



### CHAPTER xiv.

An Act to confer further powers upon the mayor  
aldermen and councillors of the metropolitan  
borough of Hackney in connection with their  
electricity undertaking to empower them to  
acquire lands and construct works to make  
further provision with regard to the health  
improvement and good government of the  
borough and for other purposes.

A.D. 1926.

[16th June 1926.]

**W**HEREAS the borough of Hackney in the admini-  
strative county of London (hereinafter referred  
to as "the borough") is a metropolitan borough  
constituted under the London Government Act 1899  
and is under the management and control of the mayor  
aldermen and councillors of the borough (hereinafter  
referred to as "the Council"):

And whereas the Council are the authorised under-  
takers for the supply of electricity within the borough  
and it is expedient to empower them to construct the  
works in connection with their electricity undertaking  
authorised by this Act to acquire certain lands for those  
purposes and to abstract water from the Hackney Cut  
Navigation (forming part of the River Lee Navigation)  
for condensing and cooling purposes upon terms which  
have been agreed between the Council and the Lee  
Conservancy Board:

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And whereas it is expedient to confer further powers upon the Council with regard to the supply of electricity as in this Act provided :

And whereas it is expedient that further and better provision should be made with reference to streets sewers and drains within the borough and that the powers of the Council in relation to the health local government and improvement of the borough should be enlarged as in this Act provided :

And whereas by section 250 of the Metropolis Management Act 1855 the word " drain " was defined so as to mean and include any drain of and used for the drainage of one building only or premises within the same curtilage and made merely for the purpose of communicating with a cesspool or other like receptacle for drainage or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed and also to include any drain for draining any group or block of houses by a combined operation under the order of any vestry or district board :

And whereas by section 112 of the Metropolis Management Amendment Act 1862 it was provided that in the construction of that Act the Metropolis Management Act 1855 the Metropolis Management Amendment Act 1856 and the Metropolis Management Amendment Act 1858 the word " drain " should be deemed to apply to and include the subject matters specified in section 250 of the said Act of 1855 and also any drain for draining a group or block of houses by a combined operation laid or constructed before the first day of January one thousand eight hundred and fifty-six pursuant to the order or direction or with the sanction or approval of the Metropolitan Commissioners of Sewers :

And whereas the Council are the successors of the Hackney District Board of Works and of the vestry of the parish of Hackney so far as regards the area now constituting the borough and numerous groups or blocks of houses in the borough have been drained by a combined operation with the authority of the said district board of works and vestry and of the Metropolitan Commissioners of Sewers as expressed by their responsible officers whilst in other cases pipes originally constructed as single private drains are now used for the

drainage of groups or blocks of houses by reason of connections having been made thereto without such authority and drains constructed for draining certain groups or blocks of houses are now used for draining other houses :

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And whereas heavy annual expenditure is cast upon the ratepayers of the borough in connection with the repair of drains for the drainage of groups or blocks of houses which ought to be borne by the owners of such houses in such groups or blocks and it is expedient that this injustice should be rectified :

And whereas it is expedient to empower the Council to admit certain persons to be honorary freemen of the borough :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

And whereas estimates have been prepared by the Council for the purposes hereinafter mentioned and such estimates are as follows :—

	£
For the provision and construction of a transforming station and works	70,000
For the construction of the intake screening chamber lines of pipes and outlet by this Act authorised	10,000

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Minister of Health has been obtained :

And whereas plans and sections showing the line and levels of the works authorised by this Act and plans showing the lands required or which may be taken or used compulsorily for the purposes or under the powers of this Act and also a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the clerk of the peace for the county of London and such plans sections and book of reference are respectively referred to as the deposited plans sections and book of reference :

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— May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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 (that is to say):—

## PART I.

## PRELIMINARY.

Short title.

1. This Act may be cited as the Hackney Borough Council Act 1926.

Division of  
Act into  
Parts.

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

Part I.—Preliminary.

Part II.—Works and lands.

Part III.—Electricity.

Part IV.—Streets, sewers and drains.

Part V.—Infectious disease and sanitary provisions.

Part VI.—Financial.

Part VII.—Miscellaneous.

Incorporation of  
Acts.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes of and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

(1) The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 Provided that the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the common seal of the Council and shall be sufficient without the addition of the sureties mentioned in that section:

(2) The provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 as amended by the Electricity (Supply) Acts 1909 to 1922 and as modified by this Act except sections 83 and 84 of that schedule Provided that section 81 of the said schedule shall not apply to any transforming station or works erected on the lands described in the schedule to this Act:

(3) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of this Act "the railway" and "the work" mean the works authorised by the section of this Act of which the marginal note is "Power to make works" and "the centre of the railway" means the centre of such works respectively. A.D. 1926.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by section 250 of the Metropolis Management Act 1855 as amended by section 112 of the Metropolis Management Amendment Act 1862 have the same respective meanings unless there be something in the subject or context repugnant to such construction. And in this Act unless the subject or context otherwise requires:— Interpretation.

"The borough" means the metropolitan borough of Hackney;

"The Council" means the mayor aldermen and councillors of the borough;

"The electricity limits" means the limits within which the Council are for the time being authorised to supply electricity;

"The Order of 1893" means the Hackney Electric Lighting Order 1893 confirmed by the Electric Lighting Orders Confirmation (No. 3) Act 1893;

"The Lands Clauses Acts" means the Lands Clauses Acts as varied by the Acquisition of Land (Assessment of Compensation) Act 1919;

"The arbitrator" means the arbitrator or tribunal to whom any question of disputed compensation may be referred under the provisions of this Act;

"The canal" means the Hackney Cut Navigation forming part of the River Lee Navigation;

"The general rate" means the rate or rates levied and collected in the borough under section 10 of the London Government Act 1899;

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“The mayor” “the town clerk” “the medical officer” “the treasurer” and “the general fund” mean respectively the mayor the town clerk the medical officer of health the treasurer and the general fund of the borough;

“Infectious disease” means any infectious disease to which section 55 of the Public Health (London) Act 1891 is for the time being applicable within the borough;

“Daily penalty” means a penalty for each day on which an offence is continued after conviction;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department or the London County Council made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

“Statutory security” means any security or investment in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Council.

PART II.

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WORKS AND LANDS.

5. Subject to the provisions of this Act the Council may make and maintain wholly within the borough in the lines and situation and upon the lands delineated on the deposited plans and described in the deposited book of reference and according to the levels shown on the deposited sections the following works (that is to say):—

Power to  
make  
works.

Work No. 1 An intake channel and screening chamber situate on the southern bank of the canal commencing at a point twenty-two yards or thereabouts in a westerly direction from the centre of the bridge across the canal near South Millfield Recreation Ground and terminating at a point twenty-nine yards or thereabouts to the south-west of the centre of the said bridge;

Work No. 2 A line or lines of pipes commencing in the said intake channel and screening chamber and terminating in the pump house situate at the northern end of the site of the electricity works of the Council;

Work No. 3 A line or lines of pipes with outlet commencing in the electricity works of the Council at a point fifty-two yards or thereabouts to the south of the said pump house and terminating on the south-western side of the canal at a point fifty-five yards or thereabouts in a north-westerly direction from the centre of the bridge over the canal at the eastern end of Millfields Road.

6. Subject to the provisions of this Act and within the limits of deviation defined on the deposited plans in addition to the works hereinbefore described the Council may make and maintain culverts tunnels shafts chambers drains washouts junctions discharge pipes intakes sluices gauges tanks dams pumps motors valves machinery buildings appliances apparatus and conveniences connected with or ancillary to the works hereinbefore described or for maintaining using inspecting repairing cleansing managing and working the same.

Subsidiary  
works.

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Works  
affecting  
towing  
path of  
canal.

7. In constructing the intake channel and screening chamber (Work No. 1) by this Act authorised the Council shall leave available for the traffic on the towing-path of the canal a clear width of not less than ten feet in the enclosure numbered 4 on the deposited plans as near as may be practicable to the canal and within the said width no part of the said intake and screening chamber shall be raised above the surface of the ground.

Subsidiary  
works  
affecting  
canal.

8. Subject to the provisions of this Act the Council may make on or in the banks bed and soil of the canal and elsewhere in connection with the construction maintenance user inspection repair cleansing management and working of the intake screening chamber and outlet by this Act authorised and may place and keep in the canal all such temporary works and conveniences as the Council may deem proper or find necessary or expedient.

Limits of  
deviation.

9. In the construction of the works authorised by this Part of this Act the Council may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections downwards to any extent and upwards to any extent not exceeding five feet. Provided that no part of the line or lines of pipes (Works Nos. 2 and 3) shall be raised above the surface of the ground.

Period for  
completion  
of works.

