as the "limits of supply") are shown on the limits of supply map and comprise—

- (1) so much of the borough as is not within the limits of supply of the Metropolitan Water Board or the East Surrey Water Company or the Sutton District Water Company; and
- (2) those areas which were excluded from the borough and included in the urban district (now the borough) of Beddington and Wallington and the urban district of Coulsdon and Purley and the borough of Mitcham by sections 17 and 20 of the Surrey Review Order 1933 and section 9 (2) of the County of Surrey and County Borough of Croydon (Alteration of Boundaries) Order 1936.

As to map
of limits of
supply.

37.—(1) Section 280 of the Act of 1933 (which relates to the deposit of plans and other documents with the clerks of local authorities) shall apply to the limits of supply map which as stated in the preamble to this Act was deposited with the town clerk and to the town clerk in respect thereof as if it had been deposited with him pursuant to the standing orders of either House of Parliament.

(2) Copies of the map deposited with the town clerk certified by him to be true shall be received in all courts of justice and elsewhere as evidence of the contents of the map.

38. For the purposes of this Part of this Act and for the purposes of Part IV of the Act of 1936 in its application within the limits of supply the expression "the supply of water for domestic purposes" shall have the meaning assigned to that expression in section 1 of the Third Schedule to the Act of 1945 and "domestic purposes" shall be construed accordingly.

PART IV
—cont.

Definition of
domestic
purposes.

39.—(1) In this section unless the subject or context otherwise requires—

Modifications
of section 126
of Act of
1936.

the expression "net annual value of premises" means the net annual value thereof as appearing in the valuation list for the time being in force or if that value does not appear in the valuation list the net annual value of the premises as determined in the event of dispute by the Lands Tribunal;

the expressions "dwelling-house" "private garage" and "private storage premises" have the meanings assigned thereto by section 3 of the Valuation for Rating Act 1953.

(2) In its application to the Corporation and to the supply of water by them section 126 of the Act of 1936 shall be subject to the modifications mentioned in this section.

(3) The following subsection shall be substituted for subsection (1) :—

"(1) Subject to the provisions of this Part of this Act a local authority who supply water under this Act may charge for the supply of water to any premises for domestic purposes—

(a) a sum not exceeding ten shillings per annum for premises the net annual value of which exceeds twelve pounds;

(b) a sum not exceeding seven shillings per annum for premises the net annual value of which does not exceed twelve pounds; and

(c) in addition thereto a rate to be determined by the local authority assessed—

(i) in the case of a dwelling-house private garage or private storage premises on the net annual value;

(ii) in the case of any other premises on the net annual value or on such proportion of the net annual value as the local authority may determine:

Provided that the local authority may fix a minimum charge applicable in all cases."

40. The Croydon Water Order 1959 shall be repealed when the council have determined the rates under the provisions of the last foregoing section.

Repeal
of Croydon
Water Order
1959.

PART IV
—cont.
Water rates
to be paid by
owner in
some cases.

41. Within the limits of supply section 129 (Water rates on small tenements may be demanded from the owners) of the Act of 1936 shall have effect as if for the words "to a house or to a part of a house" there were substituted the words "to premises or to part of premises".

Incorporation
of provisions
of Act of 1945.

42.—(1) The following provisions of the Third Schedule to the Act of 1945 are hereby incorporated with this Act:—

Section 39 (Duty of undertakers as respects constant supply and pressure);

Section 50 (Power to require supplies for refrigerating or water softening apparatus &c. to be taken by meter).

(2) Subsection (3) of section 127 of the Act of 1936 shall not apply within the limits of supply.

Byelaws as to
testing etc.
of water
fittings.

43.—(1) In addition to the powers of the Corporation to make byelaws under section 17 of the Act of 1945 they may in connection with the supply and use of water within the limits of supply make byelaws—

(a) as to the testing and stamping of taps cocks valves ferrules flushing cisterns and other similar apparatus prior to the installation thereof; and

(b) prescribing charges for such testing and stamping.

(2) Subsections (3) and (4) of section 17 and sections 19 (other than paragraph (b) of subsection (6) thereof) and 20 of the Act of 1945 shall apply to byelaws made under this section and such byelaws shall be deemed to be byelaws made under the said section 17.

(3) Any person who forges or counterfeits any stamp or mark used by the Corporation in pursuance of this section or uses or supplies any water fitting marked with any such stamp or mark knowing it to be forged or counterfeited shall be liable to a fine not exceeding twenty pounds.

Water reserve
fund.

44.—(1) The Corporation may (if they think fit) continue the provision of the reserve fund provided by them in pursuance of section 47 of the Act of 1935 in respect of their water undertaking by setting aside in any year such an amount as they from time to time think reasonable and (unless the amount so set aside is used for other purposes under the powers of any enactment or of a scheme made thereunder) investing the same in statutory securities until the fund amounts to a sum equal to one-tenth of the aggregate capital expenditure of the Corporation on the undertaking (in this section referred to as "the prescribed maximum").

(2) The reserve fund referred to in this section may be applied—

(a) in making good to the general rate fund any deficiency at any time happening in the income of the Corporation from the undertaking; or

(b) in meeting any extraordinary claim or demand at any time arising against the Corporation in respect of the undertaking; or

(c) in or towards the payment of the cost of renewing improving or extending any works forming part of the undertaking or otherwise for the benefit thereof;

and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as a reduction happens.

(3) Resort may be had to the reserve fund although the fund may not at the time have reached or may have been reduced below the prescribed maximum.

45.—(1) Any water rate payable to the Corporation in respect of a supply of water to any premises in the borough may be demanded and collected together with the general rate and the same books may be used for the water rate and the general rate. Collection and recovery of water rates and charges.

(2) Notwithstanding the provisions of any other enactment any water rate recoverable by the Corporation in a magistrates' court may (without prejudice to any other right or remedy of the Corporation) be recoverable in the same manner and subject to the same provisions in respect of the recovery as the general rate.

(3) The following sections of this Act:—

Section 162 (Recovery of rates from persons removing);

Section 163 (Recovery of rates from certain owners); and

Section 164 (Recovery of rates from tenants and lodgers);

shall apply within the limits of supply to water rates payable to the Corporation to the same extent as they apply within the borough to the general rate.

(4) There may be included in one and the same warrant or in any schedule thereto two or more sums payable to the Corporation by any one person in respect of the water rate and the general rate payable by him.

(5) Any summons relating to a sum due to the Corporation in respect of any water rate may be served and any warrant relating to a sum due to the Corporation in respect of any water rate may be directed to the same persons as and executed in the same way as if it related to the general rate.

(6) In this section the expression "water rate" shall include charges relating to the supply of water.

PART IV
—cont.Provisions
relating to
Selhurst
well and
pumping
station.

46.—(1) In this section—

“the board” means the Metropolitan Water Board;

“the signed plan” means the plan which was signed by Colonel the Honourable Francis Stanley Jackson the chairman of the committee of the House of Commons to whom the Bill for the Act of 1921 was referred and deposited in the Parliament Office of the House of Lords; and

“the Selhurst well and pumping station” means—

(a) the lands adjoining Grange Road in the borough which are coloured red on the signed plan;

(b) the well and pumping station and other works buildings machinery appliances and conveniences situated upon those lands; and

(c) all adits headings borings and easements and other rights belonging to or enjoyed by the board at the passing of the Act of 1921 in connection with the lands mentioned in paragraph (a) hereof or the well pumping station and other works buildings machinery appliances and conveniences mentioned in paragraph (b) hereof and situate in on or under any lands of the board or any other lands adjoining or in the neighbourhood of the said lands mentioned in paragraph (a) hereof.

(2) (a) The Corporation shall at all times maintain an unclimbable iron fence of not less than five feet in height from the ground level for separating the Selhurst well and pumping station from the lands and property of the board adjoining the same on the south-western side and there shall be maintained or provided in that fence at the point shown on the signed plan or at such other point as may be agreed between the Corporation and the board a pair of gates having an opening of not less than ten feet which shall not except with the consent of the board be available for use by any party other than the board and which the board shall be at liberty to keep locked at such times as they may think fit.

(b) The board shall repay to the Corporation from time to time one-half of the cost reasonably incurred by them in the maintenance of the said fence and gates.

(3) The Corporation shall to the reasonable satisfaction of the board maintain the roadway which has been constructed between the said gates and the existing works road on the lands included in the Selhurst well and pumping station so long as the right to use the roadway in accordance with subsection (4) of this section continues to exist. The roadway to be so maintained shall be sufficient and suitable for the use of carts and other vehicles laden or unladen and shall be maintained in the position shown upon the signed plan or in such other position as may be agreed between the Corporation and the board.

(4) The board and their officers and servants and any other persons authorised in that behalf by the board shall at all times have the full free and uninterrupted right to use with or without horses and carts or other vehicles the roadway to be so maintained as aforesaid and so much of the said existing works road as shall be necessary for the purpose of obtaining access to or exit from the site of the reservoir of the board adjacent to the Selhurst well and pumping station whilst that site continues to be used for the purposes of a reservoir through the gates to be provided as aforesaid.

PART IV
—cont.

47. The agreements and awards which relate to the supply of water by the Metropolitan Water Board to the Corporation under the Metropolis Water Act 1902 and the further agreements which relate to the supply of water by that board to the Corporation and which are in force at the commencement of this Act shall continue to be in force unless and until varied by other agreements or awards.

As to supply
in bulk by
Metropolitan
Water Board
to
Corporation.

48.—(1) As long as the Corporation take water from the well at Addington authorised by the Act of 1884 they shall continuously supply free of charge a full and sufficient quantity of water to the houses and buildings referred to in the Third Schedule to this Act and to houses and buildings erected in substitution for those that may be demolished and for that purpose shall maintain repair and when necessary renew the mains and communication pipes required for furnishing that supply.

Provisions
relating to
Addington
estates.

(2) As long as the Corporation take water from the said well at Addington they shall provide a continuous supply of water to all houses cottages and buildings erected after the passing of the Act of 1884 on the Addington estate in the former parish of Addington other than those referred to in the Third Schedule to this Act or built in substitution therefor at the rates and subject to the considerations for the time being applicable to persons within the borough served from the same reservoir.

PART V

STREETS

49.—(1) In this Part of this Act the following expressions have the following meanings:—

Interpretation
of Part V.

“classified road” has the meaning assigned to it by section 295 of the Act of 1959;

“the code of 1875” and “the code of 1892” have the meanings assigned to them by section 173 of the Act of 1959;

“new street byelaws” has the meaning assigned to it by section 157 of that Act;

PART V
—cont.

“structure” means a wall fence hoarding or similar erection but for the purposes of this definition the expression “wall” does not include a wall forming part of a permanent building.

(2) For the purposes of this Part of this Act the erection of a building shall be deemed to have begun at the time when the clearing of the site or the excavation for the foundations thereof (whichever is the earlier) began.

Prohibition
of building
until
street defined.

50.—(1) Where a plan and sections of a new street have been deposited with the Corporation in pursuance of new street byelaws and have been approved by them no person shall without their consent begin to erect a building on land abutting on the street until he has defined by posts or in some other suitable manner the approved line width and level of so much of the street as abuts on any land which will be occupied as the site of or in connection with the building.

(2) Where the approved width of a new street has been defined as aforesaid no person shall begin to erect a building or structure nearer to the centre of the street than the line of the posts or other marks by which the width has been so defined.

(3) If any person contravenes the provisions of either of the foregoing subsections he shall be liable to a fine not exceeding twenty pounds and the Corporation may—

(a) in the case of a contravention of subsection (1) define as aforesaid the approved line width and level of the new street; and

(b) in the case of a contravention of subsection (2) remove the building or structure;

and in either case recover the expenses of so doing from that person.

Prohibition
of building
until street
formed and
sewered.

51.—(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of new street byelaws are approved by them they may by notice prohibit the erection of any building on land abutting on the street until the carriageway of the street has been constructed and the street has been sewered in accordance with the said byelaws:

Provided that where the plan shows that the street will exceed one hundred yards in length the Corporation shall divide the street for the purpose of the notice into lengths not exceeding one hundred yards and each such length shall for that purpose be treated as a separate street.

(2) Such a notice shall be given to the person by whom or on whose behalf the plan and sections were deposited and the prohibition imposed thereby shall be binding on successive owners of the land to which it relates.

(3) If any person contravenes the provisions of such a notice he shall be liable to a fine not exceeding twenty pounds and the Corporation may construct the carriageway and works of sewerage which should have been constructed and recover the expenses of so doing from that person.

(4) This section shall have effect subject to the provisions of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 with respect to the avoidance of any such notice for want of registration as a local land charge.

(5) The execution of any works under the provisions of this section shall not relieve any person from any liability under any enactment relating to street works for the time being in force in the borough.

52.—(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of new street byelaws are approved by them they may for the purpose of securing adequate means of communication between the new street and any other street (whether existing or intended) by notice prohibit the erection or retention of any structure at either end of the new street on land belonging at the time of the deposit to the owner of the land upon which the new street is proposed to be constructed or laid out: Termination
of new
streets.

Provided that no such notice shall affect any structure existing at the time of the deposit until both the new street and that other street have become highways maintainable at the public expense.

(2) Such a notice shall be given to the person by whom or on whose behalf the plan and sections were deposited and the prohibition imposed thereby shall be binding on successive owners of the land to which it relates.

(3) If any person contravenes a notice under this section he shall be liable to a fine not exceeding twenty pounds and the Corporation may remove the structure and recover the expenses of so doing from that person.

(4) This section shall have effect subject to the provisions of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 with respect to the avoidance of any such notice for want of registration as a local land charge.

53. The Corporation may by order from time to time determine and declare the points or limits at or within which any street is to be taken as beginning and ending. Power to
define streets.

54. When any plans or sections of any new street are submitted to the Corporation for approval the Corporation may vary or alter the position direction or level of the intended new street for the purpose of causing it to communicate in a direct or more direct line with any other street adjoining or leading thereto: Power to
vary position
or direction
of new
streets.

PART V
—cont.

Provided that the Corporation shall pay compensation to any person who may be injuriously affected by the exercise of the powers conferred by this section.

Last two foregoing sections to cease to have effect on coming into operation of order.

Width of new streets.

55. If the Minister by order made under section 290 of the Act of 1959 declares that the provisions of section 164 of the Act of 1959 shall apply in the borough section 53 (Power to define streets) and section 54 (Power to vary position or direction of new streets) of this Act shall cease to have effect on the coming into operation of that order.

56.—(1) Whenever application shall be made to the Corporation to approve the formation of a new street on any estate or lands it shall be lawful for the Corporation to require that the new street shall be formed of such width as the Corporation shall require:

Provided that in the event of the Corporation requiring a new street to be of a greater width than the following (in this section called "the prescribed width") namely:—

- (a) in the case of a new street which in the opinion of the Corporation will form a main thoroughfare or a continuation of a main thoroughfare or means of communication between main thoroughfares in the borough or a continuation of a main approach or means of communication between main approaches to the borough sixty feet; or
- (b) in the case of any other new street the width required for it by any Act or byelaw for the time being in force within the borough;

the Corporation shall purchase from the owner of the estate or lands and that owner shall sell to the Corporation the additional land necessary to make the new street of such greater width as aforesaid and shall also make compensation to the owner for any loss or damage sustained by him by reason of the Corporation requiring the street to be of such greater width as aforesaid.

(2) If by reason of the Corporation requiring any new street to be of such greater width as aforesaid any land of an owner adjoining that street will be or has become so reduced in area that it cannot having regard to the provisions of any Act or byelaw in force within the borough be used for building purposes and he shall within three months from the date of his receiving notice of the requirement give to the Corporation notice so desiring the Corporation shall in lieu of paying such owner compensation as aforesaid purchase from him and he shall sell to the Corporation the reduced area of land and the compensation payable in respect of any such reduced area as aforesaid shall be the amount which is the value thereof at the date on which the Corporation require the new street to be of the greater width.

(3) Nothing contained in this section shall require an owner to incur any greater expense in the execution of any street works

than he would have been required to incur if the new street had been of no greater width than the width required for that street under any byelaw for the time being in force within the borough and any additional expense incurred in the execution of street works by reason of the new street being of such greater width shall be borne by the Corporation.

PART V
—cont.

57.—(1) Where the termination of a new street not being a highway maintainable at the public expense abuts on any highway in the borough so maintainable and the use of the street involves passage across or interference with any part of the highway the Corporation may by notice require that a carriage-crossing shall be constructed of such materials and in such manner as they may prescribe at the expense of the person by whom the street has been or is being laid out or constructed.

Carriage-
crossings at
ends of
private
streets.

(2) Any person aggrieved by a requirement of the Corporation under the foregoing subsection may appeal to a magistrates' court.

(3) If the Corporation make any requirement under subsection (1) of this section they may also require that such works as may be necessary to secure compliance with that requirement shall be executed by the Corporation and not by any other person and the Corporation may recover the expenses of executing the works from the person by whom the street has been or is being laid out or constructed.

(4) Nothing in this section shall impose on the person by whom the street has been or is being laid or constructed any obligation to maintain any crossing constructed in pursuance of a requirement under this section.

(5) Nothing in this section shall extend or apply to any such new street as aforesaid in any case where a certificate of the town clerk or surveyor made before the date of the passing of the Act of 1935 certified that the street had before that date been completed in accordance with plans and specifications required and approved by the Corporation as a condition of declaring the street to be a highway maintainable at the public expense but had not at such last-mentioned date been taken over by the Corporation.

58.—(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of new street byelaws are approved by them they may for the purpose of securing the proper laying out or development of any estate through which the street is to run by notice require that such provision shall be made—

Adjustment of
boundaries of
estates in
connection
with streets.

(a) for adjusting and altering the boundaries of the estate and any other estate adjacent or near thereto and for effecting exchanges of land in connection therewith; and

PART V
—cont.

(b) for the removal modification or imposition of covenants restrictions and conditions attaching to the land comprised in the estate or any such other estate; as may be necessary or desirable having regard to the line and layout of the new street.

(2) The notice shall be given to the owners of all the estates affected thereby.

(3) The powers conferred by subsection (1) of this section may also be exercised on the approval of a plan for the widening of an existing street or for the widening or adaptation of a road footpath or way so as to form a new street.

(4) The provision so to be made and the terms and conditions upon which it is to be made shall failing agreement between the Corporation and the persons interested in the respective estates be determined by arbitration.

(5) An agreement or award made under this section may provide for the payment of money by the Corporation but no such award shall provide for the payment of money by any other person without his consent.

(6) An award made under this section shall operate to effect any adjustment or alteration of boundaries or exchange of land and any removal modification or imposition of covenants restrictions and conditions attaching to any land which may be provided for by the award and shall be duly stamped accordingly.

(7) The costs and expenses of any arbitration under this section shall unless and except in so far as the award may otherwise provide be paid by the Corporation.

(8) Any land or money received by any person in respect of an adjustment or alteration of boundaries or exchange of land under this section shall be held by him subject to the same trusts (if any) as the land exchanged therefor.

(9) Any land received by any person as aforesaid shall also be held subject to the same covenants restrictions and conditions (if any) so far as they are applicable as the land exchanged therefor and any such covenants restrictions or conditions shall be deemed to be applicable unless otherwise provided in an agreement or award made under this section.

(10) The Corporation may purchase land by agreement for the purposes of this section and until they dispose of the land or appropriate it for any other purpose may manage the land in such manner as they think fit.

