



CHAPTER cix.

An Act to consolidate with amendments the local Acts and Orders in force within the borough of Brighton and relating to the several undertakings of the Brighton Corporation to confer further powers on the Corporation in relation to those undertakings and other matters to make better provision for the health local government improvement and finance of the borough and for other purposes. [30th September 1931.]

A.D. 1931.

WHEREAS the borough of Brighton (hereinafter referred to as "the borough") is a municipal borough subject to the Acts relating to municipal corporations and is a county borough within the meaning of the Local Government Act 1888 :

And whereas there are in force numerous Acts and Orders (as mentioned in the First Schedule hereto) which relate to the improvement and local government of the borough the supply of water and electricity by the Brighton Corporation within and beyond the borough the construction or provision and working by the Corporation of tramways and omnibuses and many other matters :

And whereas many of the provisions of the said Acts and Orders have been superseded by subsequent legislation and ought to be repealed and it would be of local and public advantage if such of the provisions of these Acts

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A.D. 1931. and Orders as it is deemed expedient to retain were
— consolidated with certain amendments and additions
into one Act :

And whereas it is expedient at the same time to extend in various respects the powers of the Brighton Corporation in relation to matters comprised in those enactments and to confer further powers on them and to make further provision with respect to their undertakings and the health local government improvement and finance of the borough :

And whereas it is expedient that the other provisions of this Act be enacted :

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

And whereas estimates have been prepared for the purpose hereinafter mentioned as follows :—

The construction of the new waterworks	£
authorised by this Act - - - -	33,360

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

And whereas plans and sections showing the lines and levels of the new waterworks authorised by this Act and plans of the lands which may be taken compulsorily or in which easements may be acquired compulsorily under the powers of this Act and a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands respectively have been deposited with the clerk of the East Sussex County Council and are in this Act respectively referred to as the deposited plans of 1931 the deposited sections of 1931 and the deposited book of reference of 1931 :

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 :

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 A.D. 1931.
as follows :—

PART I.

PRELIMINARY.

1. This Act may be cited as the Brighton Corporation Act 1931. Short title.

2.—(1) This Act shall come into operation on the first day of April nineteen hundred and thirty-two except— Commence-
ment of Act.

- (i) such of the provisions of Part III (Water) as relate to the construction of the new waterworks;
 - (ii) such of the provisions of Part XVI (Lands) as relate to the acquisition of the lands or rights and easements in the lands shown on the deposited plans of 1931;
 - (iii) section 234 (Prohibition of slaughtering in private slaughter-houses);
 - (iv) section 447 (Notice of Part XXIV);
 - (v) such of the provisions of this Act as relate to the borrowing of money by the Corporation; and
 - (vi) section 532 (Stopping up of certain highways);
- all which excepted provisions shall come into operation on the passing of this Act.

(2) In order that new byelaws (including byelaws made under the powers of this Act) may be confirmed on and operate as from the said first day of April nineteen hundred and thirty-two all notices given and proceedings taken within six months prior thereto with a view to the making and confirmation of new byelaws applicable to the borough shall be valid and effectual notwithstanding that at the time such notices are given or proceedings taken the provisions of this Act are not in operation and statutory enactments may be in force dealing with the subject matter of the byelaws.

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

Part I.—Preliminary.

Part II.—Corporation boundary and wards of borough.

Part III.—Water.

Division of
Act into
Parts.

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Act, 1931.

A.D. 1931.	Part	IV.—Tramways and public service vehicles.
—	Part	V.—Electricity.
	Part	VI.—Generating and main transmission works.
	Part	VII.—Sea defence.
	Part	VIII.—Seaside improvements.
	Part	IX.—Aquarium.
	Part	X.—Royal Pavilion libraries museums and art galleries.
	Part	XI.—Burial board and burial grounds.
	Part	XII.—Disused burial grounds.
	Part	XIII.—Markets and slaughter-houses.
	Part	XIV.—Public buildings parks recreation grounds and baths.
	Part	XV.—Enclosed places.
	Part	XVI.—Lands.
	Part	XVII.—Streets.
	Part	XVIII.—Buildings structures and hoardings.
	Part	XIX.—Sewers drains and sanitary conveniences.
	Part	XX.—Infectious disease and sanitary matters.
	Part	XXI.—Human food.
	Part	XXII.—Hackney carriages pleasure boats beach and bathing.
	Part	XXIII.—Police.
	Part	XXIV.—Employment agencies.
	Part	XXV.—Borrowing powers mortgages bonds stock.
	Part	XXVI.—Other financial provisions.
	Part	XXVII.—Miscellaneous.
	Part	XXVIII.—Saving of Crown and other rights.
	Part	XXIX.—Repeal.