10. If the works authorised by the section of this Act of which the marginal note is "Power to make works" are not completed within a period of five years from the passing of this Act then on the expiration of that period the powers by this Act granted for the making thereof or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Power to  
abstract  
water from  
canal.

11. Subject to the provisions of this Act the Council may by means of the works authorised by this Part of this Act or some of them appropriate and abstract water from the Canal and may utilise the same for condensing and other purposes of the electricity generating station of the Council. Provided that all water so taken shall be returned unpolluted and in a continuous undiminished and uninterrupted flow to the canal at some point not being below the outlet (Work No. 3) by this Act authorised.



**12.** Subject to the provisions of this Act the Council may enter upon take hold and use all or any of the lands in the borough delineated on the deposited plans and described in the deposited book of reference which they may require for the purposes of this Act. A.D. 1926.  
—  
Power to acquire lands.

**13.** Subject to the provisions of this Act the Council may upon the lands described in the schedule to this Act or on any part or parts thereof erect construct maintain work and use a station for transforming using transmitting converting and distributing electrical energy or power with all necessary and convenient buildings converters motors accumulators batteries storage works machinery appliances apparatus and conveniences and may accordingly transform use transmit convert and distribute such energy or power. Power to erect transforming station.

**14.** Nothing in this Act shall exempt any buildings or structures provided under or in pursuance of the provisions thereof from any of the provisions of the London Building Acts 1894 to 1923 or of any Act amending the same or of any byelaws or regulations in force thereunder so far as the same are applicable to any such buildings or structures. As to London Building Acts.

**15.** Subject to the provisions of this Act the works authorised by this Part of this Act and the lands to be acquired and held for the purposes thereof or in connection therewith shall for all purposes whatsoever form part of and be comprised in the electricity undertaking of the Council. New works to form part of electricity undertaking.

**16.—(1)** The Council may in lieu of acquiring any lands for the purposes of the works authorised by this Act where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes and may give notice to treat in respect of such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts. Council may acquire easements only in certain cases.

(2) As regards any lands in respect of which the Council have acquired easements only under the provisions of this section the Council shall not be required or entitled to fence off or sever such lands from the

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(3) Provided always that nothing in this section contained shall authorise the Council to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Council to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this provision.

Persons  
under  
disability  
may grant  
easements  
&c.

**17.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may (if they think fit) subject to the provisions of those Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Correction  
of errors in  
deposited  
plans and  
book of  
reference.

**18.** If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to a metropolitan police magistrate for the correction thereof and if it shall appear to the magistrate that the omission mis-statement or wrong description arose from mistake he shall certify the same accordingly and he shall in his certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of London and such certificate shall be kept by such clerk with the other documents to which the same relates and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate

and it shall be lawful for the Council to take the lands and execute the works in accordance with such certificate.

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**19.** All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of their acquisition be extinguished. Provided that the Council shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

As to private rights of way over lands taken compulsorily.

**20.** The Council and their surveyors officers and workmen and any person duly authorised in writing under the hand of the town clerk may at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards twelve hours' previous notice enter upon and into the lands and buildings which may be taken or used under the powers of this Act or any of them for the purpose of surveying and valuing the said lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings.

Power to Council to enter upon property for survey and valuation.

**21.** The arbitrator shall if so required by the Council award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Council by the claimant giving sufficient particulars and in sufficient time to enable the Council to make a proper offer and if the arbitrator shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Council have been prejudiced thereby the arbitrator shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant:

Costs of arbitration &c. in certain cases.

Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Council to amend the statement in writing of the claim delivered by him to the Council in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing

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the Council if they object to the amendment and such amendment shall be subject to such terms enabling the Council to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case:

Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

Compensation in cases of recently altered buildings.

**22.** In settling any question of disputed purchase-money or compensation under this Act the arbitrator settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in lands created after the fifteenth day of November one thousand nine hundred and twenty-five if in the opinion of the arbitrator the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Owners may be required to sell parts only of certain lands and buildings.

**23.** Whereas in the exercise by the Council of the powers of this Act it may happen that a portion only of the property in the borough numbered on the deposited plans I (in this section referred to as "the said property") will be sufficient for the purposes of the Council and that such portion or some other portion less than the whole can be severed from the remainder of the said property without material detriment thereto Therefore the following provisions shall have effect:—

- (1) The owner of and persons interested in the said property or each or any of them are in this section included in the term "the owner":
- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of the said property the owner shall fail to notify in writing to the Council that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Council such portion only without the

Council being obliged or compellable to purchase the whole the Council paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :

- (3) If within such twenty-one days the owner shall by notice in writing to the Council allege that such portion cannot be so severed the arbitrator shall in addition to the other questions required to be determined by him determine whether the portion of the said property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Council have compulsory powers of purchase) can be so severed :
- (4) If the arbitrator determines that the portion of the said property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Council the portion so determined to be severable without the Council being obliged or compellable to purchase the whole the Council paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the arbitrator :
- (5) If the arbitrator determines that the portion of the said property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the arbitrator may in his absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner :
- (6) If the arbitrator determines that the portion of the said property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether

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or not he shall determine that any other portion can be so severed) the Council may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :

- (7) If the arbitrator determines that the portion of the said property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Council in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the arbitrator shall having regard to the circumstances of the case and his final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that the said property or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey the said property.

Period for compulsory purchase of lands.

**24.** The powers of the Council for the compulsory purchase of lands for the purposes of this Act shall cease after the thirty-first day of October one thousand nine hundred and twenty-nine.

Power to retain &c. lands.

**25.**—(1) Notwithstanding anything contained in any other Act or Acts to the contrary the Council may retain hold appropriate and use any lands premises buildings and structures which they are for the time being empowered to lease or let and which are not required for the purposes for which the same were acquired by the Council for any other purposes for which the Council are for the time being authorised to acquire or use lands

or premises. Provided that in every case of appropriation of lands premises buildings or structures to a purpose other than that for which the same were originally acquired by the Council or to which the same have been previously appropriated a transfer of the value of the lands premises buildings or structures so appropriated shall be effected in the books of the Council.

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(2) Nothing in this section shall be taken to dispense with the necessity for obtaining the consent of any Government department to any sale lease exchange appropriation or other disposition of any lands premises buildings or structures vested in the Council where such consent would be required if this Act had not been passed.

(3) This section shall not apply to any lands premises buildings or structures which are the subject of any charitable use or trust or alter or confer any power of altering the charitable purposes to which any such property is by law applicable.

**26.** The following provisions shall unless otherwise agreed have effect for the protection of the London County Council (in this section referred to as "the county council") (that is to say):—

For  
protection  
of London  
County  
Council.

(1) Notwithstanding anything in this Act contained the Council shall not enter upon break up or open any part of the surface of the South Millfield recreation ground numbered 6 and 8 on the deposited plans except so far as may be necessary for the purpose of laying maintaining and repairing the line or lines of pipes (Work No. 2) by this Act authorised:

(2) The said line or lines of pipes shall so far as reasonably practicable be laid in or through the said recreation ground in the lines and situations respectively shown on the deposited plans but so that no part of the said line or lines of pipes shall be less than three feet six inches below the existing surface of the ground:

(3) All works in connection with the said line or lines of pipes affecting the said recreation ground shall be carried out in accordance with plans and sections submitted to and reasonably approved by the county council and subject to such conditions and requirements as the

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county council may reasonably impose as to the manner in which and the times at which the works shall be carried out maintained and repaired The consideration to be paid to the county council by the council in respect of the entering upon breaking up or opening of the said recreation ground shall be such annual or other consideration as may be agreed upon between the county council and the Council or failing agreement as may be determined in accordance with the provisions of the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement.

For  
protection  
of Lee Con-  
servancy  
Board.