(11) In this section the expression "estate" includes any parcel of land.

59.—(1) The Corporation on the one hand and the local or highway authority having jurisdiction in any area adjoining the borough on the other hand may enter into and carry into effect agreements for and with respect to the making widening improvement maintenance repair sweeping cleansing lighting or watering of any street along which the boundary of the borough runs.

PART V
—cont.

Agreements
with respect to
streets
adjoining
borough
boundary.

(2) For the purpose of carrying into effect any such agreement any party thereto shall subject to the provisions of the agreement have with respect to any street or part thereof outside their jurisdiction all the powers and be subject to all the obligations and liabilities of the party to the agreement within whose jurisdiction the street or part thereof is situate and the first-mentioned party may bear or contribute towards the cost of the making widening improvement maintenance repair sweeping cleansing lighting or watering of the street or part thereof and apply the like funds and rates and exercise the like powers of borrowing money upon the security of rates or otherwise in all respects as though the street or part thereof had been within their jurisdiction.

60.—(1) Subject to the provisions of this section the Corporation shall have power in any street vested in them or on any land acquired by them for the purpose of the construction or improvement of any such street or for preventing the erection of buildings detrimental to the view from the street—

Trees grass
verges and
gardens.

- (a) to plant trees or shrubs or place tubs in which to grow trees or shrubs;
- (b) to attach baskets for plants to posts or standards provided by the Corporation or with the consent of the owner thereof to any other posts or standards;
- (c) to lay out grass verges or gardens ;
- (d) to provide guards or fences and otherwise do anything expedient for the maintenance or protection of such trees shrubs tubs baskets grass verges or gardens;
- (e) to cut down any such tree or shrub to remove any such tub or basket and to abolish any such grass verge or garden or enlarge or diminish the area thereof;
- (f) by notice to prohibit persons from entering upon or causing or permitting horses cattle or vehicles to enter upon any such grass verge which is maintained in an ornamental condition or mown or any such garden.

(2) Any such notice as is referred to in paragraph (f) of the foregoing subsection shall be conspicuously posted on or in proximity to the grass verge or garden to which it relates and if any person contravenes a notice so posted he shall be liable to a fine not exceeding five pounds.

(3) The powers conferred by this section shall not be exercised so as to hinder the reasonable use of the street by any person

PART V
—cont.

entitled to the use thereof or so as to be a nuisance or injurious to the owner or occupier of any land or premises abutting on the street.

(4) Section 82 of the Act of 1959 shall cease to apply to highways vested in the Corporation or to any such land as is referred to in subsection (1) of this section and anything done by the Corporation under that section or section 1 of the Roads Improvement Act 1925 with respect to such highways or land before the commencement of this Act shall be deemed to have been done under this section.

(5) Nothing in this section shall affect the duty of the Corporation to provide a footway or grass or other margins under section 67 or section 70 of the Act of 1959.

(6) (a) Where the Corporation carry out works under any enactment relating to private street works they may with the consent of the owners of premises fronting adjoining or abutting on the part of the street in which the works are carried out exercise the powers conferred by this section in that part and the expenses incurred in so doing shall be deemed part of the expenses of carrying out the works.

(b) The reference in this subsection to the consent of the owners of the said premises is a reference to the consent of the majority of them where the rateable value of the premises owned by the persons consenting is greater than the rateable value of the rest of the said premises.

Removal of
trees etc.
from streets

61. Where any tree or structure or any part thereof falls on or across any street in the borough the Corporation may remove the same and recover the reasonable cost of so doing from the owner thereof or if such owner was not in beneficial occupation of the land upon which the tree or structure or any part thereof was situated from the occupier of the land.

Adjustment
of boundaries
of streets.

62.—(1) Subject to the provisions of this section the Corporation may enter into and carry into effect agreements with persons having a legal interest in land adjoining any street in the borough not being a trunk road for the adjustment of the boundary of the street.

(2) For the purposes of this section the Corporation—

(a) may exchange land including land forming the site of the street for other land and pay or receive money for equality of exchange; and

(b) shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey any such land in accordance with the agreement.

(3) As from the date of any such exchange as aforesaid all public rights of way over the part of any such street so exchanged shall be extinguished.

(4) No such agreement shall be entered into until the expiration of one month from the date on which notice giving particulars of the proposed agreement has been published in some local newspaper circulating in the borough.

(5) During the said period of one month any four ratepayers may appeal to a magistrates' court against the proposal to enter into the agreement.

(6) Nothing in this section shall be taken to dispense with the consent of a government department to any appropriation exchange or other disposition of any land of the Corporation in any case in which the consent of that department would have been required if this Act had not been passed.

(7) In this section the expression "ratepayer" means a person who is liable to any rate in respect of property in the borough entered in any valuation list and includes an occupier of such property who pays rent inclusive of rates.

(8) (a) Where pursuant to this section the Corporation enter into an agreement with a person having a legal interest in land adjoining any street for the conveyance to that person of the site of any part of the street and immediately before the date on which the site ceases to be part of the street there was upon or over along or across such site any telegraphic line belonging to or used by the Postmaster-General the Postmaster-General shall continue to have the same powers in respect of that line as if such site had remained part of the street but nothing in Part I of the Act of 1950 shall have effect in relation to those powers:

Provided that if any person in whom such site is vested desires that such telegraphic line should be altered paragraphs (1) to (8) of section 7 of the Telegraph Act 1878 shall apply to the alteration and accordingly shall have effect subject to any necessary modifications as if references therein to undertakers included references to the said person desiring the alteration.

(b) As between the Corporation and the Postmaster-General nothing in this subsection shall affect the operation of Part II of the Act of 1950 or the rights of the Postmaster-General and the Corporation thereunder.

(c) In this subsection the expressions "alter" and "alteration" have the same meanings as in the Telegraph Act 1878.

63.—(1) So much of section 67 of the Act of 1959 as relates to rails and fences for the purpose of safeguarding persons using a highway maintainable at the public expense shall extend to streets in the borough which are not so maintainable. Guard rails in private streets.

PART V
—cont.

(2) The Corporation shall not without the consent of the undertakers concerned exercise the powers of this section—

- (a) in a street belonging to or repairable by any transport undertakers and forming the approach to a station or depot of those undertakers; or
- (b) so as to obstruct or interfere with the access to or exit from a station or depot of any transport undertakers:

Provided that such consent shall not be unreasonably withheld and any question whether it is unreasonably withheld shall be determined by the Minister of Transport.

(3) In this section the expression “transport undertakers” means any railway or passenger road transport undertakers.

Attachment
of street
lamps
brackets etc.

64.—(1) Subject to the provisions of this section the Corporation may affix to any building in the borough such lamps brackets pipes electric lines and apparatus (hereafter in this section referred to as “attachments”) as may be required for the purposes of street lighting.

(2) The Corporation shall not affix attachments to a building under this section without the consent of the owner of the building:

Provided that where in the opinion of the Corporation any consent required under this subsection is unreasonably withheld they may apply to the appropriate authority who may either allow the attachments subject to such conditions (if any) as to rent or otherwise as the authority thinks fit or disallow the attachments.

(3) Where any attachments have been fixed to a building under this section and the person who gave the consent or who was the owner of the building when the attachments were allowed by the appropriate authority ceases to be the owner thereof the subsequent owner may give to the Corporation notice requiring them to remove the attachments and subject to the provisions of this subsection the Corporation shall comply with the requirement within three months after the service of the notice:

Provided that where in the opinion of the Corporation any such requirement is unreasonable they may apply to the appropriate authority who may either annul the notice subject to such conditions (if any) as to rent or otherwise as the authority thinks fit or confirm the notice subject to such extension (if any) of the said three months as the authority thinks fit.

(4) Where any attachments have been affixed to a building under this section the owner of the building may give the Corporation not less than fourteen days' notice requiring them at their own expense temporarily to remove the attachments where necessary during any reconstruction or repair of the building.

(5) If the owner of a building suffers damage by or in consequence of the affixing to the building of any attachments under the powers of this section he shall be entitled to be paid by the Corporation compensation to be determined in case of dispute in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(6) In this section—

“appropriate authority” means a magistrates’ court except that in relation to a building mentioned in the first column of the following table it means the Minister specified in relation thereto in the second column of that table:—

(1)	(2)
Building forming part of an aerodrome licensed pursuant to an order made under the Civil Aviation Act 1949 or any enactment repealed by that Act	The Minister of Aviation.
Building which— (i) is subject to a building preservation order made under section 29 of the Act of 1947; or (ii) is included in a list of buildings of special architectural or historic interest compiled or approved under section 30 of the last-mentioned Act; or (iii) is alleged by the owner thereof to be a building of special architectural or historic interest	The Minister.
Building owned by a highway authority or railway undertakers	The Minister of Transport.
Building owned by electricity or gas undertakers... ..	The Minister of Power.
Building owned by statutory water undertakers	The Minister.

“building” includes a structure and a bridge or aqueduct over a street;

“owner”—

(a) in relation to a building occupied under a tenancy for a term of years whereof five years or more remain unexpired and not forming part of such an aerodrome as aforesaid means the occupier of the building;

(b) in relation to a building forming part of such an aerodrome as aforesaid means the person having control of the aerodrome;

(c) in relation to any other building has the same meaning as in the Act of 1936;
and the expression “owned” shall be construed accordingly.

PART V
—cont.Lands for
amenity of
streets.

65. The Corporation may and shall be deemed always to have had power to acquire by agreement (whether by way of purchase lease exchange or gift) any land which in their opinion it is desirable that the Corporation should acquire for the purpose of providing an amenity to the lands and houses abutting on any street in the borough.

Retaining
walls.

66.—(1) In this section the expression “retaining wall” means a wall which—

- (a) serves or is intended to serve as a support for earth or other material on one side only; and
- (b) does not form part of a permanent building;

and this section applies to any length of a retaining wall being a length—

- (i) any cross-section whereof is wholly or partly within twelve feet of a street in the borough; and
- (ii) which is at any point of a greater height than six feet above the level of the ground at the boundary of the street nearest that point.

(2) No length of a retaining wall to which this section applies shall be erected otherwise than in accordance with plans sections and specifications approved by the Corporation and if any person erects any such length of a wall in contravention of this subsection he shall be liable to a fine not exceeding five pounds.

(3) Any person aggrieved by the refusal of the Corporation to approve any plans sections and specifications submitted to them in pursuance of the last foregoing subsection may appeal to a magistrates’ court.

(4) If any length of a retaining wall to which this section applies—

- (a) is in such disrepair as to be liable to endanger persons using the street; or
- (b) having been erected before the commencement of this Act or erected in contravention of subsection (2) of this section is so constructed as to be liable as aforesaid;

the Corporation may by notice to the owner or occupier require him to execute such work as may be necessary to prevent its being liable as aforesaid and the provisions of section 290 of the Act of 1936 shall apply in relation to such a notice as they apply in relation to the notices mentioned in subsection (1) of that section.

(5) The provisions of this section shall not apply to a retaining wall erected on land belonging to any railway undertakers so long as that land is used by those undertakers primarily for the purpose of their railway undertaking.

67.—(1) Where the forecourt of premises abutting on a street in the borough or any steps or projection or goods (whether for sale or not) placed in such a forecourt is or are a source of danger or obstruction or inconvenience to the public the Corporation may by notice require the owner or occupier of the premises either—

PART V
—cont.

Fencing of
forecourts.

- (a) to fence the forecourt from the street; or
- (b) to remove the steps projection or goods.

(2) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

68.—(1) If the council by resolution determine that a stall or other erection on a forecourt in the borough is by reason of its character injurious to the amenities of the street on which the forecourt abuts the Corporation may by notice require the owner or occupier of the forecourt either to make such alterations in the stall or erection as may be necessary to prevent its being injurious to the amenities of the street or if he so elects to remove it.

Forecourts
injurious to
amenities of
street.

(2) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

(3) In this section the expression "erection" does not include an advertisement to which regulations made under section 31 of the Act of 1947 for the time being apply.

69.—(1) In any street in the borough not being a highway maintainable at the public expense the Corporation may execute such repairs as are in their opinion urgently required to prevent or remove danger to persons or vehicles in the street and may themselves pay the cost of the repairs out of the general rate fund:

Urgent
repairs of
private
streets.

Provided that the cost of the repairs executed in any street in any period of three consecutive years under this section shall not exceed fifty pounds for each one hundred yards of the length of the street.

(2) The exercise by the Corporation of their powers under this section shall not prejudice their powers under any enactment relating to street works for the time being in force in the borough.

70.—(1) Whenever the Corporation put in force the provisions of the code of 1875 they may before themselves executing any works as therein provided recover the amount of the estimated cost thereof from the owners in default according to the frontage of their respective premises and in such proportion as is settled by the surveyor or (in the case of dispute) by arbitration.

Repair of
private
streets.

PART V
—cont.

(2) If the actual cost of those works is less than the amount of the estimated cost the Corporation shall reimburse to each person from whom a proportion of the estimated cost has been recovered the difference between his proportion of that actual cost and the amount recovered from him.

(3) If the actual cost of those works is greater than the amount of the estimated cost the Corporation may recover the difference between such actual cost and the amount of such estimated cost from the owners in default in the same proportions as they had been liable to contribute before the works were executed.

(4) The Corporation shall keep separate accounts of all moneys recovered and expended by them in the execution of the provisions of this section.

As to street
works.

71. Whenever the Corporation put in force the provisions of the code of 1875 they may (if they think it just) resolve that in settling the apportionment regard shall be had to the following considerations (that is to say):—

- (a) the greater or less degree of benefit to be derived by any premises from the works;
- (b) the amount and value of any work already done by the owners or occupiers of any of those premises.

They may also (if they think it just) include any premises which do not front adjoin or abut on the street or part of a street but access to which is obtained from the street through a court or passage or otherwise and which in their opinion will be benefited by the works and may fix the sum or proportion to be charged against any such premises accordingly.

Exemption
of certain
lands from
street works
expenses.

72.—(1) When the Corporation in putting in force the provisions of the code of 1875 as modified by section 70 (Repair of private streets) and section 71 (As to street works) of this Act resolve in pursuance of the said section 70 that in settling any apportionment regard shall be had to the greater or less degree of benefit to be derived by any premises from the works the resolution may provide that any land laid out as an open space and as an amenity of the lands and houses abutting on the street or part of a street to which such resolution refers shall be excluded from the calculation and shall not be deemed to be premises fronting or adjoining that street or part of a street for the purposes of the said code as so modified and (in the event of such resolution so providing) any expenses incurred by the Corporation under the said code as so modified in respect of that street or part of a street shall be apportioned amongst and may be recovered from the owners of the other premises who under the said code as so modified are liable to pay the expenses so incurred by the Corporation:

Provided that the powers of this section shall only be exercised by the Corporation in regard to any such land when the owner thereof has secured to the satisfaction of the Corporation that it shall be kept for ever as an open space free from buildings or structures of any kind except such as may be approved and allowed by the Corporation.

(2) In settling the proportion in which the estimated cost of any such works as are referred to in the said section 70 by the Corporation is to be recovered from the owners in default in any case in which the Corporation shall have passed a resolution under the said section 71 as modified by this section the surveyor shall give effect to such resolution.

73.—(1) Every hoarding or similar structure in the borough in or abutting on or adjoining any street shall be securely erected and maintained. As to
hoardings
and similar
structures.

(2) No fence hoarding or other similar structure in the borough (in this section referred to as “structure”) of a greater height than six feet six inches shall be erected or brought forward on any land in any street—

- (a) beyond any building line prescribed by the Corporation under the provisions of any Act; or
- (b) if there be no such line then any line beyond which a house or building may not be erected on the land without infringing a condition enforceable by the Corporation under subsection (2) of section 147 of the Housing Act 1957; or
- (c) if there be neither of such lines beyond the line to which a building or part thereof erected or brought forward on the land would have to conform under the provisions of section 75 of the Act of 1959.

(3) Any person who offends against the provisions of this section shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings and the Corporation may take down or remove any structure erected in contravention of those provisions and recover the expense incurred by them in so doing from the offender.

(4) The provisions of this section shall not apply to any wooden structure fence or hoarding of a movable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless it is not taken down or removed immediately after the construction alteration or repair is complete.

(5) The provisions of this section shall not apply to any structure to which regulations under section 31 of the Act of 1947 apply.

74. Whenever the Corporation in pursuance of the provisions of the code of 1875 serve notices on the owners or occupiers of premises fronting or adjoining any such street as is referred to Extension of
code of 1875

PART V
—cont.

in that code or on any part of any such street requiring those owners or occupiers to execute street works they may by the notice also require them—

- (a) to remove any stake post tree tree-stump shrub bush or other obstruction wholly situate in or encroaching upon such street or part of a street;
- (b) to execute any work or do anything which the Corporation could themselves execute or do in pursuance of the provisions of section 82 of the Act of 1959 if the said street or part of a street were a highway maintainable at the public expense;

and (subject as hereinafter provided) the provisions of the said code shall with any necessary modifications apply in respect of works carried out or things done by those owners or occupiers in pursuance of any such notice under the provisions of this section or (in default of those owners or occupiers) by the Corporation as if those works or things were street works:

Provided that—

- (a) any owner or occupier upon whom a notice under this section has been served and who has complied with the notice shall be entitled to payment from the Corporation of the amount by which the expense incurred by him in so doing has exceeded the cost which that owner or occupier would have incurred if he had been required to execute and had executed works in the street in accordance with the specification ordinarily required by the Corporation as a condition of declaring a street of a similar character to be a highway maintainable at the public expense and any question which may arise between the Corporation and any such owner or occupier under this proviso shall be determined by an engineer or other fit person to be appointed by the Minister; and
- (b) the Corporation shall not be entitled to apportion upon the owners or occupiers of premises fronting or adjoining any such street as aforesaid or to recover from those owners or occupiers any sum in excess of the cost which could have been apportioned on and recovered from them in respect of works executed in accordance with the specification ordinarily required by the Corporation as a condition of declaring a street of a similar character to be a highway maintainable at the public expense.

Verges etc.
of housing
estates.

75.—(1) Where in pursuance of the Housing Act 1957 any grass verge garden or space is provided or laid out by the Corporation and maintained in an ornamental condition or mown by them they may by notice prohibit persons from entering upon or causing or permitting vehicles to enter upon any grass verge garden or space so provided or laid out.

(2) The notice referred to in the foregoing subsection shall be conspicuously posted on or in proximity to the grass verge garden or space to which it relates and any person who contravenes a notice so posted shall be liable to a fine not exceeding twenty shillings.

PART V
—cont.

76.—(1) Where the forecourt of any premises abutting upon a street in the borough is unfenced and is habitually used or is open to use by the public as part of the footway of the street the Corporation may by notice require the owner or occupier of the forecourt to carry out such work as may be necessary to make good any want of repair to the forecourt or to remove any source of danger to persons using it.

Maintenance
of forecourts
to which
public have
access.

(2) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section:

Provided that—

- (a) for the purposes of paragraph (c) of subsection (3) of the said section 290 if the owner or occupier of a forecourt in respect of which a notice has been served under subsection (1) of this section elects to fence the forecourt and informs the Corporation of his intention to do so the effective fencing of the forecourt so as to prevent its use by the public shall be a reasonable alternative work; and
- (b) the Corporation may remit in whole or in part as they may think fit the amount of any expenses incurred by them in executing works under subsection (6) of the said section 290.