**27.** Notwithstanding anything contained in this Act the following provisions for the protection and benefit of the Lee Conservancy Board (in this section referred to as "the board") shall except so far as may be otherwise agreed between the Council and the board in writing under their respective common seals apply and have effect (that is to say):—

- (1) The Council shall not appropriate or abstract water from the canal except during the continuance of the licence and supplemental licence granted by indentures dated respectively the ninth day of January one thousand nine hundred and thirteen the twenty-ninth day of April one thousand nine hundred and fifteen and the twenty-first day of December one thousand nine hundred and twenty-one and made between the board of the one part and the Council of the other part (in this section referred to as "the existing licences") and any such appropriation or abstraction of water shall be upon the terms and subject to the conditions so far as applicable expressed in the existing licences as if such appropriation or abstraction were effected thereunder :
- (2) The board shall when required by the Council convey to them all the estate of the board in the land coloured pink on the plan signed in duplicate by Norman Scorgie on behalf of the Council and by Charles Nelson Tween on behalf of the board which is in this section referred to as "the signed plan" :



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- (3) The works authorised by this Part of this Act so far as they may be situate upon lands belonging to or acquired by the Council from the board shall be constructed only in the lines and situation shown on the deposited plans and according to the levels shown on the deposited sections :
- (4) The internal diameter of the pipe forming Work No. 2 by this Act authorised shall not exceed five feet :
- (5) Before abstracting water from the canal under the powers of this Act the Council shall raise the level of so much of the river frontage wall as is shown on the signed plan to the level of the existing road adjoining or near to the same and shall provide and make up a road and towing-path in the situation shown by a blue colour on the signed plan and also on the east and west sides of the area shown by blue colour between Strong's Bridge and Lee Bridge Dock Bridge The width of the said road and towing path shall at no place be less than ten feet :
- (6) The Council shall construct and during the continuance of the existing licences maintain a bridge to carry the said road and towing path over Work No. 1 authorised by this Act and such bridge shall be of sufficient strength to support the traffic for the time being passing along the said road and towing path :
- (7) The Council shall provide and during the continuance of the existing licences maintain a fence on each side of the towing path in the situation shown on the signed plan :
- (8) No works (other than temporary works) shall be so constructed or placed as to project beyond the existing river wall of the canal :
- (9) The Council shall provide and during the continuance of the existing licences maintain a floating boom at the entrance of Work No. 1 authorised by this Act such boom being recessed in the face wall of that work :
- (10) The water appropriated or abstracted from the canal shall be returned to the canal subject to and in accordance with the provisions of the

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- existing licences by means of a weir which shall be sufficiently wide to minimise inconvenience to traffic on the canal but the width of such weir shall not in any case exceed fifteen feet :
- (11) The works apparatus and conveniences referred to in this section shall be constructed by the Council under the superintendence and to the reasonable satisfaction of the board and in accordance with detailed plans and sections reasonably approved by them and the works referred to in subsections (3) (6) and (7) of this section shall be maintained by the Council to the reasonable satisfaction of the board :
- (12) Before commencing the construction of any of the works referred to in this section the Council shall pay to the board the sum of one thousand pounds which sum shall include the consideration for the conveyance referred to in subsection (2) of this section and if and when Stoney Sluices or other similar works are installed near to Strong's Bridge and below Work No. 1 authorised by this Act the Council shall pay to the board a further sum of one thousand pounds for the construction by the board of a new overshot weir at the Old Ford Lock :
- (13) Any question which may arise between the Council and the board under the provisions of this section shall be determined by a single arbitrator to be appointed in default of agreement by the Minister of Transport and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

## PART III.

## ELECTRICITY.

Applica-  
tion of  
Electric  
Lighting  
(Clauses)  
Act 1899.

**28.**—(1) Subject to the provisions of this Act the undertaking authorised by the Order of 1893 and this Act and the Council in respect thereof shall be subject to the provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 as incorporated with and modified by this Act and so much of the Order of 1893 as

is inconsistent with those provisions or this Act is hereby repealed without prejudice to anything done or suffered thereunder.

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(2) In the application of the schedule to the Electric Lighting (Clauses) Act 1899 to the undertaking authorised by the Order of 1893 the said schedule shall be read and have effect as if the London County Council (in this section referred to as "the county council") were the local authority for the purposes of sections 17 18 35 36 37 41 and 60 thereof as if fourteen days were substituted for three days in subsection (1) of section 18 of the said schedule and as if the county council were referred to in subsection (1) of section 60 of the said schedule in addition to the Minister of Transport and the Postmaster-General as being entitled to require the Council to make sections showing the level of all their existing mains and underground works other than service lines.

(3) The Council shall not without the express consent of the Minister of Transport and the county council place any electric line above ground except within premises in the sole occupation or control of the Council and except so much of any service line as is necessarily so placed for the purpose of supply.

(4) Whenever the Council serve a notice upon the Postmaster-General under section 14 of the schedule to the Electric Lighting (Clauses) Act 1899 they shall in all cases serve a like notice upon the county council and where any street or public bridge is repairable by the county council the provisions of the said section shall with the necessary modifications apply to the county council in like manner as to the Postmaster-General.

(5) Where under the powers of the Order of 1893 as amended by this Act the Council desire to lay or may be required to lay any electric line in any street under the surface of which there is a subway vested in the county council and the county council serve a notice upon them requiring them to lay the same in the subway then notwithstanding anything in any special or general Act of Parliament contained the powers conferred by the Electric Lighting Act 1882 and the Order of 1893 as amended by this Act with respect to the breaking up and interfering with streets shall not be exercised by the Council as to such streets in so far as the subway extends under the surface thereof and any electric line to which

A.D. 1926. this subsection applies shall be laid in the subway in such manner and position as the county council shall direct or approve. Where any electric line of the Council shall be so laid under the provisions of this subsection the Council shall pay to the county council such reasonable rent for the use thereof as may be settled by agreement or in the case of difference by arbitration under section 28 of the Electric Lighting Act 1882. Provided that the Council shall have access to such subway at all reasonable times and subject to such conditions as may be settled in like manner and provided also that the provisions of sections 21 (Wires not to be inconsistent with regulations of Board of Trade) and 22 (Notice to Postmaster-General) of the London County Council (Subways) Act 1893 shall apply in relation to any electric line required to be laid in a subway under the provisions of this subsection.

(6) Except as is specially provided by the section of this Act of which the marginal note is "Power to make works" nothing in the Order of 1893 as amended by this Act shall authorise the Council to break up or otherwise interfere with any embankment park or open space for the time being vested in the county council except so far as any part of such embankment park or open space forms part of a street or to interfere with or make use of any tunnel sewer or subway so vested except with the consent in writing of the county council and subject to such terms and conditions as they may impose.

Power to  
construct  
electrical  
sub-  
stations  
under  
streets.

**29.**—(1) The Council may subject to the provisions of the Order of 1893 as amended by this Act and of the Electricity (Supply) Acts 1882 to 1922 construct and maintain in or under any street repairable by the inhabitants at large or dedicated to public use within the electricity limits sub-stations and transforming stations in connection with their electricity undertaking and may in any such street provide and maintain all such means of access and approach to such sub-stations and transforming stations as may be necessary or convenient.

(2) (a) Not less than twenty-eight days before commencing any of the works by this section authorised the Council shall deliver to the Metropolitan Water Board (in this section referred to as "the board")

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plans sections and descriptions of such works and the board may within twenty-eight days after the receipt of such plans sections and descriptions give notice to the Council of any objections they may have to the construction of the works or to the proposed position thereof or of any conditions which should apply in regard to the construction of such works whether by reference to the effect of such works upon any existing mains or pipes of the board or upon any mains or pipes which it may be necessary for the board to lay within a reasonable period after the delivery of such plans sections and descriptions.

(b) Unless an agreement shall be arrived at between the Council and the board with reference to the matters to which any such notice by the board relates a difference shall be deemed to have arisen between them which shall be referred to and settled by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply.

(c) The Council shall not execute any works under the powers of this section otherwise than as may be agreed with the board or in case of difference as shall be settled by arbitration in pursuance of the provisions hereinbefore contained.

(3) No sub-station or transforming station shall be constructed under the powers of this section so as to interfere with or render less convenient the access to or exit from any station or depot of any railway company or upon or under any bridge of such company except with the consent in writing of such company.

(4) The Council shall give seven days' notice in writing to the Commissioner of Police of the metropolis of their intention to construct any work under this section.

**30.**—(1) The Council may upon the application of the owner or occupier of any premises in the electricity limits abutting on or in course of erection in any street laid out or made and whether dedicated to public use or not supply such premises with electricity and may lay down take up alter relay or renew in across or along

Power to lay electric lines &c. in private streets.

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such street such electric lines and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electricity (Supply) Acts 1882 to 1922 and of the Order of 1893 as amended by this Act so far as they are applicable for the purposes of this section shall extend and apply to and for the purposes hereof and to any works constructed or executed by the Council under the powers of this section.

(2) The powers conferred by this section shall not extend to any street which is repairable by a railway company and used for the purposes of their railway unless the consent of such company is obtained by the Council but such consent shall not be unreasonably withheld and if any difference arises between such company and the Council as to whether such consent is in any case unreasonably withheld the difference shall be determined by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers.

Contracts  
for supply  
of  
electricity  
in bulk.

**31.** The Council and any local authority company or person authorised by Act of Parliament or Provisional Order confirmed by Parliament or by Special Order under the Electricity (Supply) Acts 1882 to 1922 to produce or supply electricity may enter into and carry into effect contracts for the supply by the Council to any such local authority company or person or by any such local authority company or person to the Council of electricity in bulk upon and subject to such terms and conditions as may be agreed upon but nothing in this section shall authorise any party to any such contract (not being otherwise so authorised) to lay any mains or electric lines or to interfere with any street :

Provided that any contract entered into under the provisions of this section shall be subject to the approval of the Electricity Commissioners.

As to  
showrooms  
and offices.

**32.** The Council may in connection with and for the purposes of their electricity undertaking fit up showrooms and offices and exhibit specimen installations and give demonstrations (including cinematographic representations) of the uses to which electrical energy can be put and may appoint and pay persons for the purposes aforesaid.

**33.**—(1) Notwithstanding anything contained in section 6 (Power to supply electric fittings of fittings from distress) of the Hackney Electricity Act 1906 or section 27 (Borough councils may supply electric fittings &c.) of the London County Council (General Powers) Act 1906 in any case in which the Council have fixed or set up or shall hereafter fix or set up in any dwelling-house or part of a dwelling-house any lamps meters electric lines fittings motors apparatus and things for lighting or motive power or for any other purposes for which energy can or may be used (all of which are in this section referred to as and included in the expression “fittings”) the Council may make and recover from the owner or occupier for the time being of such dwelling-house or part of a dwelling-house such charges as they may determine by way of consideration for the provision and laying fixing or setting up and maintenance of such fittings and of the whole or part of so much of the service cable as is laid upon the property of the owner or in the possession of the occupier of such dwelling-house or part of a dwelling-house and for the purposes of the Electricity (Supply) Acts 1882 to 1922 the said fittings and portion of service cable shall subject as hereinafter provided be the property of the Council :

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—  
As to  
method of  
charge in  
certain  
cases for  
fittings.

Provided that the basis on which such charges are to be determined shall be such as shall be approved by the Electricity Commissioners :

Provided also that the owner or occupier for the time being of any such dwelling-house or part of a dwelling-house as aforesaid shall be entitled at any time to require—

- (a) that the charge made by the Council as aforesaid shall be commuted by the payment of a sum in gross equal to the balance for the time being outstanding in the books of the Council in respect of the capital expenditure incurred by them in the provision laying fixing or setting up of the fittings in such dwelling-house or part of a dwelling-house and upon such payment the said fittings shall become the property of such owner or occupier; or

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(b) that in lieu of making such charges as aforesaid after the date of such requirement the Council shall as from that date enter into an agreement with him under which the fittings provided and laid fixed or set up by the Council in such dwelling-house or part of a dwelling-house will become vested in him at the expiration of such period not exceeding five years as such owner or occupier may require in consideration of the payment by him to the Council during that period of annual or other periodical instalments of such amount as may be agreed between him and the Council;

and that as from the date of any such payment as is referred to in the foregoing paragraph (a) or the expiration of any such period as is referred to in the foregoing paragraph (b) the Council shall cease to be liable for the maintenance of such fittings as aforesaid :

Provided further that the owner or occupier for the time being of such dwelling-house or part of a dwelling-house (not being the owner or occupier on whose application the fittings were laid fixed or set up) shall be entitled at any time to require the Council to remove and the Council shall on being so required remove the said fittings.

(2) The Council may require that the whole or any part of any such charges shall be payable and paid quarterly in advance.

(3) The Council shall have the like remedies in the event of non-payment of any sum payable pursuant to this section and the like rights of recovery of any such sum as they have under the provisions of the Order of 1893 as amended by this Act and the Electricity (Supply) Acts 1882 to 1922 with respect to charges for electricity.

(4) Nothing in this section shall alter or affect any agreement for the time being subsisting between the Council and the owner or occupier of any such dwelling-house or part of a dwelling-house as aforesaid.

(5) Notice of the provisions of this section shall be given to the owner of any dwelling-house or part of a dwelling-house when the Council fix or set up therein



any fittings and also to the occupier of such dwelling-house or part of a dwelling-house when such occupier makes application to the Council for a supply of electricity thereto.

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**34.** The Council may if they think fit make an allowance by way of discount not exceeding the rate of five pounds per centum on all sums of money due to the Council for the supply of electricity from any person who pays the same within such time of the demand thereof as the Council think fit to prescribe in that behalf Provided that the Council shall make the same allowance to all consumers under similar conditions Provided also that if and so long as the Council shall allow such discount notice of the effect of this enactment shall be endorsed on every demand note for charges for the supply of electricity.

Discounts  
for prompt  
payments.

**35.**—(1) Any person who shall hinder an officer appointed by the Council from entering any premises within the electricity limits in pursuance of section 24 of the Electric Lighting Act 1882 or from exercising the powers contained in that section shall be liable to a penalty not exceeding forty shillings.

Entry  
upon  
premises  
Penalty  
for  
obstruction.

(2) Where any premises which the Council are entitled to enter in pursuance of the said section 24 are unoccupied the Council may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to the Council and cannot be ascertained after diligent inquiry after affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

**36.**—(1) No consumer shall without the consent in writing of the Council use or suffer to be used (whether after transformation or conversion or not) for purposes of lighting or illumination or for any process operation or purpose involving or requiring the use of light (all of which purposes are in this section referred to as "lighting purposes") the whole or any part of any electricity supplied to him by the Council for any other purpose.

Use for  
lighting  
purposes  
of  
electricity  
supplied  
for power.

(2) Any consumer who without such consent shall use or suffer to be used for lighting purposes electricity supplied to him by the Council through a meter fixed for the purpose of ascertaining the value of the supply

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to him of electricity agreed to be supplied to him for any purpose other than lighting purposes shall be liable to a penalty not exceeding five pounds and to a daily penalty of forty shillings and shall in addition be liable to pay to the Council at such higher rate as they may be for the time being charging for the supply of electricity for the purpose for which the electricity is used by the consumer for all or any portion of the electricity which has been supplied to him for any other purpose within one year previous to the date when the Council shall sue for any penalty as aforesaid.

(3) Any court having jurisdiction to impose such penalty may and on the application of the Council shall decide as to the portion (if any) of such electricity in respect of which the higher charge as aforesaid shall be payable to the Council.

(4) The provisions of section 18 of the Electric Lighting Act 1909 shall apply to any person whom the Council have reasonable grounds for believing to be acting contrary to the provisions of this section.

**37.** If any consumer of electricity supplied by the Council under the terms of any agreement uses the electricity supplied to him by the Council in any manner contrary to the terms of such agreement—

- (a) the Council may if they think fit discontinue to supply electricity to such consumer;
- (b) the consumer shall in respect of all the electricity supplied to him by the Council within one year previous to the date of any demand in that behalf made upon him by the Council (whether they determine to discontinue the supply or not) be liable to pay to the Council at any higher rate which they may be for the time being charging for the supply of electricity for use in the manner or under the conditions in or under which such consumer used the electricity supplied to him; and
- (c) the Council in any case in which they discontinue the supply as aforesaid shall not be required to resume the supply until—
  - (i) they are satisfied that any electricity supplied to such consumer will be consumed in accordance with the terms of such agreement; and

Provisions  
as to  
supply of  
electricity  
by agree-  
ment.

(ii) the consumer has paid to the Council the sum payable by him pursuant to the foregoing paragraph (b):

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Provided that before discontinuing any such supply the Council shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the respect in which the electricity is used contrary to the agreement.

**38.** The powers of the Council under section 21 of the Electric Lighting Act 1882 of cutting off supplies of electricity and cutting or disconnecting electric lines or works and of recovering the expenses incurred in such cutting off shall be exerciseable in any case in which any part of any charge or sum due to the Council in their capacity of electrical undertakers remains unpaid after the expiration of such period from the date of demand thereof as the Council may from time to time determine.

Power to cut off supplies where charges &c. not wholly paid.

**39.** In any case in which the Council lawfully cut off a supply of electricity by reason of any act omission or default of a consumer or any other person they may recover from the person to whom the supply was theretofore furnished or from any other person on account of whose act omission or default such supply was cut off the expenses incurred by them in such cutting off in like manner as charges for electricity are recoverable by the Council.

Power to recover cost of cutting off supplies.

**40.** Any expenses reasonably incurred by the Council in re-connecting any electric line or other work through which electricity may be supplied which may have been lawfully cut off or disconnected by reason of any default of the consumer may be recovered by the Council in like manner as expenses lawfully incurred by them in such cutting off or disconnecting.

Power to recover charge for re-connecting.

**41.**—(1) In the event of a meter of a construction and pattern approved by the Board of Trade or the Minister of Transport used by any consumer of electricity being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have arisen during the then current quarter.

Period of error in defective meters.

(2) The amount of the allowance to be paid to or the surcharge to be made upon the consumer by the

A.D. 1926. Council shall be paid by or to the Council to or by the consumer as the case may be and shall be recoverable in the like manner as charges for electricity are recoverable by the Council.