77. For the purpose of section 288 of the Act of 1959 this Act shall be deemed to be in force at the commencement of the Act of 1959.

Orders under
section 288 of
Act of 1959.

PART VI

SANITATION BUILDINGS ETC.

Sewers drains and sanitary conveniences

78. Section 24 of the Act of 1936 shall have effect in its application to the borough as if the following proviso were substituted for the proviso to subsection (1) of that section:—

Recovery of
cost of
maintaining
public
sewers.

“ Provided that unless in the opinion of the medical officer of health or the public health inspector immediate action is necessary notice of the work proposed to be undertaken shall not less than seven days before the work is commenced be given to the owners of any premises known by the local authority to be served by the length of sewer in question and the local authority shall consider any representations as to the need for and the reasonableness of the proposed work which may be made to them by any of those owners within seven days from the date of the service of the notice.”

PART VI
—cont.

Separate
sewers for
sewage and
surface
water.

79.—(1) Where under the provisions of any enactment in force in the borough the Corporation have power to require any street to be sewered by reason of its not having theretofore been sewered to their satisfaction they may require the provision of separate sewers for foul water drainage and surface water drainage respectively.

(2) The Corporation may also from time to time by resolution declare that any sewer or sewers for the time being belonging to them shall be appropriated and used for surface water only or for foul water only.

(3) Where in any street provision has been made for separate sewers for surface water and for foul water as aforesaid no foul water shall be allowed to pass into the surface water sewer and so far as practicable no surface or storm water shall be allowed to pass into the foul water sewers.

(4) Any person offending against the provisions of this section shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings.

(5) Provided that in the case of any house or premises existing at the time of the provision of separate sewers as aforesaid the drains whereof would but for the passing of this Act have been sufficient to effectually drain such house or premises the Corporation shall at their own expense make all necessary alterations to the drains and pipes of the house or premises in order to keep separate the foul water and surface water drainage thereof and no penalty shall be incurred under this section in the case of the house or premises until the completion of such alterations as aforesaid.

Delegation
of power to
examine and
test drains
etc.

80.—(1) In lieu of section 48 of the Act of 1936 the following provisions of this section shall have effect in the borough.

(2) Where it appears to the medical officer or the public health inspector that there are reasonable grounds for believing—

(a) that a sanitary convenience drain private sewer or cesspool is in such a condition as to be prejudicial to health or a nuisance; or

(b) that a drain or private sewer communicating directly or indirectly with a public sewer is so defective as to admit subsoil water;

he may examine its condition and for that purpose may apply any test other than a test by water under pressure and if he deems it necessary open the ground.

(3) If on examination the convenience drain sewer or cesspool is found to be in proper condition the Corporation shall as soon as possible reinstate any ground which has been opened by the medical officer or the public health inspector and make good any damage done by him.

81.—(1) If it appears to the medical officer or the public health inspector that on any premises in the borough a drain private sewer water-closet or soil pipe is stopped up he may by notice require the owner or occupier of the premises to remedy the defect within forty-eight hours from the service of the notice.

PART VI
—cont.

Summary
power to
remedy
stopped-up
drains etc.

(2) If the notice is not complied with the Corporation may themselves carry out the work necessary to remedy the defect and may subject to the next following subsection recover the reasonable expenses of so doing from the person on whom the notice was served:

Provided that where the said expenses do not exceed two pounds the Corporation may if they think fit remit the payment thereof.

(3) In proceedings under this section the court may inquire—

(a) whether any requirement contained in a notice served under this section or any work done by the Corporation was reasonable; and

(b) whether the expenses incurred by the Corporation in doing the work or any part thereof ought to be borne wholly or partly by the person on whom the notice was served;

and the court may make such order concerning the expenses or their apportionment as appears to the court to be just:

Provided that the court shall not order the expenses or any part thereof to be borne by any person other than the defendant in the proceedings unless the court is satisfied that that other person has had due notice of the proceedings and an opportunity of being heard.

82. Any person who causes any drain or sanitary convenience to be a nuisance or prejudicial to health by wilfully destroying or damaging it or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using it or any such water supply apparatus pipe or work shall be liable to a fine not exceeding five pounds.

Wilful
damage to
drains.

83.—(1) If a drain or private sewer in the borough—

(a) is not sufficiently maintained and kept in good repair to the satisfaction of the Corporation; and

(b) can in the opinion of the Corporation be sufficiently repaired at a cost not exceeding fifty pounds;

Power to
repair drains
and private
sewers.

the Corporation may after giving not less than seven days' notice to the person or persons concerned cause the drain or sewer to be repaired and subject to the next following subsection recover the expenses of so doing so far as they do not exceed fifty pounds from the person or persons concerned in such proportions (if there be more than one such person) as the surveyor or the public health inspector may determine:

PART VI
—cont.

Provided that where the said expenses do not exceed two pounds the Corporation may if they think fit remit the payment thereof.

(2) In proceedings under this section the court may inquire—

(a) whether the drain or sewer in question required repair and whether the work done by the Corporation was reasonable; and

(b) whether any apportionment made by the surveyor or the public health inspector was fair;

and the court may make such order concerning the expenses or their apportionment as appears to the court to be just:

Provided that the court shall not revise an apportionment unless it is satisfied that all persons affected thereby have had due notice of the proceedings and an opportunity of being heard.

(3) In this section the expression “person concerned” means in relation to a drain or private sewer any person owning any premises drained by means of the drain or sewer and also in the case of a sewer the owner thereof.

Power to reconstruct drain if laid in contravention of Act of 1936.

84. Where any person has been convicted of causing any drain to be constructed in contravention of the provisions of the Act of 1936 or of the building byelaws the court may in addition to imposing a fine order that the drain shall be laid relaid or amended or remade (as the case may require) in accordance with those provisions and if that person does not comply with the order within one month from the date thereof the Corporation may cause the drain in respect of which the conviction has been obtained to be laid relaid or amended or remade as the case may require and may recover from that person the reasonable expenses incurred by them in so doing.

Power to cleanse or repair drains etc.

85. The Corporation may on the application of the owner or occupier of any premises in the borough undertake the cleansing or repair of any drains water-closets sinks or gullies in or connected with the premises and may recover from the applicant such reasonable charge (if any) for so doing as they think fit.

Fine for improper construction or repair of water-closet etc.

86.—(1) If a water-closet drain or soil pipe in the borough is so constructed or repaired as to be prejudicial to health or a nuisance the person who undertook or executed the construction or repair thereof shall unless he shows that the prejudice to health or nuisance could not have been avoided by the exercise of reasonable care be liable to a fine not exceeding twenty pounds.

(2) A person charged with an offence under this section (hereafter in this section referred to as “the original defendant”) shall upon information duly laid by him and on giving to the prosecutor not less than three clear days’ notice of his intention be entitled to have any other person being his agent servant or

workman to whose act or default he alleges that the offence was due brought before the court at the time appointed for the hearing of the charge and—

PART VI
—cont.

(a) if after the commission of the offence has been proved the original defendant proves that the offence was due to the act or default of that other person that other person may be convicted of the offence; and

(b) if the original defendant further proves that he used all due diligence to secure that the water-closet drain or soil pipe in question was so constructed or repaired as not to be prejudicial to health or a nuisance he shall be acquitted of the offence.

(3) Where the original defendant seeks to avail himself of the provisions of subsection (2) of this section—

(a) the prosecutor as well as the person whom the original defendant charges with the offence shall have the right to cross-examine the original defendant if he gives evidence and any witness called by him in support of his pleas and to call rebutting evidence; and

(b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

87. For the purposes of section 44 of the Act of 1936 any part of a building in the borough being a part occupied as a separate dwelling shall be treated as a separate building:

Closet
accommoda-
tion for
separate
dwellings.

Provided that where any part or parts of a building occupied as aforesaid has or have been let for occupation without the consent of the owner of the building the person so letting that part or those parts shall be deemed to be the owner thereof for the purposes of the said section 44.

88.—(1) The Corporation may by notice require a contractor engaged in or upon any building operations in the borough or in or upon the construction or reconstruction of any works therein within such time as may be specified in the notice—

Sanitary
conveniences
for persons
employed on
construction
work.

(a) to provide sufficient and satisfactory sanitary conveniences for the workpeople employed thereon; and

(b) where the workpeople employed thereon comprise both men and women to provide as aforesaid for men and women separately;

if it is reasonably practicable so to do:

Provided that this section shall not apply to building operations or works—

(i) to which section 107 or section 108 of the Factories Act 1937 applies; or

(ii) at any mine or quarry within the meaning of the Mines and Quarries Act 1954.

PART VI
—cont.

(2) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

Buildings and structures

Ruinous and dilapidated buildings and neglected sites.

89.—(1) Paragraphs (b) and (ii) of subsection (1) of section 58 of the Act of 1936 and so much of subsection (2) of that section as relates to those paragraphs shall not have effect in the borough and the following provisions of this section shall have effect in lieu thereof.

(2) Where a building in the borough is by reason of its ruinous or dilapidated condition seriously detrimental to the amenities of the neighbourhood the Corporation may by notice require the owner thereof—

- (a) to execute such works of repair or restoration; or
- (b) if he so elects to take such steps for demolishing the building or any part thereof and removing any rubbish or other material resulting from or exposed by the demolition;

as may be necessary in the interests of amenity.

(3) Where rubbish or other material resulting from or exposed by the demolition or collapse of a building in the borough is lying on the site of the building or on any land occupied with the building and by reason thereof the site or land is in such a condition as to be seriously detrimental to the amenities of the neighbourhood the Corporation may by notice require the owner of the site or land to take such steps for removing the rubbish or material as may be necessary in the interests of amenity.

(4) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section and in their application to a notice given under subsection (2) of this section—

- (a) subsection (2) of the said section 290 shall be construed as requiring the notice to indicate both the nature of the works of repair or restoration and the works of demolition and removal of rubbish or material; and
- (b) subsection (6) of the said section 290 shall be construed as authorising the Corporation to execute subject to the provisions of that subsection at their election either the works of repair or restoration or the works of demolition and removal of rubbish or material.

(5) Notwithstanding anything in subsection (3) of section 276 of the Act of 1936 as applied by this Act that section shall apply to all rubbish or material removed by the Corporation under this section.

(6) In this section the expression “building” includes a structure and a fence (other than a hedge).

90.—(1) Where—

PART VI
—cont.

- (a) any person erects or raises a building in the borough (in this section referred to as the “taller building”) to a greater height than an adjoining building; and
- (b) any chimneys or flues of the adjoining building are in an external wall of the adjoining building or in a party wall between the two buildings;

New building
over-
reaching
adjoining
chimneys.

the Corporation may by notice—

- (i) require that person within such time as may be specified in the notice to build up those chimneys and flues (if it is reasonably practicable so to do) so that the top thereof will be of the same height as the top of the chimneys of the taller building or the top of the taller building whichever is the higher; and
- (ii) require the owner or occupier of the adjoining building to allow the first-mentioned person to enter on that building and carry out such work as may be necessary to comply with the notice served on him:

Provided that if the said owner or occupier within fourteen days from the date of service of the notice on him serves on the first-mentioned person and on the Corporation a notice (in this section referred to as a “counter-notice”) that he elects to carry out the work himself the owner or occupier shall comply with the notice served under paragraph (i) of this subsection instead of the first-mentioned person and may recover the cost of doing so from that person.

(2) Any person aggrieved by a requirement of the Corporation under this section may appeal to a magistrates’ court.

(3) If—

- (a) any person on whom a notice is served under paragraph (i) of subsection (1) of this section fails to comply with the notice (except in a case where the owner or occupier of an adjoining building has refused to allow entry on that building or has refused to allow the carrying out of any such work as may be necessary to comply with the notice or has served a counter-notice); or
- (b) any person on whom a notice is served under paragraph (ii) of subsection (1) of this section fails to comply with the notice or having served a counter-notice fails to comply with the notice served under paragraph (i) of that subsection;

he shall be liable to a fine not exceeding twenty pounds and the Corporation may themselves carry out such work as may be necessary to comply with the notice served under the said paragraph (i) and recover the expenses of so doing from the person on whom that notice was served.

PART VI
—cont.Power to
order
alteration of
domestic
chimneys.

91.—(1) If a magistrates' court is satisfied upon a complaint by the Corporation that any smoke gas or vapour from a chimney flue or pipe of a building or structure forming part of or within the curtilage of a house in the borough is prejudicial to the health of any of the inhabitants of the borough or a nuisance the court may make an order requiring the owner of the chimney flue or pipe within such time as may be specified in the order—

- (a) to cause it to be raised to a height so specified; or
- (b) to cause such other means for remedying the cause of complaint to be adopted as the court thinks fit:

Provided that the court shall not make an order under this section unless it is satisfied that the work to be done in pursuance of the order need not involve an expenditure exceeding fifty pounds.

(2) If any person fails to comply with an order made under this section he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding forty shillings.

Food
storage
accommoda-
tion.

92.—(1) Every house erected in the borough after the passing of the Act of 1924 shall be provided with sufficient and suitable accommodation for the storage of food and any other house in the borough not so provided shall if reasonably practicable be so provided within one month from the date of service by the Corporation on the owner thereof of a notice requiring it to be so provided.

(2) Any person aggrieved by a requirement imposed by a notice under the foregoing subsection may appeal to a magistrates' court.

(3) If a house required to be provided as aforesaid is occupied when not so provided the owner thereof shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding twenty shillings.

(4) The owner of a house on whom a notice is served under subsection (1) of this section shall have power notwithstanding any lease or other agreement to enter the house and carry out such work as may be necessary to comply with the notice.

(5) For the purposes of this section—

- (a) the expression "house" includes any part of a building which is occupied or intended to be occupied as a separate dwelling;
- (b) the conversion of a building into two or more dwellings shall be deemed to be the erection of each of those dwellings; and
- (c) a house the erection whereof was commenced before the passing of the Act of 1924 shall not be deemed to have been erected after the passing of that Act:

Provided that where a part of a building has been let for occupation as a separate dwelling without the consent of the owner of the building the person so letting that part of the building shall be deemed to be the owner.

93.—(1) No warehouse factory manufactory brewery distillery or other building in the borough not being a building excepted from the provisions of this section by subsection (2) hereof shall extend to more than two hundred and fifty thousand cubic feet unless it be divided by floors and walls constructed of fire-resisting materials in such manner that no division thereof extends to more than two hundred and fifty thousand cubic feet. As to cubical extent of buildings.

(2) The following buildings shall be excepted from the provisions of this section (namely):—

- (a) a dwelling-house;
- (b) a building used or constructed or adapted to be used as a church chapel or other place of public worship or as a school college or place of instruction or as a hospital public theatre cinematograph theatre public hall public concert room public ballroom public lecture room public library or public exhibition room or as a public place of assembly or for any other public purpose;
- (c) a building used or constructed or adapted to be used as a hotel lodging-house home refuge or shelter where the building has sleeping accommodation for less than one hundred persons;
- (d) any building or part of a building belonging to the gas board and used exclusively for gasworks not being a building or part of a building used as a showroom office staffroom workroom or for any purpose other than gas works and situate elsewhere than within the curtilage of a gasworks; and
- (e) any building belonging or leased to the electricity undertakers and exclusively occupied and used by them as an electricity generating station or for works in connection with the generation of electricity within the curtilage of such an electricity generating station or as a distributing or transforming station not being a building or part of a building used as a showroom office staffroom workroom or for any purpose other than the purposes aforesaid.

(3) Openings may be constructed or made in the floors or walls referred to in subsection (1) of this section and the Corporation may make byelaws for prescribing the maximum dimensions of the openings and the materials of which and the manner in which they are to be constructed or made and for requiring the provision of means of closing the openings with doors or shutters of fire-resisting materials.

PART VI
—cont.

(4) A building erected or constructed before the passing of the Act of 1924 to which no objection could have been taken under any law then in force shall (subject to the provisions of subsection (5) of this section) be deemed to be erected or constructed in compliance with the provisions of this section.

(5) No addition shall be made to any building to which the provisions of subsection (1) of this section apply or to any division thereof so that the cubical extent of the building or division shall exceed two hundred and fifty thousand cubic feet.

(6) Any person who constructs reconstructs or alters a building so as to contravene the provisions of this section shall be liable to a fine not exceeding fifty pounds and to a daily fine not exceeding five pounds.

Consent to
larger
dimensions.

94.—(1) Where the Corporation are satisfied on the report of the surveyor that additional cubical extent is necessary for any building to be used for any trade or manufacture and are satisfied that proper arrangements have been or will be made and maintained for lessening so far as reasonably practicable danger from fire the Corporation may consent to the building containing additional cubical extent.

(2) A consent given for the purposes of this section shall continue in force only while the building is actually used for the purposes of the trade or manufacture in respect of which the consent was granted.

(3) Any person who increases the cubical extent of any building without the consent of the Corporation as required by this section or who uses a building in respect of which the Corporation have consented to such additional cubical extent after their consent has ceased to be in force shall be liable to a fine not exceeding fifty pounds and to a daily fine not exceeding five pounds.

As to
construction
of building
used as
dwelling-
house and
for trade
purposes.

95.—(1) (a) Where any part of a building which is used or adapted to be used as a shop projects for a distance of seven feet or more beyond the main front of any building of which it forms part and in which any persons are employed or sleep the projecting portion of the shop shall be provided by the owner with a roof constructed of fire-resisting materials not less than five inches thick.

(b) It shall be lawful to construct or place in or upon the roof of the portion of any shop so projecting beyond the main front of the building as aforesaid lantern lights or ventilating cowls:

Provided that—

- (i) no lantern light or ventilating cowl shall be constructed or placed so that any part thereof will be at a less distance than six feet from the main front of the

building from which the shop projects or within such distance as may be reasonable in the circumstances of the case from any other external or party wall;

- (ii) the sides of a lantern light or ventilating cowl (except the side facing away from the main building) shall be carried up in fire-resisting materials for two feet above the roof in or upon which it is constructed or placed;
- (iii) no part of a lantern light or ventilating cowl shall project above the roof in or upon which it is constructed or placed to a greater extent than five feet.

(2) The provisions of this section shall extend and apply as well to existing as to new buildings.

(3) (a) The Corporation may in any case where it is reasonable so to do sanction subject to such conditions (if any) as the Corporation may impose in giving such sanction the exemption of any building from all or any of the provisions of this section.

(b) If in any case the Corporation refuse to give their sanction under the provisions of this section the person applying for the sanction may appeal to a magistrates' court.

(4) Any person who occupies or (being the owner thereof) permits to be occupied—

- (a) any new building that does not comply with the provisions of this section;
- (b) any existing building that does not so comply after the expiration of one month's notice requiring him to execute such works in connection therewith as may be necessary to cause the building to comply with such provisions;

shall (without prejudice to any other proceedings that may be taken against him) be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding ten pounds.

96.—(1) The Corporation may make byelaws for the regulation of lamps signs blinds shades coverings awnings and other similar structures or projections over any street:

Byelaws as to
structures or projections over any street:
Provided that byelaws made under the powers of this section shall not apply to an advertisement to which regulations made under the powers of section 31 of the Act of 1947 apply.

(2) A person shall not be liable to the penalties prescribed by section 28 of the Town Police Clauses Act 1847 for placing a blind shade covering awning or other projection over any footway at a height less than eight feet from the ground if in regard to that blind shade covering awning or other projection he has complied with any byelaws made by the Corporation under this section.

PART VI
—cont.Restriction
as to use of
dustbins.