Receipts  
and  
expenses.

**42.**—(1) Any expenses incurred by the Council in carrying into effect the provisions of this Part of this Act and not otherwise provided for shall be deemed to be expenses incurred by the Council under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses.

(2) Any moneys received by the Council under this Part of this Act shall be deemed to be moneys received in respect of the electricity undertaking of the Council and shall be applicable accordingly.

For further  
protection  
of London  
County  
Council.

**43.** In the exercise by the Council of the powers of Part II. (Works and lands) and Part III. (Electricity) of this Act the following provisions for the protection of the London County Council (in this section referred to as "the county council") shall unless otherwise agreed between the Council and the county council apply and have effect (that is to say):—

(1) The county council in respect of any tramway watercourse defence or other work under their control or jurisdiction shall be entitled to the same protection and have the same rights powers and privileges as a local authority under section 18 of the schedule to the Electric Lighting (Clauses) Act 1899 except in regard to any works to which the provisions of sub-section (3) of this section apply:

(2) The Council shall not in constructing maintaining or using in or under any street any sub-stations or transforming stations or in providing maintaining or using any means of access and approach thereto in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the tramways of the county council or any traffic on such tramways and if at any time hereafter the free uninterrupted and safe user of the said tramways or any traffic thereon

is obstructed hindered or interfered with the Council shall pay to the county council such damage as the county council sustain by reason thereof :

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- (3) (A) The Council shall not commence any works under the powers of the sections of this Act of which the marginal notes are "Power to make works" and "Power to construct electrical sub-stations under streets" which shall or may pass over under or by the side of or interfere with any sewers of the county council until they have given to the county council twenty-eight days' previous notice in writing of their intention to commence the same by leaving such notice at the principal office of the county council with plans and sections thereof as hereinafter defined and until the county council have signified their approval of the same unless the county council do not signify their approval disapproval or other directions within twenty-eight days after service of the said plans and sections as aforesaid and the Council shall comply with and conform to all reasonable orders directions and regulations of the county council in the execution of the said works and shall provide by new altered or substituted works in such manner as the county council reasonably require for the proper protection of and for preventing injury or impediment to the said sewers by reason of the intended works or any part thereof and shall save harmless the county council against all expenses to be occasioned thereby and all such works shall be done by or under the direction superintendence and control of the county council at the costs charges and expenses in all respects of the Council and all reasonable costs charges and expenses which the county council may be put to by reason of such works of the Council whether in the execution of works the preparation or examination of plans or designs superintendence or otherwise shall be paid to the county council by the Council on demand and when any new altered or substituted works

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as aforesaid or any works of defence connected therewith shall be completed by or at the costs charges or expenses of the Council under the provisions of this Act the same shall thereafter be as fully and completely under the direction jurisdiction and control of the county council as any sewers or works of the county council now or hereafter may be;

(b) As regards any works in respect of which the Council are under the provisions of this subsection required to submit plans and sections to the county council the county council may require the Council in constructing such works to make any reasonable deviation within the limits prescribed by this Act from the line or levels shown upon such plans or sections for the purpose of avoiding injury or risk of injury to the sewers of the county council and the Council shall in constructing such works deviate accordingly;

(c) The plans and sections to be submitted to the county council under the provisions of this subsection shall be detailed plans drawings sections and specifications describing the exact position and manner in which and the levels at which the works are proposed to be constructed and shall accurately describe the position of all sewers of the county council within the limits of deviation shown on the deposited plans or in the case of works proposed under the section of this Act of which the marginal note is "Power to construct electrical sub-stations under streets" all sewers of the county council under any street in or under which the Council propose to construct works (for which purpose the county council shall allow the Council access to plans in their possession and to any of their sewers in order to enable the Council to obtain trustworthy information) and shall comprise detailed drawings of any alteration which the Council may propose to make in the said sewers;

(d) The county council may require such modification to be made in the said plans

drawings sections and specifications as may be reasonably necessary to secure the London main drainage system under the jurisdiction and control of the county council against interference or risk of damage and to provide and secure a proper and convenient means of access to the said sewers;

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(e) The Council shall be liable to make good all injury or damage caused by or resulting from any of their works or operations to any sewers drains or works vested in the county council and the county council shall from time to time have power to recover the amount thereof from the Council in any court of competent jurisdiction;

(f) The approval by the county council of any plans or superintendence by the county council of any work under the provisions of this subsection shall not exonerate the Council from any liability or affect any claim for damages under this subsection or otherwise.

#### PART IV.

##### STREETS SEWERS AND DRAINS.

44. Upon the exercise by the Council of the powers of section 105 of the Metropolis Management Act 1855 section 77 of the Metropolis Management Amendment Act 1862 or the Metropolis Management Act 1862 Amendment Act 1890 (which confer powers in regard to the paving of new streets) as the case may be in relation to any street the Council shall have power to make a variation of the relative widths of the carriageway and footway or footways of the street:

Power to vary width of carriageway and footway on making up new streets.

Provided that no greater charge shall be imposed on an owner of a house or land by reason of any such variation than could have been imposed in respect of a carriageway or footway of the width prescribed for a new street of the same class by any enactment byelaw or condition with respect to the width of new streets which applied to the street when it was laid out and any sum in excess of that charge shall be borne by the Council.

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Lopping  
of trees  
overhang-  
ing high-  
way.

**45.**—(1) Where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to endanger or obstruct the passage of vehicles or foot passengers or to obstruct the view of drivers of vehicles the Council may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop or cut the tree hedge or shrub within fourteen days so as to prevent such obstruction or interference and in default of compliance the Council may themselves carry out the requisition of their notice doing no unnecessary damage and may recover the cost from the owner or occupier upon whom the notice was served.

(2) Any person aggrieved by any requirement of the Council under this section may appeal to a metropolitan police magistrate within fourteen days after the service of such notice provided he give written notice of intention to appeal and of the grounds of such appeal to the town clerk and the magistrate shall have power to make such order as he may think fit and to award costs such costs to be recoverable as a civil debt.

(3) Notice of the right to appeal shall be endorsed on every notice of the Council under this section.

As to  
forecourts  
to which  
public has  
access.

**46.**—(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 such street the owner of such forecourt if so required by the Council shall maintain and keep such forecourt in proper repair and so as not to be a danger to persons using or walking over the same.

(2) If the owner of any such forecourt as aforesaid shall neglect or refuse within twenty-eight days after being required by the Council in writing so to do to make good any want of repair or remove any such source of danger as aforesaid the Council may cause such works as they think proper to be done for effecting such repair or removing such source of danger and the expenses thereof shall be payable by the owner and may be recovered summarily as a civil debt.

(3) Any person aggrieved by any requirement of the Council under this section may appeal to a metropolitan police magistrate within fourteen days after the service



of such requirement provided he give written notice of intention to appeal and of the grounds of such appeal to the town clerk and the magistrate shall have power to make such order as he may think fit and to award costs such costs to be recoverable as a civil debt Notice of the right to appeal shall be endorsed on every requirement of the Council under this section.

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47. If any person destroys pulls down or defaces any inscription of the name of a street within the borough which has lawfully been set up or sets up in any street any name different from the name lawfully given to the street or places or affixes any notice or advertisement within twelve inches of any name of a street marked on or affixed to a house building or erection in pursuance of section 33 of the London Building Act 1894 he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Penalty for defacing or removing name of street.

48.—(1) The Council may provide and maintain orderly bins or other receptacles for the collection and temporary deposit of street refuse and waste paper and the storage of sand grit shingle or cinders in upon or under the streets of the borough of such dimensions and in such positions as the Council after consultation with the commissioner of police of the metropolis may from time to time determine.

Street orderly bins.

(2) Nothing in this section shall empower the Council to hinder the reasonable use of a street by the public or any person entitled to use the same and the Council shall not exercise their powers under this section in such a way as to create a nuisance to any adjacent owner or occupier.

49. The Council after consultation with the commissioner of police of the metropolis and any person with the consent of the Council and subject to such conditions as they may impose after like consultation may in proper and convenient situations in any street within the borough erect and maintain seats and drinking fountains for the use of the public and troughs for watering horses or cattle.

Public drinking fountains seats &c. in streets.

50. The powers conferred by the two last preceding sections of this Act shall not be exercised so as to obstruct or render less convenient the access to or exit from any station or goods yard belonging to a railway company

For protection of railway companies.

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nor shall the Council place any orderly bin drinking fountain or trough on any bridge carrying any street or road over a railway or under any bridge carrying a railway over any street or road or within ten feet of the abutments of any such bridge without the consent of such company.

For pre-  
venting  
water  
flowing on  
footpath.