97.—(1) It shall not be lawful for any person to use any ashbin or dustbin in the borough provided for the removal of house refuse for any purpose other than the deposit of dust ashes or other house refuse (not being of a liquid or partly liquid character) intended for removal by or on behalf of the Corporation.

(2) Any person contravening the provisions of this section shall be liable to a fine not exceeding ten shillings and to a daily fine not exceeding ten shillings.

*Filthy or verminous premises or articles*Cleansing
of filthy or
verminous
premises.

98. Section 83 of the Act of 1936 shall in its application to the borough have effect as if the following subsection were substituted for subsection (1) thereof:—

“(1) Where the local authority upon consideration of a report from any of their officers or other information in their possession are satisfied that any premises other than a factory within the meaning of the Factories Act 1937 or a mine or quarry within the meaning of the Mines and Quarries Act 1954—

(a) are in such a filthy or unwholesome condition as to be prejudicial to health; or

(b) are verminous;

the authority shall give notice to the owner or occupier of the premises requiring him to take such steps as may be specified in the notice to remedy the condition of the premises by cleansing and disinfecting them and by either—

(i) distempering or whitewashing the interior surface thereof; or

(ii) in the case of premises used for human habitation or as shops or offices papering or painting the said interior surface;

and the notice may require among other things the removal of wallpaper or other covering of the walls or in the case of verminous premises the taking of such steps as may be necessary for removing or destroying vermin.”

Prohibition
of sale of
verminous
articles.

99.—(1) No dealer shall in the borough—

(a) prepare for sale;

(b) sell or offer or expose for sale; or

(c) deposit for sale or preparation for sale;

any household article if it is to his knowledge verminous or if by taking reasonable precautions he could have known it to be verminous.

(2) If any household article which is verminous is on any premises in the borough—

(a) being prepared or offered by a dealer for sale; or

(b) exposed by a dealer for sale or deposited by a dealer for sale or preparation for sale;

the medical officer or the public health inspector may cause the article to be disinfested or destroyed as the case may require and if necessary for that purpose to be removed from the premises and the Corporation may recover from the dealer the reasonable expenses incurred by the Corporation in taking any action under this subsection.

(3) If any person contravenes the provisions of subsection (1) of this section he shall be liable to a fine not exceeding twenty pounds.

(4) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936 as applied by this Act the provisions of this section shall be provisions which it is the duty of the Corporation to enforce.

(5) For the purposes of this section—

- (a) the expression “dealer” means a person who trades or deals in any household article;
- (b) the expression “household article” means an article of furniture bedding or clothing or any similar article;
- (c) the expression “preparation for sale” shall not include disinfestation.

PART VII

NUISANCES AND OFFENSIVE TRADES

100.—(1) No person shall cause or permit to be discharged in the borough so as to be prejudicial to health or a nuisance—

Discharge of
steam and
waste gas.

- (a) any steam or waste gas ejected from a stationary engine or the boilers or condensers thereof; or
- (b) any condensing water above a temperature of one hundred and ten degrees Fahrenheit so ejected; or
- (c) any spent or ejected steam arising or produced in the course of a trade or business.

(2) If any person contravenes the provisions of the foregoing subsection he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding forty shillings.

(3) Nothing in this section shall apply to steam gas or water discharged from a railway locomotive.

101. In its application to the use of any land in the borough for the carrying on of an offensive trade within the meaning of section 107 of the Act of 1936 subsection (1) of section 26 of the Act of 1947 shall have effect as if after the word “interests” where the word first occurs in that subsection there were inserted the words “of public health or”.

Discontinuance
of offensive
trade.

PART VII
—cont.Noise or
vibration
nuisance.

102.—(1) Any excessive or unreasonable or unnecessary noise or vibration which is prejudicial to health or a nuisance shall be a statutory nuisance for the purposes of Part III of the Act of 1936:

Provided that—

- (a) in any proceedings brought by virtue of this section under the said Part III in respect of a noise or vibration occasioned in the course of any trade or business it shall be a defence for the defendant to prove that he has used the best practicable means for preventing or mitigating the noise or vibration having regard to the cost and to other relevant circumstances;
- (b) a justice shall not entertain a complaint under section 99 of the said Act with respect to a noise unless the complaint is made by not less than three occupiers of premises within hearing of the noise; and
- (c) a justice shall not entertain a complaint under the said section 99 with respect to vibration.

(2) Nothing in this section shall apply to a noise or vibration occasioned by the exercise by railway undertakers of statutory powers conferred in relation to their railway undertaking.

(3) Nothing in this section shall affect the power of the Corporation to make byelaws under section 249 of the Act of 1933.

Nuisance
from pigeons
etc.

103.—(1) For the purpose of abating or mitigating any nuisance annoyance or damage caused in the borough by house-doves pigeons or starlings having or believed by the Corporation to have no owner or of preventing or minimising any such nuisance annoyance or damage which might in the opinion of the Corporation be so caused the Corporation may notwithstanding anything in the Larceny Act, 1861 or in any other Act or at common law—

- (a) seize and humanely destroy or cause to be seized and humanely destroyed any such house-doves pigeons or starlings in excess of such numbers as the Corporation consider reasonable;
- (b) sell or otherwise dispose of or cause to be sold or otherwise disposed of the carcasses of any such house-doves pigeons or starlings; and
- (c) take such other steps as they think necessary for any such purpose:

Provided that the Corporation shall not in the exercise of the powers conferred by this section—

- (i) enter upon any premises (other than a public highway) without the consent of the occupier or the person having the exclusive control and management of the premises; or

- (ii) execute or do any work or thing affecting the structure of any building or the use of any land without the consent of the owner of the building or land.

PART VII
—cont.

(2) Nothing in this section shall authorise the seizure or destruction of any wild bird in contravention of the provisions of the Protection of Birds Act 1954 or any order made thereunder.

104. Nothing in any local Act or order in force in the borough applying to any statutory undertakers shall prevent the provisions of Part III of the Act of 1936 applying to any premises in the borough of those undertakers.

Application
of Part III of
Act of 1936 to
statutory
undertakers.

PART VIII

INFECTIOUS DISEASES

105. In this Part of this Act the expression “notifiable disease” means—

Definition of
notifiable
disease.

- (a) any notifiable disease as defined by section 343 of the Act of 1936; and
(b) any infectious disease to which section 144 of the Act of 1936 for the time being applies in the borough by virtue of regulations made under section 143 thereof.

106. Section 148 of the Act of 1936 in its application to the borough shall have effect as if the following paragraph were substituted for paragraph (b) thereof:—

Restriction on
attendance
at public
places etc.

- “ (b) having the care of a person—
(i) whom he knows to be suffering from a notifiable disease; or
(ii) whom he cannot permit to attend school without contravening section 150 of this Act;
causes or permits that person to expose other persons to the risk of infection by his presence or conduct in any such place as aforesaid; or ”.

107.—(1) With a view to preventing the spread of a notifiable disease the Corporation on the advice of the medical officer may by notice published in such manner as they think best for bringing it to the notice of persons concerned prohibit the admission of persons under the prescribed age to places of entertainment or assembly in the borough for a time specified in the notice.

Exclusion of
children from
places of
entertainment
or assembly.

(2) If the person responsible for the management of a place of entertainment or assembly having been served by the Corporation with a copy of a notice published under the foregoing subsection admits any person under the prescribed age to that place in contravention of the notice he shall be liable to a fine not exceeding five pounds:

PART VIII
—cont.

Provided that in any proceedings under this subsection it shall be a defence to prove that there were reasonable grounds for believing that the person admitted had attained the prescribed age.

(3) In this section the expression "prescribed age" in relation to a notice means such age not exceeding sixteen as may be prescribed by the notice.

Information to be furnished by occupier in case of notifiable disease.

108.—(1) On the application of the medical officer the occupier of any building in the borough used for human habitation in which there is or has been any person suffering from a notifiable disease shall furnish such information within his knowledge as that officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

(2) If any person required to furnish information under this section fails to furnish it or knowingly furnishes false information he shall be liable to a fine not exceeding five pounds.

(3) In this section the expression "occupier" includes—

(a) a person having the charge management or control of the building or of the part of the building in which the person suffering from a notifiable disease is or has been; and

(b) in the case of a building the whole of which is ordinarily let out in separate tenements and in the case of a lodging-house the whole of which is ordinarily let to lodgers the person receiving the rent payable by the tenants or by the lodgers as the case may be either on his own account or as the agent of another person.

(4) In this section references to a notifiable disease include references to food poisoning.

Prohibition of tuberculous persons from handling food.

109.—(1) If the medical officer certifies—

(a) that a person is suffering from tuberculosis of the respiratory tract and is in an infectious state; and

(b) that he is occupied in the cooking preparation or handling of food in the borough intended for consumption by persons other than himself or members of his household; and

(c) that his continuance in that occupation would in the judgment of the medical officer be a danger to the health of other persons;

the medical officer or any other person authorised in that behalf by the Corporation may request him in writing to discontinue his occupation as aforesaid.

(2) If any person requested as aforesaid complies with the request the Corporation may if they think fit compensate him for any loss occasioned by his compliance with the request.

(3) If any person requested as aforesaid fails to comply with the request a magistrates' court may on the complaint of the Corporation order him to comply with the request and may by any such order if it thinks fit direct that such compensation (if any) as it thinks equitable shall be paid to him by the Corporation.

PART VIII
—cont.

(4) If any person fails to comply with any such order he shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings.

(5) This section shall not apply to an employment or occupation to which the Public Health (Prevention of Tuberculosis) Regulations 1925 apply.

PART IX

PARKS CEMETERIES AND OTHER MUNICIPAL PROPERTY

110. When any part of a park or pleasure ground provided by or under the management and control of the Corporation is set apart by them under paragraph (b) of subsection (1) of section 76 of the Public Health Acts Amendment Act 1907 for the purpose of cricket football or any other game or recreation the Corporation may permit the exclusive use by any club or other body of persons of—

Power to
let parks etc.
for games.

- (a) any portion of the part set apart as aforesaid; and
- (b) the whole or any part of any pavilion convenience refreshment room or other building provided under that section;

subject to such charges and conditions as the Corporation think fit:

Provided that nothing in this section shall empower the Corporation to permit at one and the same time the exclusive use of—

- (i) more than one-third of the area of any park or pleasure ground; or
- (ii) more than one-quarter of the total area of all the parks and pleasure grounds provided by them or under their management and control.

111. For the purpose of providing a parking place under section 68 of the Public Health Act 1925 as amended by section 16 of the Restriction of Ribbon Development Act 1935 the Corporation may with the consent of the Minister utilise any part of a park pleasure ground or open space provided by them or under their management and control:

Parking places
in parks etc.

Provided that the part of any park pleasure ground or open space utilised under this section shall not exceed one-eighth of the total area thereof or one acre whichever is the less.

PART IX
—cont.
Golf courses.

112.—(1) The Corporation may provide a golf course and for that purpose may by agreement acquire whether by way of purchase lease or exchange land whether situated within or without the borough:

Provided that the powers of this subsection shall not be exercised with respect to any land outside the borough without the consent of the council of the county district in which the land is situate but such consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld shall be determined by the Minister.

(2) The Corporation may provide such buildings and execute such works as may be necessary or expedient in connection with the provision of any golf course under this section and references in the following provisions of this section to a golf course so provided shall include references to any buildings provided or works executed under this subsection and to anything with which any such golf course or building is equipped by virtue of section 271 of the Act of 1936 as applied by this Act.

(3) The Corporation may either—

- (a) themselves manage any golf course provided under this section making such reasonable charges for the use thereof or admission thereto as they think fit; or
- (b) let it or any part thereof for such consideration and on such terms and conditions as they think fit.

(4) The Corporation may—

- (a) at any such golf course provide and sell refreshments of all kinds subject to the provisions of all enactments relating thereto;
- (b) enter into any agreement or arrangement for the provision and sale of refreshments as aforesaid;
- (c) grant upon such terms and conditions and for such period as they think fit the right so to provide and sell refreshments;
- (d) by themselves or any person appointed by them in that behalf apply for and hold licences for the sale of intoxicating liquor or tobacco at any such golf course.

(5) The Corporation may make byelaws for regulating the use of golf courses provided under this section whether within or without the borough and the conduct of persons using them or resorting thereto.

Power to
charge for
admission.

113. The Corporation may make such reasonable charges as they may think fit for admission to and for the use of any public building belonging to them or for the use of any buildings or enclosures in any of their parks or recreation grounds and they may also make such charge for the use of chairs and for admission

to the public halls concert halls pavilions conservatories winter gardens assembly rooms reading rooms and conveniences in connection therewith as they may deem fit.

PART IX
—cont.

114. Any open space (not being a burial ground) purchased by the Corporation under the provisions of the Open Spaces Act 1906 shall be deemed to be a public park or pleasure ground within the meaning and for the purposes of section 76 (Powers as to parks and pleasure grounds) of the Public Health Acts Amendment Act 1907 and for the purposes of section 110 (Power to let parks etc. for games) and section 113 (Power to charge for admission) of this Act.

Powers in
relation to
open spaces.

115. The Corporation may—

Power to
provide and
let public
buildings etc.

- (1) provide or acquire and may (subject to the approval of the Minister) on any lands of which for the time being they may be the owners or lessees or on lands to be acquired by them for the purpose erect and construct or allow to be erected and constructed and hold furnish equip maintain insure and carry on concert halls public halls pavilions bandstands assembly rooms and other public buildings with all necessary and suitable offices committee rooms entertainment rooms reading rooms shelters ante-rooms refreshment rooms kitchens cloak-rooms lavatories conveniences and appurtenances and may for any such purposes maintain alter adapt extend or otherwise deal with existing buildings for the time being belonging or leased to the Corporation and may provide erect and maintain shops and offices as part of any such building or buildings;
- (2) for the purpose of erecting constructing providing and maintaining any such buildings as aforesaid purchase or take upon lease or otherwise acquire lands by agreement but nothing in this section shall authorise the Corporation to create or permit the creation or continuance of any nuisance on any lands acquired under this paragraph;
- (3) grant or let with or without charge the use of the whole or any part of any buildings acquired or constructed by them under the powers of this section for the purpose of any public or other meetings or any musical or other entertainments or for other purposes approved by the Corporation on such terms and conditions as they may think fit.

116.—(1) The Corporation may for the purpose of enlarging or improving any open space vested in them or under their control but not otherwise enter into and carry into effect any agreement with the owner of any lands adjacent to the open space for exchanging any part or parts thereof for such lands or any part

Power to
exchange parts
of open spaces
for lands
adjoining.

PART IX
—cont.

or parts thereof and the Corporation may on any such exchange make or receive any payment for equality of exchange:

Provided that all moneys so received by the Corporation shall be applied in the acquisition or improvement of lands used or to be used as or to be added to an open space and not otherwise.

(2) All lands conveyed by the Corporation under any such agreement as aforesaid shall from and after the vesting thereof in the party to whom they are conveyed be freed and discharged from all rights of common public rights of way and other public rights in over or affecting them and all such rights shall be extinguished and the lands shall cease to be or form part of the open space of which they formed part and to be subject to the provisions of any Act byelaws or scheme relating to the open space.

(3) (a) All lands conveyed to the Corporation under any such agreement as aforesaid shall as from the date on which the Corporation receive vacant possession thereof become and be part of the open space of which the lands conveyed by the Corporation under the agreement theretofore formed part and shall be subject to the like rights of common (if any) as the lands conveyed by the Corporation and to the same provisions with reference to management control and maintenance as other parts of the open space and all byelaws with respect to it made by the Corporation under the provisions of the Acts regulating the use of and relating to open spaces or any other Act or Acts immediately before the conveyance in force or thereafter to be made by the Corporation under the provisions of those Acts shall extend and apply to the lands so conveyed to the Corporation and all the powers of the Corporation under those Acts with respect to open spaces shall be exercisable in respect of those lands as though they had at the time of the passing of the said Acts or the making of such byelaws formed part of the said open space.

(b) The provisions of this subsection shall after the exchange of any lands effected by any agreement made under this section be by way of full compensation and in discharge of all claims in respect of any public rights in over or affecting the lands conveyed by the Corporation.

(c) From and after the date on which the Corporation receive vacant possession of any lands conveyed to them under any such agreement as aforesaid all private rights of way and other private rights in over or affecting the lands shall be extinguished but the Corporation shall on or after that date make full compensation to all parties interested in respect of any private rights extinguished by virtue of this section and the compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

(4) Nothing in this section shall prejudice or affect any scheme prepared or adopted by any local authority and approved by the Minister under the provisions of the Act of 1947 or the enactments thereby repealed.

117.—(1) Notwithstanding anything contained in any Act the Corporation upon such terms and conditions (whether as to payment or otherwise) as may be or may have been determined by them in their discretion and for the purpose of the construction widening or alteration of any street either within or without the borough (whether the construction widening or alteration is carried out by the Corporation or by any other person) are hereby empowered and they shall be deemed always to have been empowered—

Use of portions
of open spaces
for street
improvements.

- (a) to utilise alienate or exchange for other land any part of any open space vested in them or under their control; and
- (b) in a case where land is utilised under this section to debit the account relating to the construction widening or alteration of the street with an amount representing the whole or a portion of the value of the land so utilised.

(2) No land shall under the powers of this section be utilised alienated or exchanged except (in the case of land forming part of a metropolitan common as defined by the Metropolitan Commons Act 1866) with the consent of the Minister of Agriculture Fisheries and Food or (in the case of any other land) with the consent of the Minister and the Minister before giving any such consent shall take into account any representations made to him by any other person having an interest in the land proposed to be utilised alienated or exchanged.

(3) As soon as practicable after making application for the consent required by subsection (2) of this section to the exercise with reference to any open space of any of the powers mentioned in subsection (1) of this section the Corporation shall fix on or in the vicinity of that open space a placard giving notice of the making of such application and specifying the powers proposed to be exercised and stating that a plan relating to the proposal may be inspected at the offices of the Corporation and that representations on the proposal may within twenty-eight days from the date of such notice be forwarded to the Minister for whose consent application is to be made Any placard so fixed shall be retained for not less than twenty-eight days from the date of the fixing thereof.

PART IX
—cont.

(4) Where under subsection (1) of this section the Corporation utilise alienate or exchange for other land any part of any open space they shall expend on capital account for or in respect of the acquisition of lands to be used as or to be added to an open space (including payment of any compensation payable by them pursuant to paragraph (b) of subsection (6) of this section or pursuant to subsection (3) (c) of section 116 (Power to exchange parts of open spaces for lands adjoining) of this Act) sums not less than any moneys which—

- (a) in the case of such utilisation they may have debited to the account relating to the construction widening or alteration of the street under the provisions of subsection (1) of this section; or
- (b) in the case of such alienation they may receive as consideration for the land alienated by them; or
- (c) in the case of such exchange they may receive for equality of exchange.

(5) Where the Corporation utilise alienate or convey by way of exchange any lands under subsection (1) of this section those lands shall from and after the utilisation or the vesting thereof in the party to whom the lands are alienated or conveyed by way of exchange (as the case may be) be freed and discharged from all rights of common public rights of way and other public rights in over or affecting the lands and all such rights shall be extinguished and the lands shall cease to form part of the open space of which they formed part and to be subject to the provisions of any Act byelaws or scheme relating to that open space.