**51.** Where premises abutting upon any street are so situate that the surface water from such premises flows on to or over the footpath of such street the owner of such premises shall within such period as shall be specified in a notice by the Council for that purpose not being less than fourteen days after service of the notice execute and thereafter maintain such down pipes channels or gutters as may be necessary to prevent so far as reasonably practicable the water from such premises from flowing over the footpath and in default of compliance with such notice within the period aforesaid such owner shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

For pre-  
venting soil  
&c. from  
being  
washed  
into  
streets.

**52.**—(1) The Council may give notice to the owner or occupier of any lands abutting upon any street within the borough requiring him within twenty-eight days after the service of the notice so to fence off channel or embank the lands as to prevent soil or refuse from such lands from falling upon or being washed or carried into the street or into any sewer or gully therein in such quantities as will obstruct the highway or choke up such sewer or gully.

(2) Any person to whom a notice under this section is addressed who shall fail within twenty-eight days after service of the notice to execute the works therein specified shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Amend-  
ment of  
Metropolis  
Manage-  
ment Acts  
as to  
combined  
drains.

**53.**—(1) For the purposes of the Metropolis Management Act 1855 the Metropolis Management Amendment Act 1862 and of any Act amending or extending those Acts a plan showing the drainage of a group or block of houses within the borough by a combined operation signed or initialled as approved by James Lovegrove and bearing date within the period beginning on the first day of March one thousand eight hundred and fifty-nine and ending on the thirtieth day

of September one thousand eight hundred and sixty-nine shall be deemed conclusive evidence of an order for such combined drainage made by the Hackney District Board of Works. A.D. 1926.

(2) For the purposes of the Acts mentioned in subsection (1) of this section a drain within the borough for draining any group or block of houses by a combined operation shall not become or be deemed to have become a sewer or cease or be deemed to have ceased to be a drain within the meaning of the definition contained in section 250 of the Metropolis Management Act 1855 by reason of the fact that the drainage of premises not included in the order relating to such combined operation has been connected with such drain either before or after the passing of this Act and any such additional drainage shall be deemed to have been included in such order. Provided that nothing in this subsection shall empower the Council to authorise the connection of or themselves to connect any sewer to any such drain.

(3) Nothing in this section shall enable the Council to recover the expense of any drainage or other works incurred prior to the passing of this Act by the Council or their predecessors from the owner of any premises in connection with which the said works shall have been carried out.

## PART V.

### INFECTIOUS DISEASE AND SANITARY PROVISIONS.

- 54.—(1) If the medical officer certifies in writing—
- (a) that any person is suffering from pulmonary tuberculosis and is in an infectious state; and
  - (b) that by reason of the lodging or accommodation with which such person is provided being such that proper precautions to prevent the spread of infection cannot be taken or by reason of such precautions not being taken serious risk of infection is caused to other persons and that thorough inquiry and consideration have shown the necessity in the public interest for the compulsory isolation of the person so suffering;

Removal  
of person  
suffering  
from  
pulmonary  
tubercu-  
losis to  
hospital.

A.D. 1926. the medical officer (with the consent of the Council) may make application to a metropolitan police magistrate and such magistrate upon oral proof of the allegations in such certificate and subject to examination by a registered medical practitioner to be nominated by the magistrate if he thinks fit may make an order for the removal of such person to a suitable hospital or place for the reception of the sick provided within the borough or within a convenient distance of the borough subject to the consent of the superintending body of such hospital or place and subject to the like consent for the retention and maintenance of such person therein for such period not exceeding three months as may be determined by such order or such further period not exceeding three months as may be determined by any further order made under and in accordance with the provisions of this section.

(2) The medical officer shall give to the person so suffering or some person having the charge of the person so suffering three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(3) (i) Where—

- (a) any person suffering as aforesaid is removed to any such hospital or place as aforesaid under an order made under this section; or
- (b) any person resident in the borough and suffering as aforesaid voluntarily goes for treatment to any hospital or place for the reception of the sick;

the Council may if they think fit and if satisfied that the necessities of the case so require make payments for or towards the maintenance of any relative of or person actually dependent on the person so suffering.

(ii) On the hearing of any application under this section the magistrate shall take into consideration the amount necessary for such maintenance and shall not make an order unless he is satisfied that the Council will make a sufficient payment in any case in which it appears that a contribution is necessary for the support and maintenance of such relatives or dependents.

(4) An order under this section may be addressed to any officer of the Council or constable as the court making

the same may think expedient and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.

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(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to the magistrate by or on behalf of the person in respect of whom the order was made for the rescission of the order and such magistrate may make a rescission order accordingly if having regard to the circumstances of the case he is of opinion that it is right and proper that such rescission order should be made. Such person or other the person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

(6) The provisions of this section shall cease to be in force if and when powers similar to those by this section conferred are obtained by the London County Council in relation to the county of London.

**55.—(1)** A metropolitan police magistrate may on complaint made on oath by the medical officer grant a warrant to the medical officer to enter any common lodging-house within the borough where according to the reasonable belief of the medical officer there is a person who is suffering or has recently suffered from infectious disease and to examine any person found in that house with a view to ascertaining whether he is suffering or has recently suffered from such disease.

Medical inspection of inmates of common lodging-house.

(2) Any person who obstructs the medical officer in the execution of his powers and duties under such warrant shall in addition to any other punishment to which he may be subject be liable to a penalty not exceeding twenty pounds.

## PART VI.

### FINANCIAL.

**56.—(1)** The Council may from time to time independently of any other borrowing power and without any authority other than this Act borrow at interest for the purposes mentioned in the first column of the following

Power to borrow.

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table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within the respective periods mentioned in the third column thereof (namely) :—

1	2	3
Purpose.	Amount.	Period for Repayment.
(a) For the acquisition of lands and easements under the powers of this Act.	The sum requisite	Sixty years from the date or dates of borrowing.
	£	
(b) For the provision and construction of a transforming station and works.	70,000	Twenty-five years from the date or dates of borrowing.
(c) For the construction of the intake screening chamber lines of pipes and outlet by this Act authorised.	10,000	Twenty years from the date or dates of borrowing.
(d) For the payment of the costs and expenses of obtaining this Act as hereinafter defined.	The sum requisite	Five years from the date of the passing of this Act.

(2) The Council with the consent of the Electricity Commissioners may also borrow from time to time such further money as may be necessary for the purpose of providing a fund for working capital in respect of their electricity undertaking.

(3) The Council with the consent of the Electricity Commissioners may also borrow from time to time such further money as may be necessary for any of the purposes of the electricity undertaking of the Council and with the consent of the London County Council (subject to appeal in accordance with subsection (1) of section 4 of the London Government Act 1899) may also borrow from time to time such further money as may be necessary for any of the other purposes of this Act.

(4) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may mortgage or charge the general fund and general rate and also (in the case of moneys borrowed under paragraphs (a) (b) and (c) of subsection (1) of this section or in respect of the electricity

undertaking of the Council under subsections (2) and (3) of this section) the revenue of the electricity undertaking. A.D. 1926.

(5) The Council shall pay off all moneys borrowed by them under subsections (2) and (3) of this section within such period as the Electricity Commissioners or the London County Council as the case may be may sanction.

**57.** All money borrowed by the Council under the powers of this Act shall be applied only to the purposes for which it is authorised to be borrowed and to which capital is properly applicable. Applica-  
tion of  
money  
borrowed.

**58.** The following provisions of the Metropolis Management Act 1855 shall so far as applicable and with the necessary modifications and subject to the provisions of this Act extend and apply to moneys which the Council are by this Act authorised to borrow (that is to say):— Provision of  
Metropolis  
Manage-  
ment Act  
1855 as to  
mortgages  
to apply.

Section 183 (Power to boards and vestries to borrow money on mortgage);

Section 185 (Form of mortgage);

Section 186 (Repayment of money borrowed at a time agreed upon);

Section 187 (Power to borrow to pay off existing securities);

Section 188 (Payment of principal and interest may be enforced by the appointment of a receiver);

Section 189 (Transfer of mortgages);

Section 190 (Sinking fund to be formed for paying off mortgages):

Provided that the last mentioned section shall for the purposes of this Act have effect as if—

- (1) In relation to the exercise of any borrowing power under paragraphs (a) (b) and (c) of subsection (1) or in respect of the electricity undertaking under subsections (2) and (3) of the section of this Act of which the marginal note is "Power to borrow" the revenue of the electricity undertaking of the Council formed part of the moneys and rates charged by the mortgages;

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- (2) Statutory securities were included in the securities in which the sum set aside and the dividends and interest on the investments may be invested; and
- (3) The words "such equal annual sums as with the accumulations at a rate not exceeding three per centum per annum would be sufficient to pay off within the prescribed period the money for the repayment of which such sinking fund is formed" were substituted for the words "such sum as they think proper being not less than two pounds per centum on the amount of the principal moneys secured thereby":

Provided also that where the consent of the Minister of Health or the Electricity Commissioners is required to any loan the consent of any other authority shall not be required.

Protection  
of lender  
from  
inquiry.

**59.** A person lending any principal moneys to the Council shall not be bound to inquire as to the observance by the Council of any provisions of this Act or of the conditions attaching to the statutory borrowing power under which the money is borrowed or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or any part thereof.

Expenses  
of execu-  
tion of  
Act.

**60.** Any expenses of the execution by the Council of this Act with respect to which no other provision is made shall be defrayed by the Council out of the general rate.

Council  
not to  
regard  
trusts.

**61.** The Council shall not be bound to see to the execution of any trust whether express or implied or constructive to which any loan or security for loan borrowed given or issued by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register thereof shall from time to time be sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof



or interest thereon not entered on their register and the Council shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any such money.

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—

62. The Council shall pay off all money borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months or when the money is repaid by half-yearly instalments within six months from the date of borrowing.

Mode of  
payment  
off of  
money  
borrowed.

63.—(1) The town clerk shall if and when he is requested by the Minister of Health so to do transmit to the Minister a return showing the provision made for the repayment of any loans raised by the Council in pursuance of any statutory borrowing power.

Return to  
Minister of  
Health  
with  
respect to  
repayment  
of debt.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Minister may require and shall if so required by him be verified by statutory declaration of the treasurer and shall be transmitted within one month after the making of the request and in the event of the town clerk failing to make such return or the treasurer failing to make such declaration the officer so in default shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Minister in a court of summary jurisdiction and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

(3) If it appears to the Minister by such a return as aforesaid or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to the statutory borrowing power or by the Minister in virtue thereof to be paid appropriated or set apart) or have

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applied any portion of any sinking fund to any purpose other than those authorised the Minister may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Council shall notify the Minister as soon as the order is complied with and any such order shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court.

Insurance  
fund.

64.—(1) The Council may if they think fit establish a fund to be called "the insurance fund" with a view to providing a sum of money which shall be available for making good all losses damages costs and expenses to which the Council may be subjected in consequence of the whole or any part of all or any of the following risks (that is to say):—

- (i) Risk of fire lightning or explosion in respect of buildings works premises and the contents thereof or machinery or any other property whatsoever belonging to or on loan to or under the care custody or control of the Council:
- (ii) Risk of accident and claims by third parties in respect of scavenging vehicles motor cars and moto transport vehicles belonging to the Council:
- (iii) Risk of bursting in respect of boilers:
- (iv) Risks under the common law the Employers' Liability Act 1880 the Workmen's Compensation Act 1906 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of accidents to the officers servants or workmen of the Council or to third parties:
- (v) Risks of mechanical or electrical breakdown at or in connection with any of the electricity works of the Council:
- (vi) Risks of loss due to infidelity of officials of the Council:
- (vii) Any other risks against which in the absence of such an insurance fund the Council would ordinarily insure.

(2) Nothing in this section shall affect the power of the Council to insure in one or more public insurance offices in England against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide.

(3) In each year after the establishment of the insurance fund the Council shall pay into that fund such sums as they may from time to time deem necessary not exceeding the amount of the annual premiums which would be payable if the Council fully insured in some public insurance office in England.

(4) When the insurance fund shall amount to one hundred and fifty thousand pounds the Council may if they think fit discontinue the yearly payments to the fund but if the fund is at any time reduced below one hundred and fifty thousand pounds the Council shall recommence and continue the yearly payments to the fund in accordance with subsection (3) of this section until the fund be restored to the sum of one hundred and fifty thousand pounds.

(5) The Council shall provide the yearly payments to the insurance fund as aforesaid by contributions from the general fund and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking or department of the Council which if the risks were insured against in an insurance office would be properly chargeable with the payment of the premiums of such insurance.

(6) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence of risks for which the fund is intended to provide all moneys for the time being standing to the credit of the insurance fund shall be invested in statutory securities and accumulated and the interest and annual proceeds arising from those securities shall be invested and accumulated until the fund amounts to one hundred and fifty thousand pounds and when and so long as the fund amounts to that sum the interest and annual proceeds of the securities shall be carried to the credit of the general fund.

(7) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Council in consequence of risks for which it is intended to provide

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in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Council may with the sanction of the Minister of Health and for such period and on such security as the Minister of Health may prescribe borrow at interest under and subject to the provisions of this Act such sums of money as will be necessary to make up the deficiency The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general fund and charged in the accounts of the Council under the separate headings or divisions in respect of such undertakings or departments of the Council and in such proportions as the Minister of Health may direct having regard to the risks through which such deficiencies arise.

(8) Any insurance under this section shall to the extent of the amount of such insurance be deemed to satisfy any general covenant or obligation binding the Council to insure against any of the risks aforesaid.

## PART VII.

## MISCELLANEOUS.

Alteration  
of amounts  
payable  
out of su-  
perannua-  
tion fund in  
case of  
death.

**65.**—(1) The following provisions shall be substituted for section 9 (Return of contributions in case of death) of the Camberwell and other Metropolitan Borough Councils (Superannuation) Act 1908 (in this section referred to as "the Act of 1908") so far as that section applies to the borough.

(2) In the event of an officer or servant dying before becoming entitled to or receiving a superannuation allowance under the Act of 1908 the Council shall pay to his legal personal representatives out of the superannuation fund the amount of the contributions made by such officer or servant under the Act of 1908.

(3) In any case where a deceased officer or servant shall have completed five years' service with the Council and the sum payable under the provisions of subsection (2) of this section to the legal personal representatives of

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such officer or servant is less than the average annual amount of salary or wages and emoluments of such officer or servant during the five years ending on the quarter day immediately preceding the date of his death the Council may pay as a gratuity either to the legal personal representatives or to or for the benefit of the widow or dependants of the deceased officer or servant such sum as they think fit not exceeding the amount by which the sum payable as aforesaid under subsection (2) of this section is less than the said average annual amount.

(4) Any sums paid by way of gratuity under the provisions of subsection (3) of this section shall not be paid out of the superannuation fund established under the Act of 1908 but shall be chargeable upon the general rate.

**66.** The Council may from time to time appoint a member of the Council to be deputy-mayor and to hold office during the term of office of the mayor and subject to any rules or byelaws made from time to time by the Council anything authorised or required to be done by to or before the mayor may be done by to or before such deputy mayor.

Power to  
appoint  
deputy  
mayor.

**67.**—(1) The Council may from time to time by the authority of not less than two-thirds of the number voting at a meeting of the Council specially called for the purpose with notice of the object admit to be honorary freemen of the borough persons of distinction and any persons who have rendered eminent services to the borough.

Power to  
admit  
persons as  
honorary  
freemen of  
borough.

(2) The town clerk shall keep a list called the freemen's roll and every person admitted to be an honorary freeman of the borough shall be enrolled by the town clerk on the freemen's roll.

**68.**—(1) Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the borough requires authentication by the Council the signature of the town clerk or other duly authorised officer of the Council shall be sufficient authentication.

Authenti-  
cation and  
service of  
notices  
&c.

(2) Notices demands orders and other documents required or authorised to be served under this Act

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or under any local Act Provisional Order or byelaw for the time being in force within the borough and any demand for payment of a general rate or any instalment thereof in respect of any premises situate within the borough may be served in the same manner as notices under the Public Health (London) Act 1891 are by section 128 of that Act authorised to be served. Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

Applica-  
tion of  
penalties.

**69.** Notwithstanding anything contained in the Metropolitan Police Courts Act 1839 or in any other Act all penalties recovered by the Council or any officer of the Council on their behalf under this Act shall be paid to the treasurer and be by him carried to the credit of the general fund or to such other fund as the Council direct.

Power to  
enter pre-  
mises &c.

**70.** The Council shall have a right to enter from time to time any premises for the purpose of—

- (a) executing any works which they are authorised to carry out; or
- (b) examining as to the existence thereon of any conditions which are or may be the subject of summary proceedings;

under Part IV. (Streets sewers and drains) and Part V. (Infectious disease and sanitary provisions) of this Act and the provisions of sections 115 116 and 121 of the Public Health (London) Act 1891 shall apply and have effect in respect of the said Parts of this Act as if they were expressly re-enacted in and in terms made applicable thereto.

As to  
appeal.