(6) Where the Corporation acquire any lands either by way of exchange under subsection (1) of this section or by expenditure of money under subsection (4) of this section the following provisions shall as from the date on which the Corporation receive vacant possession of the lands apply and have effect:—

- (a) (i) The lands so acquired shall (if adjacent to an open space and acquired for addition thereto) form part of that open space and be subject to the same provisions with reference to management control and maintenance as that open space and to all provisions of any Act or byelaws or scheme specially relating to that open space and where the lands are acquired for addition to the same open space of which part has been utilised alienated or exchanged under subsection (1) of this section the lands so acquired shall be subject to the like rights of common (if any) as the lands utilised alienated or exchanged by the Corporation;

- (ii) Subject in the case of lands to which sub-paragraph (i) of this paragraph applies to the provisions of that sub-paragraph the lands acquired as aforesaid shall be held in all respects as if the lands had been acquired under the Open Spaces Act 1906:
- (b) All private rights in over or affecting the lands shall be extinguished unless and except so far as the Corporation otherwise determine and in any case in which they so determine they shall give notice in writing of their determination to the persons entitled to the private rights to which the determination relates:

Provided that in the event of such extinction—

(i) where the lands are acquired by way of exchange under subsection (1) of this section the authority or other person constructing widening or altering the street; or

(ii) where the lands are acquired by expenditure of money under subsection (4) of this section the Corporation;

shall make full compensation to all parties interested in respect of any private rights extinguished by virtue of this subsection and the compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

(7) The provisions of this section shall be by way of full compensation and in discharge of all claims in respect of any public rights in over or affecting any lands utilised alienated or conveyed by way of exchange by the Corporation under subsection (1) of this section.

118. The powers conferred by sections 116 (Power to exchange parts of open spaces for lands adjoining) and 117 (Use of portions of open spaces for street improvements) of this Act shall not be exercisable in relation to land forming part of a metropolitan common as defined by the Metropolitan Commons Act 1866 except with the consent of the Minister of Agriculture Fisheries and Food who notwithstanding anything contained in section 5 of the said Act may entertain an application for such consent and the provisions of subsection (2) of section 22 of the Commons Act 1899 shall apply to the giving or withholding of such consent as they apply to the giving or withholding of consent under the said section 22.

Saving for
metropolitan
commons.

PART IX
—cont.
Agreements
to maintain
graves and
tombstones.

119.—(1) The Corporation may agree with any person in consideration of the payment of a capital sum by him to maintain for a period fixed by the agreement a grave or tombstone in a burial ground or crematorium provided by the Corporation and the following provisions shall apply in relation to any such agreement:—

- (a) The said sum shall subject to the next following paragraph and any other enactment authorising its application in some other manner be invested in statutory securities;
- (b) If and in so far as the cost of maintaining the grave or tombstone in accordance with the agreement exceeds in any year the interest received on the said sum the cost shall be defrayed out of the capital of the said sum;
- (c) At the expiration of the period fixed by the agreement for the maintenance of the grave or tombstone the Corporation may apply the capital of the said sum or so much thereof as has not been expended under the last foregoing paragraph in any manner in which capital money may properly be applied by them under any enactment;
- (d) The amount of the capital of the said sum and the amount of the interest thereon shall be shown separately in the accounts of the Corporation relating to the burial ground or crematorium.

(2) In this section—

- “ burial ground ” includes a cemetery;
- “ grave ” includes a grave space niche or urn;
- “ tombstone ” includes a monument or other memorial of a deceased person and a kerb.

Extension of
power to
maintain
burial grounds.

120.—(1) The powers of the Corporation in relation to a burial ground maintainable by them shall include power—

- (a) to put and keep in order any tombstone therein;
- (b) to level any grave therein or remove any tombstone or movable memorial on any grave therein or the railings surrounding any grave or tombstone therein:

Provided that the Corporation shall not remove any headstone under the powers conferred by paragraph (b) of this subsection unless it is in a dilapidated condition.

(2) Before exercising the powers conferred by paragraph (b) of the foregoing subsection the Corporation shall give notice of their intention to do so—

- (a) by publishing the notice once in each of two successive weeks in a local newspaper circulating in the borough

with an interval between each publication of not less than six clear days;

- (b) by displaying the notice in a conspicuous position in the burial ground; and
- (c) by serving the notice upon the owner of the grave or upon a relative of a deceased person whose remains are interred therein if after reasonable inquiry the name and address of such owner or relative can be ascertained.

(3) The said notice shall—

- (a) contain brief particulars of the Corporation's proposals and if necessary specify an address at which full particulars of the proposals can be obtained;
- (b) specify the date on which it is intended that the Corporation shall begin to carry out the proposals which shall not be earlier than the fourteenth day after the last publication of the notice in a newspaper as aforesaid or the twenty-first day after the notice is first displayed in the burial ground as aforesaid or where notice is served under paragraph (c) of subsection (2) of this section the twenty-first day after such service;
- (c) state the effect of the next following subsection.

(4) If notice of objection to the proposals and of the ground thereof is given to the Corporation before the date so specified and is not withdrawn before the expiration of fourteen days from that date the proposals to which the objection relates shall not be carried out without the consent of the Minister.

(5) Unless within three months after the first publication of the notice required by paragraph (a) of subsection (2) of this section or where notice is served under paragraph (c) of that subsection within three months after such service whichever is the later any tombstones memorials or railings removed under this section are claimed the Corporation may put them to such use as they think appropriate or destroy them.

(6) Where any tombstone is removed under this section the Corporation may erect at their own expense in substitution a tombstone of a value not exceeding twenty-five pounds.

(7) The Corporation shall cause to be made a record of each tombstone and memorial removed under this section and deposit a copy of the record with the Registrar-General.

(8) Where a faculty or licence of a consistory court is required for any work nothing in this section shall relieve the Corporation

PART IX
—cont.

of their obligation to obtain such a faculty or licence and where the Corporation obtain a faculty or licence for any work subsections (2) to (5) of this section shall not apply to that work.

(9) In this section—

“burial ground” includes a cemetery;

“grave” includes a grave space;

“tombstone” includes a monument or other memorial of a deceased person and a kerb.

Power to
provide
assembly
hall etc.

121.—(1) The Corporation may upon the lands in the borough for the time being belonging to them and lying between George Street Park Lane Barclay Road and the railway of the commission provide erect and maintain—

(a) an assembly hall office buildings and other buildings with restaurants incidental thereto; and

(b) a car park or garage (whether on the ground level or underground or on one or more storeys);

and may fit up and furnish the same and provide and maintain all necessary roads approaches accesses works and conveniences in connection therewith.

(2) (a) The Corporation may subject to the provisions of all enactments relating thereto in connection with any function or entertainment held at the said assembly hall or restaurants sell and supply or enter into any agreement or arrangement with any person for the sale and supply of refreshments to the persons attending the function or entertainment.

(b) The Corporation or any person appointed by them in that behalf may apply for and hold licences for the sale of intoxicating liquor or tobacco for the purposes of this subsection.

(3) The Corporation may lease or grant or let with or without charge the use of any part or parts of the said assembly hall and other buildings for such purpose or purposes and on such terms and conditions as the Corporation may think fit.

Dwelling-
houses for
persons in
Corporation's
employment.

122.—(1) The Corporation may purchase or take on lease dwelling-houses and other buildings for persons employed by them for the purposes of their several undertakings and offices and other buildings for those purposes and may erect fit up maintain and let any such buildings upon any lands for the time being belonging to the Corporation for the purposes of the said undertakings or purchased for the purpose of erecting those buildings and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for those purposes.

(2) Nothing contained in this section shall empower the Corporation to create or permit a nuisance.

PART IX
—cont.

123.—(1) Notwithstanding anything contained in the Public Libraries Acts 1892 to 1919 the powers of the Corporation under those Acts in relation to any library provided by them under those Acts shall include—

Further powers
as to libraries.

- (a) the power to provide and lend or permit the use of gramophone records pictures films film strips lantern slides prints engravings and photographs;
- (b) the power to charge such reasonable sum as the Corporation may prescribe for the reservation of an article;
- (c) the power to prescribe a period not being less than seven days within which any article borrowed from the library must be returned thereto;
- (d) the power to recover from any person who fails within the prescribed period to return to the library any article so borrowed such reasonable sum as the Corporation may prescribe in respect of each week or portion of a week in which he so fails to return the article together with any expenses incurred by the Corporation in sending to him notices in respect of the article;
- (e) the power to prohibit any such person from borrowing any other article from any library provided by the Corporation under those Acts until he has paid any such sum as is due to the Corporation under paragraph (d) of this subsection;
- (f) the power to prescribe different periods and charges for the purposes of this section in relation to different articles or kinds of articles:

Provided that—

- (i) nothing in this subsection shall be deemed to authorise the Corporation to do any act or thing in relation to any work or other subject-matter in or in relation to which copyright may subsist except with the consent of the person in whom the sole right to do or to authorise the doing of that act or thing in relation to that work or subject-matter is for the time being vested under the law relating to copyright;
- (ii) the sums prescribed by the Corporation for the purposes of paragraph (d) of this subsection shall not exceed sixpence or such greater sum as may be approved from time to time by the Minister of Education.

(2) In this section the expression “article” includes a book gramophone record picture film film strip lantern slide map plan print engraving or photograph.

PART IX
—cont.Telegraphic
etc. com-
munications
between
offices.

124.—(1) For the purpose of establishing telegraphic telephonic or other electrical communications between their offices and any part of their establishments or between different parts of their establishments the Corporation may within the borough lay and erect in or over any highway and with the consent of the owners and occupiers of any other land in or over that land such wires posts conductors and other apparatus as they deem necessary and the provisions of section 279 of the Act of 1936 (which relate to the breaking open of streets by local authorities) shall with any necessary modification or adaptation apply as respects any highway in relation to the laying erection and maintenance of any such wires posts conductors or other apparatus.

(2) Wires posts conductors or other apparatus laid or erected by the Corporation under the provisions of this section or section 63 (Telegraphic &c. communications between offices) of the Act of 1884 shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 or be installed or worked in contravention of the provisions of the Wireless Telegraphy Act 1949 and shall be constructed maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

(3) Where the Corporation propose in the exercise of their powers under this section to lay or erect any wires posts conductors or other apparatus over under or in the vicinity of any electric line belonging to any electricity undertakers the Corporation shall take all reasonable precautions so as not injuriously to affect whether by induction or otherwise the working or user of or the currents in the electric line.

Any question which may arise between the Corporation and any electricity undertakers under this subsection shall be determined by arbitration and the arbitrator may direct the Corporation to make any alterations in their wires posts conductors or other apparatus so as to comply with the provisions of this subsection and the Corporation shall make those alterations accordingly.

In this subsection the expressions “electric line” and “electricity undertakers” have the same respective meanings as in the Electricity (Supply) Acts 1882 to 1936.

PART X

EMPLOYMENT AGENCIES

Definition of
employment
agency.

125.—(1) In this Part of this Act the expression “employment agency” means any agency or registry carried on or represented as being or intended to be carried on (whether for the purpose of gain or reward or not) for or in connection with the employment of persons in any capacity:

Provided that the following shall not be deemed to be employment agencies within the meaning of this Part of this Act—

- (a) any employment agency conducted by or under the direction and supervision of the Ministry of Labour under the Employment and Training Act 1948 or any other Act of Parliament; or
- (b) any youth employment bureau conducted by the local education authority; or
- (c) any employment agency which is carried on exclusively for the purpose of obtaining employment for—
 - (i) persons formerly members of Her Majesty's naval military or air forces; or
 - (ii) persons released from a prison or Borstal institution or from an approved school or detention centre;
 and which is certified for the time being by the Admiralty or the Army Council or the Air Council or the Secretary of State (as the case may be) to be properly conducted; or
- (d) any duly constituted religious or charitable society or body operating throughout Great Britain to the main objects of which the provision of situations or employment is merely subsidiary Any question whether a society or body is a society or body within the meaning of this paragraph shall be determined by the Charity Commissioners.

(2) The provisions of this Part of this Act shall not apply to an agency for the supply of nurses as defined in section 8 of the Nurses Agencies Act 1957 but this subsection shall not be deemed to except from the provisions of this Part of this Act any business other than for the supply of nurses carried on in conjunction with such an agency.

126. No person shall carry on an employment agency in the Employment borough without a licence from the Corporation authorising him so to do. agencies to be licensed.

127.—(1) A person requiring a licence or the renewal of a Application licence under this Part of this Act shall make application in for licence. writing to the Corporation and shall in the application state—

- (a) his full name;
- (b) his age and nationality;
- (c) his private address or if the application be made by or on behalf of a company society association or body the registered or principal office (if any) of the company

PART X
—cont.

society association or body and so far as may reasonably be required the names and private addresses of the directors or other persons directly or indirectly responsible for the management of the company society association or body;

- (d) the name under which and the address at which the employment agency is carried on or proposed to be carried on;
- (e) the nature of the employment agency;
- (f) whether and if so to what extent he is or has been interested in any other employment agency; and
- (g) such information (if any) as the Corporation may reasonably require with respect to the person or premises to be licensed.

(2) The person making an application under this section shall when making the same pay to the Corporation such fee as the Corporation may fix not exceeding—

	£	s.	d.
(a) in respect of an application for the grant of a licence	2	2	0
(b) in respect of an application for the renewal of a licence	1	1	0

and the fees paid on any application for the grant or renewal of a licence may be retained by the Corporation whether the licence is or is not granted or renewed.

(3) Subject to the foregoing provisions of this section the Corporation may make such regulations as they think fit as to the manner in which and the dates at which applications for a licence or the renewal of a licence under this Part of this Act are to be made or as to the transfer of a licence.

Grant of
licence.

128.—(1) The Corporation shall as soon as reasonably practicable after the receipt of an application under this Part of this Act grant or renew a licence to the applicant to carry on an employment agency of the description and in the name and at the address specified in the application and may attach such conditions thereto as they may consider reasonably necessary for securing the due notification to them of any change in the name or private address of the licensee or in the nature of the business carried on at the address and generally for securing the proper conduct of the employment agency:

Provided that the Corporation may refuse to grant or renew a licence or may revoke a licence granted—

- (a) to any person under the age of twenty-one years; or
- (b) to any person who on account of misconduct or for any other sufficient reason is unsuitable to hold the licence; or

- (c) in respect of any premises which are unsuitable for the purposes of an employment agency; or
- (d) in respect of any employment agency which has been or is being improperly conducted; or
- (e) in respect of any employment agency which is being carried on in contravention of the provisions of this Part of this Act or any byelaw made thereunder.

(2) If the Corporation refuse to grant or renew a licence or revoke a licence under this Part of this Act they shall if required by the applicant or holder (as the case may be) send or deliver to him within seven days of the receipt of the requirement particulars in writing of the ground or grounds for such refusal or revocation.

(3) (a) Where an application is made for the renewal of a licence and objections have been taken to its renewal or when it is proposed to revoke a licence notice to that effect shall at least seven days before the question of renewal or revocation is considered be given to the applicant or holder of the licence and if within three days from the date of receipt of this notice the applicant or holder requires to be heard the application shall not be refused or the licence revoked unless the Corporation have afforded him an opportunity of being heard against the refusal or revocation.

(b) Any notice served under this subsection shall state the objections to renewal or the grounds on which revocation is proposed and shall notify the aforesaid right of being heard and also the effect of subsection (2) of this section and the right of appeal conferred by this section and the time within which such appeal may be brought.

(4) Any person aggrieved by a refusal of the Corporation to grant or renew a licence or by the revocation of a licence under this Part of this Act or by any conditions attached to such a licence may appeal to a magistrates' court.

(5) Every licence granted or renewed as aforesaid shall (unless revoked) be valid until the date of the next annual meeting fixed for the purpose of considering applications under this Part of this Act and no longer.

129.—(1) The Corporation may make byelaws—

- (a) prescribing the keeping by every person holding a licence under this Part of this Act of books cards or forms showing the business conducted by him so far as it relates to his employment agency;

Byelaws as to
employment
agencies.

PART X
—cont.

- (b) prescribing the entries to be made in connection with that business in such books cards or forms;
- (c) for preventing fraud and immorality in the conduct of employment agencies; and
- (d) generally for regulating any premises used for the purposes of or in connection with any such agency.

(2) Every person holding a licence under this Part of this Act shall keep exhibited in a suitable place (to be approved by the Corporation) in the premises to which the licence relates a copy of the byelaws made under this section.

Entry and inspection of premises in connection with employment agencies.

130. The powers of section 287 (Power to enter premises) of the Act of 1936 shall within the borough include power to enter the premises specified in any licence or application under this Part of this Act or any premises which are used or for which there is reasonable cause to believe are used for the purposes of or in connection with an employment agency and shall also include power to inspect those premises and the books cards and forms kept in connection with the employment agency carried on at those premises.

Penalties.

131.—(1) Every person who within the borough—

- (a) carries on an employment agency without a licence under this Part of this Act or otherwise than in accordance with the terms and conditions of such a licence or obtains a licence or the renewal of a licence by wilful misrepresentation or by wilfully omitting to give any particulars which are required by this Part of this Act to be given; or
- (b) refuses to permit any officer of or person duly authorised by the Corporation to enter or inspect any such premises as are referred to in the last preceding section or the books cards or forms kept in connection with the employment agency carried on therein or obstructs any such officer or person in the execution of his duties under this Part of this Act; or
- (c) acts or offends against any byelaw made under this Part of this Act or any of the provisions of this Part of this Act for the contravention of which no penalty is by this section specifically provided;

shall be liable—

- (i) in respect of an offence under paragraph (a) of this subsection to a fine not exceeding fifty pounds and to a daily fine not exceeding twenty pounds; and
- (ii) in respect of an offence under paragraph (b) or paragraph (c) of this subsection to a fine not exceeding five pounds;

and in respect of any conviction for an offence under this Part of this Act the court may (in lieu of or in addition to imposing a fine) make an order revoking the licence (if any).

PART X
—cont.

(2) A court ordering the revocation of a licence under this section may suspend the operation of the order until the fourteen days prescribed by subsection (1) of section 84 of the Magistrates' Courts Act 1952 for giving notice of appeal to quarter sessions have expired:

Provided that if notice of appeal is given within the said fourteen days an order made under this section shall be suspended until the appeal is finally determined or abandoned.

(3) Section 288 (Penalty for obstructing execution of Act) of the Act of 1936 shall not apply to this Part of this Act.

132. Where an offence punishable under this Part of this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director manager secretary or other similar officer of the body corporate or any person purporting to act in any such capacity he as well as the body corporate shall be deemed to be guilty of that offence. Offences by
bodies
corporate.

133. (a) Any licence granted under Part V of the Act of 1935 which is in force at the commencement of this Act together with the conditions attached thereto; and Existing
licences and
applications.
(b) Any application for a licence or the renewal of a licence under that Part which has been made before the commencement of this Act and is outstanding; shall be deemed to have been granted or made (as the case may be) under this Part of this Act.

PART XI

PREMISES USED FOR SALES BY AUCTION

134.—(1) In this Part of this Act—

the expression "premises" includes land;

the expression "prescribed articles" means any plate plated articles linen china glass books pictures prints furniture jewellery articles of household or personal use or ornament or any musical or scientific instruments or apparatus; and

the expression "sale by auction" includes any public sale at which a salesman invites an assembly of persons or any of them to acquire prescribed articles by competitive bidding.

Interpretation
of Part XI.

(2) This Part of this Act applies to any sale by auction on any premises in the borough of any prescribed article whether or not in combination with the sale by auction of any other articles or things.