**71.** Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence or consent or approval of or by the Council or of or by any officer or valuer of the Council or by any conviction or order by a court of summary jurisdiction under any provision of this Act may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

**72.** No matter or thing done and no contract entered into by the Council and no matter or thing done by any member of the Council or by any officer of the Council or other person whomsoever acting under the direction of the Council shall if the matter or thing were done or the contract were entered into bonâ fide for the purpose of executing this Act subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by the Council or any such member officer or other person acting as last aforesaid shall be borne and repaid out of the general rate Provided that nothing in this section shall exempt any member of the Council from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of the Council and which that member authorised or joined in authorising.

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—  
Protection  
of Council  
and their  
officers  
from  
personal  
liability.

**73.** Where in any legal proceedings taken by or on behalf of or against the Council or any officer servant solicitor or agent of the Council or of any committee of the Council under any enactment for the time being in force within the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution or order of the Council or any resolution order or report of any committee of the Council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the town clerk shall be primâ facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Evidence  
of appoint-  
ments  
authority  
&c.

**74.** Where under any enactment for the time being in force within the borough the Council 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 penalty and other consequences equivalent to the execution of the work or the doing of any act or thing without the required consent.

As to  
breach of  
conditions  
of consent  
of Council.

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In execut-  
ing works  
for owner  
Council  
liable for  
negligence  
only.

75. Whenever the Council or the surveyor under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Council shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Council or the surveyor or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Council in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Apportion-  
ment of  
expenses in  
case of  
joint  
owners.

76. Where under the provisions of this Act or any other local Act in force in the borough the Council shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Council from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Several  
sums in  
one  
summons.

77. Where the payment of more than one sum by any person is due under any Act or Order from time to time in force within the borough any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him.

Recovery of  
demands.

78. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court otherwise having jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.



**79.** Save as otherwise expressly provided all offences against this Act or any other Act relating to the Council or the borough and all fines forfeitures penalties costs and expenses imposed or recoverable thereunder or under any byelaw or regulation made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs and expenses except such as are recoverable along with a fine shall not be recovered as penalties but may be recovered summarily as civil debts.

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—  
Recovery of  
penalties  
&c.

**80.** Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Saving for  
indict-  
ments &c.

**81.** Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act may be laid and made by any officer of the Council duly authorised in that behalf or by the town clerk or by any officer of the metropolitan police.

Informa-  
tions by  
whom to  
be laid.

**82.** A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Judges not  
disqualified.

**83.**—(1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents by him under this Act and the inspectors of the Minister of Health shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Minister under the Public Health Act 1875 as applied by section 129 of the Public Health (London) Act 1891.

Inquiries  
by Minister  
of Health.

(2) The Council shall pay to the Minister of Health any expenses incurred by that Minister in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector

A.D. 1926. holding the inquiry and a sum to be fixed by that Minister not exceeding five guineas a day for the services of such inspector.

For pro-  
tection of  
Metropoli-  
tan Water  
Board.

**84.** For the protection of the Metropolitan Water Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the board and the Council have effect (that is to say):—

(1) Where the Council require to construct any works or to dig or sink any trench for laying down or constructing any main pipe tube cable or apparatus in any street under the powers of the sections of this Act of which the marginal notes are "Power to make works" "Subsidiary works" "Subsidiary works affecting canal" or "Power to lay electric lines &c. in private streets" within six feet of any main pipe work or apparatus (in this section referred to as "apparatus") of the board they shall not less than twenty-eight days before commencing such works (except in any case of emergency when they shall do so as soon as practicable) deliver to the board plans thereof and if it shall appear to the board that such works or the laying down or constructing such main pipe tube cable or apparatus will interfere with or endanger or prevent proper access to such apparatus or impede the supply of water by means thereof the board may within twenty-eight days after the receipt of such plans give notice to the Council to raise lower or otherwise alter the position of or to support or lay or place cement concrete under such apparatus or surround such main pipe tube cable or apparatus of the Council with efficient insulating material (in this section referred to as "protective works") in such a manner as may be reasonably necessary for protecting such apparatus from injury and any difference as to the necessity for the protective works shall be settled by arbitration as hereinafter provided:

(2) If the Council shall not dispute such necessity or if the arbitrator determine that the protective

works are reasonably necessary the same shall subject as hereinafter provided be executed in accordance with the reasonable requirements of the board or the decision of the arbitrator as the case may be :

- (3) If the board at the time of giving such notice as aforesaid to the Council express their desire themselves to execute any protective works which may be agreed or decided to be necessary as the case may be they may by their own engineer and workmen execute the same and in that event shall do so with all reasonable despatch and the Council shall on the completion thereof pay to the board the expenses reasonably incurred by them in such execution Provided that if the board fail to execute such protective works with all reasonable despatch after request in writing from the Council so to do the same may notwithstanding such notice be executed by the Council :
- (4) Whenever the Council shall in reducing the width of the footway of any street under the power contained in the section of this Act of which the marginal note is " Power to vary width of carriageway and footway on making up new streets " add to the carriageway any portion of such footway in which there is any apparatus of the board the board may lower such apparatus so that its depth below the surface of the carriageway shall not exceed three feet measured from the upper side of the apparatus and the Council shall on demand repay to the board the expenses reasonably incurred by them in so doing :
- (5) If by or in consequence of the exercise of the powers of the sections of this Act referred to in subsection (1) of this section any interruption in the supply of water by the board shall without their written authority be in any way occasioned by the Council or by the act or default of their contractors agents workmen or servants or any person in the employ of them or any of them.

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the Council shall pay to the board the amount of all loss costs damages and expenses which the board may sustain or incur by reason of such interruption:

- (6) The reasonable expense of all repairs or renewals of any apparatus of the board or of any works in connection therewith which may be rendered necessary by reason of any subsidence resulting from the works carried out by the Council under the sections of this Act referred to in subsection (1) of this section whether during the construction of the works or within twelve months from the completion thereof shall be borne and paid by the Council:
- (7) The provision by the Council under the powers of the section of this Act of which the marginal note is "Street orderly bins" of any receptacle under any street shall for the purposes of this section be deemed to be the execution of a work and the provisions of this section with respect to the execution of works under the powers of the sections of this Act referred to in subsection (1) of this section shall extend and apply accordingly:
- (8) If any difference shall arise in respect of any matter under this section (other than a difference as to the construction or meaning of the section) between the Council on the one hand and the board on the other hand or concerning any plans to be delivered to the board under this section the matter in difference shall be referred to and settled by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply.

For protection of  
Gas Light  
and Coke  
Company.

**85.** For the protection of the Gas Light and Coke Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed in

writing between the company and the Council have effect (that is to say) :— A.D. 1926.

(1) Subsection (2) of the section of this Act of which the marginal note is "Power to construct electrical sub-stations under streets" shall apply and have effect as if the company were referred to therein in addition to the Metropolitan Water Board wherever the said board is referred to in that subsection :

(2) The provisions of the section of this Act of which the marginal note is "For protection of Metropolitan Water Board" (except so much thereof as relates to the sections of this Act of which the marginal notes are "Power to make works" "Subsidiary works" and "Subsidiary works affecting canal") shall apply and have effect for the benefit and protection of the company as if that section were enacted in this Act with the substitution of references to the company for references to the Metropolitan Water Board and of references to the supply of gas for references to the supply of water.

**86.** All powers rights and remedies given to the Council by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them by the Metropolis Management Acts 1855 to 1893 and any Act amending the same or any of them and the London County Council (General Powers) Acts 1890 to 1925 and any Act amending the same and the Council may exercise such other powers and shall be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty) for the commission of the same offence. Powers of Act cumulative.

**87.** Nothing in this Act shall affect any power conferred on the Minister of Transport by the London Traffic Act 1924. Saving for powers under London Traffic Act 1924.

**88.** Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown Crown rights.

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and in particular nothing herein contained authorises the Council to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands without the consent in writing of those Commissioners on behalf of His Majesty first had and obtained for that purpose.

Costs of  
Act.

**89.** All costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act including the costs charges and expenses preliminary to and of and incidental to the compliance with the provisions of the Borough Funds Acts 1872 and 1903 as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of moneys to be borrowed by the Council under this Act but may in the first instance be paid by the Council out of the general rate and moneys so paid shall be recouped by and charged to the moneys to be borrowed under this Act.

The SCHEDULE referred to in the foregoing Act. A.D. 1926.

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LANDS FOR TRANSFORMING STATION.

All that piece or parcel of land being the easterly portion of the premises known as and numbered 114 Stamford Hill in the metropolitan borough of Hackney containing by admeasurement one thousand three hundred and eighty-six square yards or thereabouts and bounded on the east by lands used as tennis courts on the north by the premises numbered 116 Stamford Hill on the west by the remainder of the said property numbered 114 Stamford Hill and on the south by the premises numbered 112 Stamford Hill and measuring on the east and west sides one hundred and forty-five feet or thereabouts and on the north and south sides eighty-six feet or thereabouts.

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Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of  
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