PART XI
—cont.

Registration
of premises
used for sales
by auction.

135.—(1) No premises in the borough shall be used for the conduct of any sale by auction to which this Part of this Act applies unless they are registered under this section for that purpose by the Corporation.

(2) Subject to the following provisions of this section the Corporation shall on the application of the occupier of or of a person proposing to occupy any such premises register those premises under this section.

(3) If—

(a) it appears to the Corporation—

(i) that any premises for the registration of which application has been made under this section or which are registered under this section are unsuitable for use for the purpose of conducting sales by auction; or

(ii) that any such premises have been used for the purpose of conducting otherwise than in good faith any sale by auction; or

(b) the applicant for registration or the occupier for the time being of any such premises has been convicted of any offence involving fraud or dishonesty;

the Corporation shall if they propose to take the matter into consideration serve on the applicant or occupier (as the case may be) a notice stating the place and time not being less than seven days from the date of the service of the notice at which they propose to do so and informing him that he may attend before them with any witnesses whom he desires to call at the place and time mentioned to show cause why the Corporation should not for reasons specified in the notice refuse the application or (as the case may be) cancel the registration of the premises.

(4) If a person on whom notice is served under the last preceding subsection fails to show cause to the satisfaction of the Corporation they may refuse the application or (as the case may be) cancel the registration of the premises and shall forthwith give notice to him of their decision in the matter and shall if so required by him within fourteen days from the date of their decision give to him within forty-eight hours a statement of the grounds on which it was based.

(5) A person aggrieved by a decision of the Corporation under this section to refuse to register any premises or to cancel a registration of any premises may appeal to a magistrates' court.

(6) (a) In the event of the occupier of premises registered under this section ceasing to occupy the premises otherwise than by reason of his death he shall within seven days after so ceasing give to the Corporation notice thereof.

(b) If a person required to give notice under this subsection fails to do so he shall be liable to a fine not exceeding five pounds.

PART XI
—cont.

(7) In the event of the occupier of premises registered under this section dying or ceasing to occupy the premises the registration of the premises then in force shall (unless previously cancelled under this section) continue in force for a period of three months from the date of death or cesser of occupation but shall upon the expiration of that period cease to have effect.

(8) Any person who conducts or assists in conducting a sale by auction to which this Part of this Act applies on any premises in the borough which are not registered under this section and any person who knowingly permits any such premises to be used for the purpose of conducting a sale by auction shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

136. Notwithstanding anything in the last preceding section sales by auction to which this Part of this Act applies of the undermentioned classes may be conducted on premises which are not registered under that section:— Exemptions.

- (a) sales at intervals of not less than six months of prescribed articles so long as no substantial part of the articles was brought on to the premises for the purposes of the sale;
- (b) sales for the purpose of assisting the funds of any voluntary organisation if the whole or substantially the whole of the proceeds of sale are devoted to the funds of the organisation.

137. Where an offence punishable under this Part of this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director manager secretary or other similar officer of the body corporate or any person purporting to act in any such capacity he as well as the body corporate shall be deemed to be guilty of that offence. Offences by
bodies
corporate.

138. Premises which are registered under Part VI of the Act of 1956 and in respect of which the registration is in operation at the date of the commencement of this Act shall be deemed to be registered under this Part of this Act. As to premises
registered
under Act of
1956.

139. For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936 as applied by this Act the provisions of this Part of this Act shall be provisions which it is the duty of the Corporation to enforce. As to
section 287
of Act of 1936.

PART XII

STREET TRADING

Licensing of
street traders.

140. It shall not be lawful for any person to sell or expose or offer for sale any article or thing from or upon any barrow cart stall or other receptacle occupying a stationary position at a place in the carriageway or footway of any street in the borough without a licence from the Corporation authorising him so to do:

Provided that this section shall not apply to any person selling or exposing or offering for sale any article or thing from or upon any barrow cart stall or other receptacle which he ordinarily moves from place to place in pursuit of and while conducting his trade.

Applications
for licences
etc.

141.—(1) A person requiring a licence or the renewal of a licence under this Part of this Act shall make application in writing to the Corporation and shall in his application state—

- (a) his full name and address;
- (b) the nature of the articles and things which he intends to sell or expose or offer for sale under the authority of the licence if granted;
- (c) the place (if any) at which the articles or things will be stored by him before any sale or exposure or offer for sale; and
- (d) the street or streets or area in which he intends so to sell or expose or offer for sale.

(2) The Corporation shall as soon as reasonably practicable after the receipt of an application under the provisions of this section grant or renew a licence to the applicant under and for the purposes of this Part of this Act:

Provided that the Corporation may refuse to grant or renew a licence or may at any time revoke or vary a licence granted to any person if—

- (a) on account of misconduct or for any other sufficient reason he is in their opinion unsuitable to hold the licence; or
- (b) the space available in the street or streets or area to which the application relates or which is or are prescribed by the licence is at the date of the application or becomes at any time after the grant of the licence insufficient for the selling or exposing or offering for sale by the applicant or licensee of any articles or things under the authority of a licence under this Part of this Act or of the particular articles or things referred

to in the application or licence without causing undue interference with or inconvenience to the traffic in such street or streets or area; or

- (c) the street or streets to which the application relates is or are not a street or streets ordinarily prescribed by the Corporation in licences granted by them pursuant to this Part of this Act;

but shall not refuse to grant or renew a licence or revoke a licence on the ground only that the applicant for or holder of the licence does not reside in the borough.

(3) Any such licence shall be in a form prescribed by the Secretary of State and may prescribe—

- (a) the street or streets or area in which and the position or place in any street or area at which the licensee may sell or expose or offer for sale articles or things as aforesaid;

- (b) the class or classes of articles or things which may be sold or exposed or offered for sale under such licence:

Provided that no article of food shall be classed with any other commodity;

- (c) the day or days and the time or times on and at or during which the licensee may sell or expose or offer for sale articles or things as aforesaid; and

- (d) the number of barrows carts stalls or other receptacles which may be used for those purposes under the authority of the licence;

and on any occasion of the renewal of a licence the Corporation may vary the prescriptions.

(4) The form of licence prescribed by the Secretary of State under Part VII of the Act of 1927 shall be deemed to have been prescribed under this Act.

(5) The Corporation shall not refuse to renew or shall not revoke or vary any such licence unless they have given to the person applying for renewal or holding the licence proposed to be revoked or varied not less than seven days' previous notice that objections have been or will be taken to renewal or that a revocation or variation is proposed and unless on written application made within three days after the receipt of the notice they have afforded to him an opportunity of being heard against the refusal revocation or variation.

142. Any person making application for the grant or renewal of a licence under this Part of this Act shall when making it pay to the Corporation in respect of the application a fee of five shillings. Fees on licences.

143. Every licence granted or renewed under this Part of this Act shall unless revoked be valid for a period of one year or in the case of any licence granted or renewed otherwise than at any Duration of licences.

PART XII
—cont.

annual meeting fixed by the Corporation for the purpose of considering applications under this Part of this Act for a period expiring on the thirty-first day of December next after the date of the grant or renewal.

Appeals
against refusal
or revocation
of licences.

144.—(1) If the Corporation refuse to grant or renew a licence or revoke or vary a licence under this Part of this Act they shall if required by the applicant or holder (as the case may be) deliver to him within seven days from the date of the receipt of the requirement particulars in writing of the ground or grounds for the refusal revocation or variation.

(2) Any person aggrieved by such a refusal revocation or variation or by any prescription made by the Corporation under subsection (3) of section 141 (Applications for licences etc.) of this Act may appeal to a magistrates' court provided that notice of the appeal is given to the court within twenty-one days from the date on which notice of the refusal revocation variation or prescription was served upon him and the court may make such order as it thinks fit and may award costs.

Byelaws as
to trading
under licences.

145.—(1) The Corporation may make byelaws relating to the following matters:—

- (a) the days on which and the times during which articles or things may be sold or exposed or offered for sale under the authority of a licence granted or renewed under this Part of this Act;
- (b) the deposit and removal of refuse;
- (c) for prescribing the amount of the charges which the Corporation may make and recover from persons licensed by them under this Part of this Act;
- (d) the allocation maximum dimensions and arrangement of barrows carts stalls and other receptacles;
- (e) the storage and the sanitary supervision (while at the place of intended sale or exposure or offering for sale) of articles intended to be sold or exposed or offered for sale under the authority of the licence;
- (f) any other conditions under which articles or things may be sold or exposed or offered for sale under such authority; and
- (g) penalties for the breach of any such byelaws:

Provided that in the determination of the amount of the charges to be prescribed under paragraph (c) of this subsection regard shall be had to the cost incurred by the Corporation in the administration of the provisions of this Part of this Act and in the cleansing of and the removal of refuse from the streets or parts of streets in which persons to whom licences are granted are permitted to sell or expose or offer for sale articles or things.

(2) Before any byelaws made by the Corporation under this section are confirmed by the Secretary of State the Corporation

shall take such steps as may be prescribed in rules made by the Secretary of State for affording to any recognised organisation representative of street traders and to any street trader affected by such byelaws and not being a member of any such organisation an opportunity to make representations with regard thereto.

146.—(1) The Corporation may make and recover from persons licensed by them under the provisions of this Part of this Act charges not exceeding the amounts prescribed by byelaws relating thereto. Power to Corporation to make charges for certain services.

(2) The persistent neglect or failure of any person to pay any charges due from him under this section shall be a ground upon which the Corporation may (subject to the provisions of section 144 (Appeals against refusal or revocation of licences) of this Act) refuse to renew his licence or may (subject to the provisions of the said section 144) revoke or vary his licence.

147. Any person holding a licence under this Part of this Act may employ any other person to assist him in the conduct of his business without any further licence under this Part of this Act being required. Power to licensees to employ other persons.

148. Every person who without a licence under this Part of this Act authorising him so to do or contrary to any prescription of such licence sells or exposes or offers for sale any article or thing from or upon any barrow cart stall or other receptacle occupying a stationary position at a place in the carriageway or footway of any street in the borough or obtains a licence or the renewal of a licence by wilful misrepresentation shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings. Penalties for offences in respect of trading required to be licensed.

149. Nothing in this Part of this Act shall restrict the right of any person holding a pedlar's certificate or a hawker's licence to carry on the business of a pedlar or of a hawker (as the case may be) in accordance with such certificate or licence. Saving for holders of pedlars' certificates and hawkers' licences.

150. Nothing in this Part of this Act shall exempt any person from or shall alter or affect the operation of any of the provisions of the London Traffic Act 1924 or of any enactment relating to obstruction of traffic in highways. Saving for London Traffic Act 1924 and other enactments.

151. In the case of any market or fair held in pursuance of any statute royal licence royal charter or letters patent or as of right from time immemorial nothing in this Part of this Act shall affect the sale or exposure for sale by any person who has paid a toll to or is acting under the written authority of a person holding Saving for legal markets

PART XII
—cont.

or entitled to hold the market or fair or to receive tolls in respect of sales made or stalls or stands occupied in the market or fair of goods in the market or fair or the rights lawfully exercisable by any person in respect of any market or fair held in any place within seven miles of the boundary of the borough.

PART XIII

FINANCE

Existing
borrowing
powers
continued.

152.—(1) (a) All statutory borrowing powers under any enactment repealed by this Act which have been exercised before the commencement of this Act and all existing securities of the Corporation granted issued or created thereunder shall be deemed to have been exercised granted issued or created under this Act and the provisions of this Act shall apply thereto notwithstanding anything in any Act order deed mortgage or other document to the contrary.

(b) Nothing in section 38 of the Interpretation Act 1889 shall affect the said repeal or shall continue in force any of the provisions of the repealed Acts relating to such borrowing powers.

(2) All statutory borrowing powers under any enactment repealed by this Act which were in force immediately before but had not been exercised before the commencement of this Act shall (notwithstanding the repeal by this Act of such enactment) continue to be in force and to have effect as fully and effectually as if this Act had not been passed.

(3) The provisions of Part IX of the Act of 1933 shall extend and apply to money borrowed or to be borrowed in the exercise of the statutory borrowing powers referred to in this section as if it were borrowed under Part IX of that Act but no consent of a sanctioning authority shall be necessary if under the repealed enactment such consent has been given or is not required.

(4) All sums borrowed by the Corporation before the commencement of this Act under any statutory borrowing power referred to in subsection (1) of this section and not repaid before the commencement of this Act and all sums which may after the commencement of this Act be borrowed by them under any statutory borrowing power referred to in subsection (2) of this section shall notwithstanding the repeal of any Act by or under which such statutory borrowing power was created or authorised be repaid within the respective periods within which they are required to be repaid by or under that Act.

Irredeemable
stock.

153. The repeal by this Act of the enactments relating to Croydon Corporation three and a half per centum irredeemable stock created and issued under the Act of 1884 and the Acts amending that Act shall have no effect until the whole of that stock has been purchased and extinguished and those provisions shall continue to apply as if this Act had not been passed.

154.—(1) The sum which the Corporation were empowered by section 46 (Power to borrow) of the Act of 1956 to borrow for the provision of an assembly hall and other buildings and works authorised by section 61 (Power to provide assembly hall &c.) of the Act of 1956 shall be increased by one million one hundred and fifty-two thousand pounds and the Corporation shall repay the sum so borrowed within such period as they may determine not exceeding fifty years from the date or dates of borrowing:

PART XIII
—cont.
Power to
borrow.

Provided that if the council resolve that instead of erecting the office buildings referred to in the said section 61 and section 121 (Power to provide assembly hall etc.) of this Act on the lands referred to in those sections they will under the powers of section 125 of the Act of 1933 or any other enactment provide office buildings on any part or parts of the lands in the borough lying between Park Lane Park Street High Street and Friends Road—

- (a) the Corporation may borrow for and in connection with the acquisition of land for the purpose such sum as may be requisite and the sum so borrowed shall be repaid within such period as the Corporation may determine not exceeding sixty years from the date or dates of borrowing;
- (b) the Corporation may borrow for and in connection with the provision erection and equipment of the office buildings the sum of nine hundred and fifty thousand pounds and they shall repay the sum so borrowed within such period as the Corporation may determine not exceeding fifty years from the date or dates of borrowing;
- (c) the sum which the Corporation were empowered by the said section 46 to borrow for the provision of an assembly hall and other buildings and works shall be increased by two hundred and two thousand pounds instead of by one million one hundred and fifty-two thousand pounds.

(2) The Corporation may borrow the sum requisite for the payment of the costs charges and expenses of this Act and they shall repay the sum so borrowed within such period as the Corporation may determine not exceeding five years from the date or dates of borrowing.

(3) The powers of borrowing conferred upon the Corporation by this section shall be in addition and without prejudice to their powers of borrowing under the Act of 1933 and may be exercised without the consent of any sanctioning authority.

(4) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Act shall extend and apply to money borrowed under this section as if it were borrowed under the

PART XIII
—cont.

said Part IX and the period fixed by this section for the repayment of any money borrowed shall as respects that money be the fixed period for the purposes of the said Part IX.

Savings for
powers of
Treasury.

155. It shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act) otherwise than in compliance with the provisions of any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Further
provisions as
to special
funds.

156. The Local Government (Miscellaneous Provisions) Act 1953 shall have effect in the borough as if the words " or incurred for the purposes of any functions of the authority as a local education authority " were omitted from subsection (2) of section 1 (Power of local authorities to establish certain special funds) of that Act.

Investment of
superannuation
fund.

157.—(1) In its application to the Corporation subsection (3) of section 21 of the Local Government Superannuation Act 1937 shall have effect as if for the obligation to invest as mentioned in that subsection moneys forming part of but not for the time being required to meet payments out of the superannuation fund maintained by the Corporation under that Act there were substituted an obligation to invest such moneys as follows (namely):—

- (a) in or upon any investments authorised by section 1 of the Trustee Act 1925 but without the limitations imposed by the proviso in subsection (1) of section 2 of that Act or in or upon any other investments for the time being authorised by law for the investment of trust funds; or
- (b) in or upon any of the stocks funds or securities of any dominion commonwealth union dependency or colony forming part of the British Commonwealth of Nations or any province or state having a separate local legislature and forming part of any such dominion commonwealth union dependency or colony; or
- (c) in or upon any of the stocks bonds mortgages or securities of any municipality or county or district council or local or public authority or board in the United Kingdom or in any such dominion commonwealth union dependency colony province or state as aforesaid authorised under any general or special Act of the United Kingdom Parliament or of the legislature concerned to issue the same; or
- (d) in or upon any stocks shares bonds mortgages or securities the capital whereof or a minimum rate of dividend or interest whereon is guaranteed by the United Kingdom Government or by the government of any such dominion commonwealth union dependency colony province or state as aforesaid; or

- (e) in or upon the bonds debentures debenture stock mortgages obligations or securities or the guaranteed or preference or ordinary stock or shares or ordinary preferred or deferred or other stock or shares of any company incorporated under any general or special Act of the United Kingdom Parliament being stock or shares which are at the time of making the investment quoted on the London Stock Exchange; or
- (f) in the purchase of freehold ground rents or freehold or leasehold land messuages tenements and hereditaments within the United Kingdom provided that as regards leaseholds the term thereof has at the time of making the investment at least sixty years to run; or
- (g) upon the security of freehold property or freehold ground rents or land charges or rentcharges by way of first mortgage up to the limit of two-thirds of the value thereof;

with power of varying such investments from time to time by sale and reinvestment or otherwise:

Provided that the investment of such moneys as aforesaid in any investment of the nature specified in paragraph (e) of this subsection shall be subject to the following qualifications:—

- (i) no investment shall be made in any company which has not paid a dividend of at least five per centum on the ordinary stock or shares of the company for each of the four years immediately preceding the date of investment or if the company has been incorporated or has been trading for less than four years before that date unless—
- (A) the company has paid such a dividend for each of the years since incorporation or commencement of trading as the case may be; or
- (B) in the case of a company which has not been incorporated or trading for at least one year before the date of investment but which has been formed by the amalgamation of other companies each of the other companies has paid a dividend of at least five per centum on its ordinary stock or shares for each of the four years immediately preceding the date of the amalgamation;
- (ii) no investment shall be made at any time when the value of all the investments made under the said paragraph (e) which form part of the superannuation fund equals or exceeds one-half of the total value of the assets of that fund;
- (iii) no investment shall be made in securities transferable by delivery.

PART XIII
—cont.

(2) For the purposes of subsection (1) of this section the value of any investment of moneys forming part of the superannuation fund shall be treated as being the value of the investment at the time at which it was made.

Gratuities to
servants.

158. The Corporation may and shall be deemed always to have had the power to grant to any of their servants who has ceased to be employed by them before the passing of the Act of 1956 a gratuity by way of periodical payments not exceeding in any year one-half of the annual emoluments of the employment:

Provided that the Corporation shall not under the powers of this section grant a gratuity to any servant who is entitled to a superannuation allowance under the Local Government Superannuation Act 1937 or to a benefit under the regulations made under section 1 of the Local Government Superannuation Act 1953.

Expenses of
public
ceremonies
etc.

159.—(1) The Corporation may pay reasonable expenses for or in connection with the presentation of the freedom of the borough to persons whom the council may resolve to admit as honorary freemen.

(2) The Corporation may—

- (a) make contributions not exceeding in any one year the sum of five hundred pounds to any organisation formed for the purpose of fostering good relations between cities and towns in the United Kingdom and other cities and towns in Europe;
- (b) pay reasonable expenses for or in connection with the entertainment of members of athletic sporting or cultural teams clubs or societies visiting the borough from any European country outside the United Kingdom; and
- (c) pay reasonable travelling expenses of members of athletic sporting and cultural teams clubs and societies from the borough visiting any European country outside the United Kingdom.

Further
contributions
to Mitcham
conservators.

160. In addition to any sum which may be payable under any agreement made between the Corporation and the board of conservators of Mitcham Common in pursuance of the scheme contained in the schedule to the Metropolitan Commons (Mitcham) Supplemental Act 1891 the Corporation may from time to time contribute such further sums as they think fit not exceeding in any one year the sum of three thousand five hundred pounds towards the expenditure incurred by the said board of conservators in executing the said scheme.

PART XIV
MISCELLANEOUS

161. Notwithstanding subsection (5) of section 16 of the Food and Drugs Act 1955 subsection (1) of that section shall apply to the borough and be in force therein and any premises which immediately before the commencement of this Act were registered under section 95 (Registration of premises used for food storage etc.) of the Act of 1927 so far as they relate to the registration of premises used for any of the purposes mentioned in subsection (1) of the said section 16 shall be deemed to be registered under that section.

Registration of premises (manufacture and sale of ice-cream and of sausages etc.).

162. If a justice of the peace is satisfied on complaint by any officer of the Corporation duly authorised in that behalf that any person is quitting or about to quit any premises in the borough and has failed to pay on demand any general rate which may be due from him and intends to evade payment thereof by departing from the said premises the justice may in addition to issuing a summons for non-payment thereof issue a warrant under his hand authorising the person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the person in default to meet the claim of the Corporation and to detain them until the complaint is determined upon the return of the summons.

Recovery of rates from persons removing.

163.—(1) (a) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rate charged on that hereditament the owner shall be liable to pay to the Corporation so much of any payment in respect of rent received by him from the occupier as represents the proportion of rate included in that payment and so much of that payment may on proof of that agreement be recovered by the Corporation from the owner in the same manner and subject to the same conditions as and subject to which rates are recoverable from occupiers of rated hereditaments.

Recovery of rates from certain owners.

(b) The remedy of the Corporation under this section shall be in addition and without prejudice to their other remedies for the recovery of rates.

(2) This section shall not apply to any hereditaments to which subsection (1) of section 11 of the Act of 1925 applies by virtue of a resolution of the council.

(3) In this section the expression "owner" in relation to a hereditament means the person who is entitled to receive the rent payable in respect thereof.

164. For the purposes of section 15 of the Act of 1925 the rates due from the person rated for any hereditament within the borough shall be deemed to be in arrear if those rates are not paid within one month after lawful demand in writing has been made for them.

Recovery of rates from tenants and lodgers.

PART XIV
—cont.Power to
erect weigh-
bridges.

165.—(1) The Corporation may within the borough erect and maintain on any highway or on any open space or public place on or adjoining any highway such weighbridges or weighing-machines and offices in connection therewith as they may consider necessary or desirable for the use of the public.

(2) The Corporation may make such reasonable charges as they may determine for and in respect of the use of any such weighbridge or weighing-machine.

(3) Any person shall on payment of the proper charges in respect thereof be entitled to use any of the weighbridges or weighing-machines erected by the Corporation under the provisions of this section.

(4) The powers of this section shall not be exercised in such a manner as to obstruct or interfere with the access to or exit from any station or depot of any railway passenger road transport or road haulage undertakers.

Hairdressers
and barbers.

166.—(1) No person shall carry on the business of a hairdresser's or barber's shop on any premises in the borough unless he and those premises are registered by the Corporation for the purpose.

(2) Subject to the provisions of this section any person who makes an application in that behalf and furnishes the Corporation with particulars of his name and residence and of the premises in respect of which he desires to be registered shall be registered in respect of those premises by the Corporation in a book kept for the purpose and on so registering any person the Corporation shall issue to him a certificate of registration.

(3) The Corporation may make byelaws for the purpose of securing—

(a) the cleanliness of premises registered under this section and of the instruments towels materials and equipment used therein; and

(b) the cleanliness of persons employed in such premises in regard to both themselves and their clothing.

(4) If any person carries on business in contravention of subsection (1) of this section or contravenes any byelaw made under subsection (3) of this section he shall be liable—

(a) in the case of a contravention of subsection (1) to a fine not exceeding twenty pounds and a daily fine not exceeding five pounds; and

(b) in the case of a contravention of a byelaw to a fine not exceeding five pounds and the court by which he is convicted may (in lieu of or in addition to imposing a fine) order the suspension or the cancellation of his registration.

(5) A court ordering the suspension or cancellation of registration under the last foregoing subsection may suspend the

operation of the order until the fourteen days prescribed by subsection (1) of section 84 of the Magistrates' Courts Act 1952 for giving notice of appeal to quarter sessions have expired:

PART XIV
—cont.

Provided that if notice of appeal is given within the said fourteen days an order made under this subsection shall be suspended until the appeal is finally determined or abandoned.

(6) Where the registration of any person is cancelled by order of a court under the last foregoing subsection—

(a) he shall within seven days deliver up to the Corporation his certificate of registration and if he fails to do so he shall be liable to a fine not exceeding twenty shillings and a daily fine not exceeding ten shillings; and

(b) he shall not again be registered by the Corporation under this section except in pursuance of a further order of a magistrates' court made on his application.

(7) A person registered under this section shall keep a copy of the said byelaws and of his certificate of registration displayed in the premises in respect of which he is registered and if he fails to do so he shall be liable to a fine not exceeding twenty shillings and a daily fine not exceeding ten shillings.

(8) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936 as applied by this Act the provisions of this section shall be provisions which it is the duty of the Corporation to enforce.

167.—(1) If it appears to the Corporation that for the prevention of danger to persons generally or of damage to property any tree in the borough should be removed cut or felled the Corporation may serve a notice on the owner or occupier of the premises on which such tree is growing or situated requiring him within twenty-one days to remove cut or fell the tree or execute such other works as the Corporation may consider necessary to prevent the danger.

Removal
etc. of
dangerous
trees.

(2) The provisions of section 276 of the Act of 1936 relating to the sale of certain materials as applied by this Act shall for the purposes of this section have effect as if the expression "materials" included timber.

(3) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section:

Provided that for the purposes of such application the said section 290 shall have effect as if for paragraph (a) of subsection (3) thereof there were substituted the following paragraph:—

"(a) that the notice or requirement is unreasonable;"

PART XIV

—cont.

Boxing and
wrestling
entertain-
ments.

168.—(1) As from the appointed day the provisions of the Home Counties (Music and Dancing) Licensing Act 1926 shall in their application to the borough extend to any place kept for the purposes of any boxing or wrestling entertainment as though any such entertainment were of the like kind with public dancing and music:

Provided that the said provisions shall not extend to any premises licensed under the Theatres Act 1843 if and so long as the conditions attached to the licence under that Act are complied with as though a boxing or wrestling entertainment were a stage play.

(2) For the purposes of this section the expression “boxing or wrestling entertainment” means any public contest or display of boxing or wrestling except such as may be provided or given—

- (a) by travelling showmen at pleasure fairs;
- (b) by any bona fide organisation association club or society whether for juveniles or adults and whether corporate or unincorporate which is not carried on for profit; or
- (c) by any university university college college of a university training college establishment of further education or school.

Byelaws as
to pleasure
fairs etc.

169.—(1) The Corporation may make byelaws—

- (a) for regulating the hours during which pleasure fairs and roller-skating rinks may be open to the public;
- (b) for securing safe and adequate means of ingress to and egress from any pleasure fair or roller-skating rink;
- (c) for the prevention and suppression of nuisances and for preserving sanitary conditions cleanliness order and public safety at any pleasure fair or roller-skating rink.

(2) In this section—

- (a) the expression “pleasure fair” means any place—
 - (i) which is for the time being used wholly or mainly for providing (whether or not in combination with any other entertainment) any entertainment to which this section applies; and
 - (ii) for admission to which or for the use of the contrivances in which a charge is made;
- (b) the expression “roller-skating rink” means any place which is for the time being used wholly or mainly for roller skating and for admission to which a charge is made.

(3) Subject to the provisions of the next following subsection the entertainments to which this section applies are the following:—

PART XIV
—cont.

- (a) circuses;
- (b) exhibitions of human beings or of performing animals;
- (c) merry-go-rounds roundabouts swings switchback railways;
- (d) coconut shies hoop-las shooting galleries;
- (e) dodgems or other mechanical riding or driving contrivances;
- (f) automatic or other machines intended for entertainment or amusement;
- (g) anything similar to any of the foregoing.

(4) Nothing in this section or the byelaws made thereunder shall apply to—

- (a) any fair held by statute royal charter royal licence letters patent or ancient custom; or
- (b) any entertainment which is not run for profit and is not carried on for more than seven consecutive days; or
- (c) any entertainment the profits whereof are devoted to a religious or charitable purpose.

(5) The Corporation shall—

- (a) not less than one month before making byelaws under this section furnish the Amusement Caterers' Association the Association of Amusement Park Proprietors of Great Britain and the Showmen's Guild of Great Britain with a draft of the proposed byelaws; and
- (b) on submitting the byelaws to the Secretary of State for confirmation furnish him with a copy of any representations made to the Corporation in writing by any of the said bodies and a statement showing the effect (if any) given to any such representation.

(6) Different byelaws may be made under this section for pleasure fairs and roller-skating rinks and for different kinds of pleasure fairs.

(7) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936 as applied by this Act the provisions of any byelaws made under this section shall be provisions which it is the duty of the Corporation to enforce.

170. Any person who covers over or wilfully or negligently obstructs or interferes with the convenient access to any fire alarm fire-plug or hydrant in the borough or who removes or effaces any plate or mark indicating the position of the alarm plug or hydrant shall be liable to a fine not exceeding five pounds. As to fire alarms.

PART XIV
—cont.Deeds etc.
of apprenticeship.

171.—(1) In this section—

the expression “child in the care of the Corporation” means a person under the age of eighteen who for the time being is either in the care of the Corporation under section 1 or subsection (4) of section 6 of the Children Act 1948 or committed to their care by an order of any court under the Children and Young Persons Act 1933 or the Matrimonial Proceedings (Children) Act 1958; and

the expression “deed of apprenticeship” includes any instrument by means of which such a person is apprenticed.

(2) The Corporation may in any deed of apprenticeship relating to a child in the care of the Corporation or in any document being an assignment of or supplemental to that deed undertake the obligations of a guarantor and any other obligations and may fulfil such obligations notwithstanding that—

- (a) such obligations may continue beyond the date upon which the child will attain the age of eighteen years;
- (b) the child may cease to be a child in the care of the Corporation on or before that date; and
- (c) (in the case of a document being an assignment of or supplemental to the deed) the person apprenticed by the deed has already attained the age of eighteen years.

Fencing of
certain
lands.

172.—(1) In the cases to which this section applies the Corporation may by notice to the owner or occupier of the land in the borough referred to in the notice require him to erect and maintain to the satisfaction of the Corporation adequate fences to that land.

(2) This section applies to the following cases:—

- (a) any vacant land in respect of which complaint in writing shall have been made to the Corporation by twenty local government electors of the borough that it is frequented by noisy or disorderly persons;
- (b) land adjoining a street which in the opinion of the Corporation owing to the absence of a sufficient fence is used for any immoral or indecent purposes or for purposes causing inconvenience or annoyance to the inhabitants of adjoining property or to the public.

(3) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section:

Provided that for the purposes of such application the said section 290 shall have effect as if for paragraph (a) of subsection (3) thereof there were substituted the following paragraph:—

“(a) that the notice or requirement is unreasonable;”.

173. The Corporation may (in addition to any other powers exercisable by them whether as the local education authority or otherwise) provide lectures on educational or other subjects and for that purpose may expend such sums as they may from time to time think fit not exceeding in any one year the sum of three hundred and fifty pounds and may charge for admission to such lectures. Provision of lectures.

174.—(1) In this section unless the subject or context otherwise requires— Appeal by Corporation in regard to deposit or disposal of refuse.

“the county council” means the county council of the administrative county of Surrey;

“county district” means a borough or urban district or rural district in the administrative county of Surrey;

“local authority” means the council of a county district;

“refuse” includes trade refuse house refuse filth rubbish dust and other like matter.

(2) Notwithstanding anything contained in the Surrey County Council Act 1931 or any other enactments if the Corporation are aggrieved by—

(a) the withholding by the county council or by a local authority of their consent under section 94 (Refuse dumps) of the Surrey County Council Act 1931 as amended by the Surrey County Council Act 1936 to the deposit or disposal of refuse by or on behalf of the Corporation; or

(b) any terms or conditions subject to which any such consent may be granted; or

(c) the withdrawal of any consent given or deemed to have been given under the said section 94 (whether given or deemed to have been given before or after the commencement of this Act) or of any consent having effect as a result of a decision of the Minister under this section;

PART XIV
—cont.

they may within twenty-eight days after the receipt by them of a notification of the withholding of consent or the imposition of such terms or conditions or the withdrawal of consent (as the case may be) or within such longer period as the Minister may allow appeal to the Minister against the withholding or the imposition of such terms or conditions or the withdrawal and the Minister may dismiss or allow the appeal either unconditionally or subject to such conditions as he thinks proper to impose.

(3) (a) If the Corporation appeal to the Minister under this section against the withholding by the county council or by a local authority of their consent to the deposit or disposal of refuse in a county district the Corporation shall not later than the day upon which they so appeal—

- (i) give notice of the appeal to the county council and to such local authority; and
- (ii) advertise notice of the appeal in a local newspaper circulating in such county district specifying the time (not being less than twenty-eight days from the first publication of the notice) within which representations may be made to the Minister with respect to the appeal.

(b) Where such representation is made to the Minister by not less than twenty owners or occupiers of dwelling-houses situated within three hundred yards from the land on which it is proposed that refuse shall be deposited or disposed of the Minister shall before determining the appeal cause a public local inquiry to be held into the subject and when determining whether or not to allow the appeal he shall consider the report of the person by whom the inquiry was held.

(4) The decision of the Minister on an appeal under this section shall have effect as if it were a decision of the county council and the local authority under the said section 94.

(5) Any appeal to the Minister which the Corporation may have made under section 3 of the Act of 1957 and any decision of the Minister on that appeal shall be deemed to have been made and given under this section.

Liability of
Corporation
for work
done in
default or by
request.

175.—(1) Where under any enactment—

- (a) the Corporation require a person (in this section referred to as “the defaulter”) to execute any work or take any action; and
- (b) in default or at the request of the defaulter the Corporation or any of their officers execute the work or take the action;

then in the absence of negligence on the part of the Corporation or of any of their officers executing the work or taking the action or of any contractor employed by them or him—

PART XIV
—cont.

(i) the Corporation shall not as between themselves and the defaulter be liable to pay any damages in respect of or consequent upon the execution of the work or the taking of the action; and

(ii) any such damages as aforesaid paid by the Corporation to any other person shall be deemed to be part of the expenses payable by the defaulter and shall be recoverable accordingly.

(2) In this section the expression “ damages ” includes penalties costs and charges.

176. Where under this Act the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a fine and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent. As to breach of conditions of consent of Corporation.

177.—(1) Section 284 of the Act of 1936 (which relates to the authentication of documents) shall apply to any notice licence or other document which the Corporation are required or authorised to give make or serve by or under any enactment. Authentication of documents and service of notices.

(2) Section 285 of the Act of 1936 (which relates to the service of notices) shall apply to any notice or other document required or authorised to be given to or served on any person by or under any enactment so far as that enactment relates to the Corporation.

(3) The said section 284 or as the case may be the said section 285 shall not apply in any case for which provision is made by or under any enactment.

PART XV

GENERAL

178. Where any damages expenses costs or charges are directed or authorised to be paid or recovered in addition to any fine for any offence in this Act mentioned the amount of the damages expenses costs or charges in case of dispute respecting the same may be settled or determined by the magistrates' court before whom the offender is convicted. Damages and charges to be settled by justices.

179. Where under the provisions of this Act or any local Act in force in the borough the Corporation construct or do any works for the common benefit of two or more buildings belonging to different owners or on behalf or in default of two or more such owners the expenses which under those Acts or any of Apportionment of expenses in case of joint owners.

PART XV
—cont.

them are recoverable by the Corporation from the owners shall be paid by the owners of the buildings in such proportions as may be determined by the surveyor or in case of dispute by a magistrates' court.

Recovery of
demands.

180. Proceedings for the recovery of any demand made under the authority of any local enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Determination
of compensa-
tion etc.

181. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for that amount shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 of the Act of 1936.

Confirming
authority
for byelaws.

182. As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Minister except that in the case of byelaws made under the sections mentioned in the first column of the following table the confirming authority shall be the authority respectively mentioned in the second column of that table:—

Section 96	(Byelaws as to projections) ...	Secretary of State.
Section 112	(Golf courses) ...	Secretary of State.
Section 129	(Byelaws as to employment agencies)	Secretary of State.
Section 145	(Byelaws as to trading under licences)	Secretary of State.
Section 169	(Byelaws as to pleasure fairs etc.)	Secretary of State.

Local
inquiries.

183.—(1) Any Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act.

(2) Subsections (2) to (5) of section 290 of the Act of 1933 shall apply in relation to any such inquiry and for that purpose the definition of the expression "department" in subsection (8) of that section shall include any Minister of the Crown having functions under this Act as well as the Ministers therein mentioned.

(3) In this section the expression "Minister of the Crown" has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act 1946.

Arbitration.

184. In arbitrations under a provision of this Act mentioned in the first column of the following table the reference shall be to a single arbitrator to be appointed by agreement between the parties or in default of agreement to be appointed by the person

respectively mentioned in the second column of that table on the application of any party after giving notice to the other party or parties:—

PART XV
—cont.

Provision of Act	Person appointing arbitrator
Section 33 (For protection of commission) ...	The President of the Institution of Civil Engineers.
Section 58 (Adjustment of boundaries of estates in connection with streets)	The Minister.
Section 70 (Repair of private streets)	The Minister.
Section 124 (Telegraphic etc. communications between offices)	The President of the Institution of Civil Engineers.
Section 191 (For protection of certain statutory undertakers)	The President of the Institution of Civil Engineers.

185.—(1) For the purposes of this Act the expression “the appointed day” means such day as may be fixed by resolution of the council subject to and in accordance with the provisions of this section. The appointed day.

(2) Different days may be fixed under this section for the purpose of different provisions of this Act.

(3) The Corporation shall cause to be published in a local newspaper circulating in the borough notice—

- (a) of the passing of any such resolution and of the date fixed thereby; and
- (b) of the general effect of the provisions of this Act coming into operation as from that date;

and the date so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.

(4) Either—

- (a) a copy of any such newspaper containing any such notice; or
- (b) a photostatic or other reproduction certified by the town clerk to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice:

shall be evidence of the publication of the notice and of the date of the publication.

(5) Where any provision of this Act coming into operation on a day fixed by resolution under this section requires the licensing

PART XV
—cont.

or registration of a person carrying on any business or of premises used for any purpose it shall be lawful for any person who—

- (a) immediately before that day was carrying on that business or using any premises for that purpose; and
- (b) had before that day duly applied for the licence or registration required by that provision;

to continue to carry on that business or to use those premises for that purpose until he is informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (2) of section 187 (Appeals) of this Act.

Restriction
on right to
prosecute.

186. The written consent of the Attorney-General shall be requisite for the taking of proceedings in respect of an offence created by or under this Act by any person other than a party aggrieved or the Corporation.

Appeals.

187.—(1) Section 300 of the Act of 1936 shall apply with respect to appeals to a magistrates' court under any enactment in this Act as it applies with respect to appeals to a court of summary jurisdiction under any enactment in that Act and sections 301 and 302 of that Act shall apply accordingly.

(2) Where any requirement refusal or other decision of the Corporation against which a right of appeal is conferred by this Act—

- (a) involves the execution of any work or the taking of any action; or
- (b) makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time of the requirement refusal or decision or to use any premises for any purpose for which they were lawfully used up to that time;

then until the time for appealing has expired or when an appeal is lodged until the appeal is disposed of or withdrawn or fails for want of prosecution—

- (i) no proceedings shall be taken in respect of any failure to execute the work or take the action nor shall the Corporation themselves execute the work or take the action; and
- (ii) that person may carry on that business and use those premises for that purpose.

Protection of
members and
officers of
Corporation
from personal
liability.

188. Section 265 of the Public Health Act 1875 shall apply to the Corporation as if any reference in that section to the said Act of 1875 included a reference to this Act.

Repeal.

189.—(1) Subject to the provisions of this Act the Acts specified in the First Schedule to this Act are hereby repealed to the extent mentioned in that schedule.

(2) Notwithstanding the repeal effected by this section—

PART XV
—cont.

- (a) all existing bonds mortgages annuities stock or other securities granted payable or created under any of the repealed Acts shall continue valid and available for all purposes and for and against all parties and the holders of all such bonds mortgages annuities stock or other securities shall be in the like position and entitled to the like powers rights and remedies as if this Act had not been passed;
- (b) all property vested in the Corporation at the commencement of this Act shall continue vested in the Corporation and all acts works matters and things before the commencement of this Act done or commenced under the powers of the repealed Acts or any of them and which were at the commencement of this Act valid and available or in progress and all existing notices notices to treat agreements awards conveyances contracts covenants deeds instruments leases obligations rights and remedies shall be and continue valid and available for all purposes and for and against all parties and may be continued enforced and completed as if this Act had not been passed;
- (c) all actions arbitrations prosecutions and proceedings by with or against the Corporation by reason of any matter or thing done before the commencement of this Act in execution of or in relation to the repealed Acts or any of them may be continued commenced or prosecuted by or against the Corporation as if this Act had not been passed;
- (d) any proceedings for or in relation to a new equitable adjustment under subsection (6) of section 32 (Adjustment of financial relations between counties and county boroughs) of the Local Government Act 1888 as applied by any of the repealed Acts may be taken and shall have the same consequences as if this Act had not been passed;
- (e) any enactment in the repealed Acts which altered or prescribed the boundaries of the borough or of any district parish ward electoral division or other area or which abolished any such area or which enacted provisions consequent upon any such alteration shall continue to have effect as if this Act had not been passed;
- (f) subject to the proviso to subsection (1) of section 96 (Byelaws as to projections) of this Act all existing byelaws rules regulations orders and licences shall continue in force until repealed altered or revoked under the provisions of this Act or until their expiration

PART XV
—cont.

and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Act;

- (g) all rates rents tolls and other sums at the commencement of this Act due or accruing due to the Corporation may be collected and recovered by the Corporation as if this Act had not been passed;
- (h) all books and documents which under any of the repealed Acts or otherwise would have been receivable in evidence shall be receivable in evidence as if this Act had not been passed.

(3) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 38 of the Interpretation Act 1889.

Saving for
trusts etc.

190. No power conferred upon the Corporation by the following sections of this Act (namely):—

Section 110 (Power to let parks etc. for games);

Section 111 (Parking places in parks etc.);

Section 112 (Golf courses); and

Section 165 (Power to erect weighbridges);

shall be exercised in such a manner—

- (a) as to be at variance with any trust subject to which any land or building is held managed or controlled by the Corporation without an order of the High Court or of the Charity Commissioners or of the Minister of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of the donor or that other person; or
- (b) as to contravene any covenant or condition subject to which a gift or lease of any land or building has been accepted by or granted to the Corporation without the consent of the donor grantor lessor or other person entitled in law to the benefit of the covenant or condition.

For protection
of certain
statutory
undertakers.

191. For the protection of the undertakers the following provisions shall unless otherwise agreed in writing between the Corporation and the undertakers concerned apply and have effect:—

- (1) In this section unless the subject or context otherwise requires—

“ apparatus ” means—

(a) in relation to the electricity undertakers electric lines and works (as respectively defined in

the Electric Lighting Act 1882) belonging to or maintained by either of the electricity undertakers;

(b) in relation to the gas board mains pipes or other apparatus belonging to or maintained by that board;

(c) in relation to the water board mains pipes or other apparatus belonging to or maintained by that board;

and includes any works constructed for the lodging therein of apparatus;

“ in ” in a context referring to apparatus includes under over across along or upon;

“ operational land ” has the meaning given to that expression by the Act of 1947;

“ position ” includes depth;

“ undertakers ” means the electricity undertakers the gas board the water board or any of them:

(2) Notwithstanding anything in this Act or shown on the 1956 plans the Corporation shall not under the powers of this Act acquire except by agreement any apparatus situate in a street:

(3) Whenever by virtue of the provisions of section 29 (Power to make subsidiary works) or section 30 (Stopping up of highways) of this Act any highway or portion of a highway to which either of those sections applies and in which any apparatus is situate is stopped up the undertakers shall notwithstanding such stopping up continue to have the same powers and rights in respect of any apparatus remaining in the highway or portion of a highway so stopped up as if the same had remained a highway or may and if reasonably so required by the Corporation shall—

(a) remove the apparatus and relay or replace the same in the highway (if any) substituted for the highway or portion of the highway so stopped up or in such other position as the undertakers may reasonably require; or

(b) provide and lay or place other apparatus in such substituted highway or in such other position as aforesaid in lieu of such existing apparatus:

(4) Whenever by reason or in consequence of the exercise by the Corporation of the powers of the said sections 29 or 30 any apparatus (other than apparatus for which new apparatus has been substituted at the expense of the Corporation under the provisions of this section)

PART XV
—cont.

is rendered derelict useless or unnecessary the Corporation shall forthwith pay to the undertakers such a sum as may be agreed between the Corporation and the undertakers or as failing agreement between them may be determined by arbitration to be the value of the apparatus so rendered derelict useless or unnecessary and such apparatus shall upon such payment become the property of the Corporation:

- (5) Nothing in the following sections of this Act shall relieve the Corporation or any person acting by the requirement of the Corporation from liability for damage caused by them or him to any apparatus in the exercise of the powers of the said sections and the Corporation or such person shall so exercise those powers as not to render unreasonably inconvenient the access to any apparatus:—

Section 60 (Trees grass verges and gardens);

Section 165 (Power to erect weighbridges):

- (6) Nothing in section 60 (Trees grass verges and gardens) or section 75 (Verges etc. of housing estates) of this Act shall affect the rights of the undertakers with respect to any apparatus (including the placing of any apparatus) in any such grass verge garden or space as is referred to in those sections:

Provided that in exercising such rights the undertakers shall not cause or permit except in the case of necessity horses or vehicles to enter upon any garden or any such grass verge or space as is maintained in an ornamental condition or mown:

- (7) The Corporation the medical officer or the public health inspector (as the case may be) shall not in respect of any operational land of the undertakers exercise the powers conferred upon them by section 80 (Delegation of power to examine and test drains etc.) or section 81 (Summary power to remedy stopped-up drains etc.) of this Act except with the consent of the undertakers which consent shall not be unreasonably withheld:
- (8) The Corporation shall repay to the undertakers the reasonable expenses incurred by the undertakers of or in connection with the removal and relaying or replacing of any apparatus and the provision and laying or placing of any new apparatus under the provisions of paragraph (3) of this section and the reasonable costs of and incidental to—

(a) the cutting off of any apparatus from any other apparatus; and

(b) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this paragraph:

PART XV
—cont.

Provided that subsections (3) and (4) of section 23 of the Act of 1950 (which imposes limitations on undertakers' rights to payment) shall so far as applicable extend and apply to any payment to be made by the Corporation under this paragraph as if the works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed or settled by arbitration under section 191 (For protection of certain statutory undertakers) of the Croydon Corporation Act 1960":

- (9) (a) Any difference which may arise between the Corporation and the undertakers under this section shall be determined by arbitration:
- (b) In settling any difference under this section the arbitrator may if he thinks fit require the Corporation to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

192.—(1) The sections of the Act of 1936 mentioned in Application Part I of the Fourth Schedule to this Act shall have effect as if of general references therein to that Act included a reference to this Act. provisions of Act of 1936.

(2) The sections of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included a reference to the following Parts of this Act (that is to say):—

- Part V (Streets);
- Part VI (Sanitation buildings etc.);
- Part VII (Nuisances and offensive trades);
- Part VIII (Infectious diseases);
- Part X (Employment agencies);
- Part XI (Premises used for sales by auction);
- Part XII (Street trading);

and to section 167 (Removal etc. of dangerous trees) of this Act.

PART XV
—cont.

(3) The section of the Act of 1936 mentioned in Part III of the said schedule shall have effect as if references therein to that Act included a reference to the following Parts of this Act (that is to say):—

- Part V (Streets);
- Part VI (Sanitation buildings etc.);
- Part VII (Nuisances and offensive trades);
- Part VIII (Infectious diseases);
- Part X (Employment agencies);
- Part XI (Premises used for sales by auction);

and also to the following sections of this Act that is to say:—

- Section 166 (Hairdressers and barbers); and
- Section 169 (Byelaws as to pleasure fairs etc.).

Saving for
town and
country
planning.

193. This Act shall be deemed to be an enactment passed before and in force at the passing of the Act of 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Costs of Act.

194. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation.

SCHEDULES

FIRST SCHEDULE

LOCAL ACTS REPEALED

Session and chapter	Short title	Extent of repeal
47 & 48 Vict. c. cxli ...	Croydon Corporation Act 1884	The whole Act.
53 & 54 Vict. c. lii ...	Croydon Improvement Act 1890	The whole Act.
56 & 57 Vict. c. lxxxiv	Croydon Corporation Act 1893	The whole Act.
58 & 59 Vict. c. cliv ...	Croydon Corporation Act 1895	The whole Act.
63 & 64 Vict. c. ccxxix	Croydon Corporation Act 1900	The whole Act.
5 Edw. 7 c. lvi ...	Croydon Corporation Act 1905	The whole Act.
10 & 11 Geo. 5 c. lv ...	Croydon Corporation Act 1920	The whole Act.
11 & 12 Geo. 5 c. xxxix	Croydon Corporation Water Act 1921	The whole Act.
13 & 14 Geo. 5 c. xcii	Croydon Corporation Act 1923	The whole Act.
14 & 15 Geo. 5 c. xcvi	Croydon Corporation Act 1924	The whole Act (except section 18).
17 & 18 Geo. 5 c. cvi	Croydon Corporation Act 1927	The whole Act (except Part IV (Electricity) section 81 and section 86).
20 & 21 Geo. 5 c. lxxxvii	Croydon Corporation Act 1930	The whole Act (except section 8).
25 & 26 Geo. 5 c. clx	Croydon Corporation Act 1935	The whole Act.
2 & 3 Geo. 6 c. lviii ...	Croydon Corporation Act 1939	The whole Act.
10 & 11 Geo. 6 c. xl ...	Borough of Croydon (Rating) Act 1947	The whole Act.
4 & 5 Eliz. 2 c. lxxvi	Croydon Corporation Act 1956	The whole Act (except section 63 and so much of the preamble to and of Parts I and IX of the Act as is re- quired for the purpose of giving effect to that section).
5 & 6 Eliz. 2 c. xx ...	Croydon Corporation Act 1957	The whole Act.

SECOND SCHEDULE

Sources from which the Corporation are entitled to take intercept and impound water include—

1. The well at Addington and other works authorised by the Act of 1884.
2. The Selhurst well and pumping station transferred to the Corporation in pursuance of the Act of 1921.

THIRD SCHEDULE

PREMISES AT ADDINGTON TO WHICH A FREE SUPPLY OF WATER IS TO
BE FURNISHED

1. " Kent Gate,"
130 Addington Village Road.
" Rose Cottage,"
128 Addington Village Road.
2. The Old Vicarage,
Addington Village Road.
3. Addington Park Farm House,
Spout Hill,
Addington.
4. Farm Buildings,
Addington Village Road.
5. 59 Addington Village Road.
61 Addington Village Road.
6. 57 Addington Village Road.
7. School Buildings and Residence,
Spout Hill,
Addington.
8. " Flint Cottage,"
45 Addington Village Road.
" Rowan Cottage,"
47 Addington Village Road.
" Nethercote,"
49 Addington Village Road.
9. 54 Addington Village Road.
52 Addington Village Road.
10. 42 Addington Village Road.
11. St. Mary's Church,
Addington Village Road.
12. ---ome Farm,
Addington Village Road.
13. The Cricketers Inn,
Addington Village Road.
14. 62 Addington Village Road.
60 Addington Village Road.
58 Addington Village Road.
56 Addington Village Road.
15. South Lodge,
Addington Village Road.
16. West Lodge,
Shirley Hills Road.
17. 11 Shirley Hills Road.
13 Shirley Hills Road.
15 Shirley Hills Road.
18. 5 Shirley Hills Road.

19. 103 Shirley Church Road.
105 Shirley Church Road.
107 Shirley Church Road.
109 Shirley Church Road.
20. 159 Shirley Church Road
21. "The Kennels,"
Addington Village Road.
22. 46 Addington Village Road.
23. 48 Addington Village Road.
24. 9 Shirley Hills Road.

3RD SCH
—cont.

FOURTH SCHEDULE

SECTIONS OF ACT OF 1936 APPLIED

PART I

SECTIONS APPLIED GENERALLY

Section	Marginal note
271	Interpretation of "provide".
283	Notices to be in writing; forms of notices &c.
286	Proof of resolutions &c.
288	Penalty for obstructing execution of Act.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

PART II

SECTIONS APPLIED TO PARTS V VI VII VIII X XI AND XII AND SECTION 167 OF THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
277	Power of councils to require information as to ownership of premises.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises; power to order payment by instalments.
292	Power to make a charge in respect of establishment expenses.
293	Recovery of expenses &c.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
299	Inclusion of several sums in one complaint &c.
329	Saving for certain provisions of the Land Charges Act 1925.

4TH SCH.
—cont.

PART III

SECTION APPLIED TO PARTS V VI VII VIII X AND XI AND
SECTIONS 166 AND 169 OF THIS ACT

Section	Marginal note
287	Power to enter premises.

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*Table of Statutes referred to in this Act
 other than those included in the First Schedule*

Short title	Session and chapter
Theatres Act 1843	6 & 7 Vict. c. 68.
Lands Clauses Consolidation Act 1845	8 & 9 Vict. c. 18.
Town Police Clauses Act 1847	10 & 11 Vict. c. 89.
Larceny Act 1861	24 & 25 Vict. c. 96.
Metropolitan Commons Act 1866	29 & 30 Vict. c. 122.
Telegraph Act 1869	32 & 33 Vict. c. 73.
Public Health Act 1875	38 & 39 Vict. c. 55.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Local Government Act 1888	51 & 52 Vict. c. 41.
Interpretation Act 1889	52 & 53 Vict. c. 63.
Metropolitan Commons (Mitcham) Supple- mental Act 1891	54 & 55 Vict. c. xxvi.
Public Works Loans Act 1897	60 & 61 Vict. c. 51.
Commons Act 1899	62 & 63 Vict. c. 30.
Metropolis Water Act 1902	2 Edw. 7 c. 41.
Open Spaces Act 1906	6 Edw. 7 c. 30.
Public Health Acts Amendment Act 1907 ..	7 Edw. 7 c. 53.
Acquisition of Land (Assessment of Com- pensation) Act 1919	9 & 10 Geo. 5 c. 57.
London Traffic Act 1924	14 & 15 Geo. 5 c. 34.
Trustee Act 1925	15 Geo. 5 c. 12.
Land Charges Act 1925	15 & 16 Geo. 5 c. 22.
Roads Improvement Act 1925	15 & 16 Geo. 5 c. 68.
Public Health Act 1925	15 & 16 Geo. 5 c. 71.
Rating and Valuation Act 1925	15 & 16 Geo. 5 c. 90.
Law of Property (Amendment) Act 1926 ..	16 & 17 Geo. 5 c. 11.
Home Counties (Music and Dancing) Licensing Act 1926	16 & 17 Geo. 5 c. 31.
Surrey County Council Act 1931	21 & 22 Geo. 5 c. ci.
Children and Young Persons Act 1933 ..	23 Geo. 5 c. 12.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Restriction of Ribbon Development Act 1935	25 & 26 Geo. 5 c. 47.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 51.
Surrey County Council Act 1936	26 Geo. 5 c. cxxx.
Factories Act 1937	1 Edw. 8 & 1 Geo. 6 c. 67.
Local Government Superannuation Act 1937	1 Edw. 8 & 1 Geo. 6 c. 68.
Water Act 1945	8 & 9 Geo. 6 c. 42.
Ministers of the Crown (Transfer of Functions) Act 1946	9 & 10 Geo. 6 c. 31.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.

Short title	Session and chapter
Town and Country Planning Act 1947 ..	10 & 11 Geo. 6 c. 51.
Children Act 1948	11 & 12 Geo. 6 c. 43.
Employment and Training Act 1948 ..	11 & 12 Geo. 6 c. 46.
Lands Tribunal Act 1949	12 & 13 Geo. 6 c. 42.
Wireless Telegraphy Act 1949	12 & 13 Geo. 6 c. 54.
Civil Aviation Act 1949	12 & 13 Geo. 6 c. 67.
Arbitration Act 1950	14 Geo. 6 c. 27.
Public Utilities Street Works Act 1950 ..	14 Geo. 6 c. 39.
Magistrates' Courts Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 55.
Local Government Superannuation Act 1953	1 & 2 Eliz. 2 c. 25.
Local Government (Miscellaneous Pro- visions) Act 1953	1 & 2 Eliz. 2 c. 26.
Valuation for Rating Act 1953	1 & 2 Eliz. 2 c. 42.
Protection of Birds Act 1954	2 & 3 Eliz. 2 c. 30.
Mines and Quarries Act 1954	2 & 3 Eliz. 2 c. 70.
Town and Country Planning Act 1954 ..	2 & 3 Eliz. 2 c. 72.
Food and Drugs Act 1955	4 Eliz. 2 c. 16.
Nurses Agencies Act 1957	5 & 6 Eliz. 2 c. 16.
Housing Act 1957	5 & 6 Eliz. 2 c. 56.
Matrimonial Proceedings (Children) Act 1958	6 & 7 Eliz. 2 c. 40.
Highways Act 1959	7 & 8 Eliz. 2 c. 25.
Town and Country Planning Act 1959 ..	7 & 8 Eliz. 2 c. 53.
Road Traffic Act 1960	8 & 9 Eliz. 2 c. 16.

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SIR JOHN ROUGHTON SIMPSON, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

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*Croydon Corporation
Act, 1960*

8 & 9 ELIZ. 2

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 6s. 0d. net

PRINTED IN ENGLAND