Limits of Act.

4. The limits within which the provisions of this Act shall be in force other than the provisions of Part III (Water) Part IV (Tramways and public service vehicles)

Part V (Electricity) and Part VI (Generating and main transmission works) and except as otherwise in this Act expressed or implied shall be the borough. A.D. 1931.
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5.—(1) The following Acts and parts of Acts so far as applicable for the purposes and not inconsistent with the provisions of this Act are hereby incorporated with this Act :— Incorporation of Acts.

The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) Provided that the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section ;

The Waterworks Clauses Act 1847 except sections 75 to 82 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts Provided that—

(a) Section 35 of that Act shall have effect as if the words “ one-eighth part ” were substituted therein for the words “ one-tenth part ” ; and

(b) Section 44 of that Act shall have effect as if the words “ with the consent in writing “ of the owner or reputed owner of any such “ house or of the agent of such owner ” were omitted therefrom ;

The Waterworks Clauses Act 1863 Provided that section 12 of that Act shall have effect as if the words “ or for railway purposes ” were added at the end thereof ;

Section 19 (Local authorities may lease or take tolls) and Parts II and III of the Tramways Act 1870 Provided that section 19 shall be read and have effect as if the words “ but nothing in this “ Act contained shall authorise any local authority to place or run carriages upon such “ tramway and to demand and take tolls and “ charges in respect of the use of such carriages ” were omitted from the section ;

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The schedule to the Electric Lighting (Clauses) Act 1899 (as amended by subsequent Acts) except subsection (1) of section 7 section 8 subsection (1) of section 21 section 83 and section 84 Provided that—

(a) Section 20 of that schedule in its application to the electricity undertaking shall have effect as though after the words “electric signalling communication” wherever they occur there were inserted the words “or electrical control of railways”;

(b) Sections 23 and 65 of that schedule shall apply to that part of the electricity undertaking which is outside the borough as if the Corporation were the local authority; and

(c) Section 81 of that schedule shall not apply to the generating station or to any other works erected on the lands described in subsection (2) of section 164 (Generating station) of this Act;

The provisions of the Markets and Fairs Clauses Act 1847 with respect to the following matters so far as those provisions relate to markets:—

The holding of the market or fair and the protection thereof except section 12;

Weighing goods and carts;

The stallages rents and tolls to be taken by the undertakers; and

Section 42 (Byelaws may be made for all or any of the following purposes).

(2) For the purposes of the incorporation of the aforesaid Acts and parts of Acts the following provisions shall have effect:—

(i) The several expressions “the promoters of the undertaking” “the undertakers” “the company” and “the commissioners” where used in any of those Acts shall mean the Corporation;

(ii) The expression “the special Act” where used in any of those Acts shall mean this Act;

- (iii) The expression "the limits of the special Act" and any like expression where used in the Waterworks Clauses Act 1847 shall mean the water limits as defined in this Act;
- (iv) The expressions "the limits of the special Act" and "the prescribed limits" and any like expressions where used in the Markets and Fairs Clauses Act 1847 shall mean the borough;
- (v) The respective expressions "the Special Order" and "the area of supply" where used in the schedule to the Electric Lighting (Clauses) Act 1899 shall respectively mean Part V (Electricity) of this Act and the electricity limits as defined in this Act.

6. In this Act unless the subject or context otherwise requires and except as otherwise expressly provided— Interpretation.

- (1) Words and expressions to which by the Lands Clauses Acts or by the Public Health Acts meanings are assigned have the same respective meanings;
- (2) "The commencement of this Act" means as regards any provision of this Act the day on which that provision comes into operation in pursuance of section 2 (Commencement of Act) of this Act;
- (3) "The Corporation" means the mayor aldermen and burgesses of the borough of Brighton;
- (4) "The borough" means the borough of Brighton;
- (5) "The mayor" and "the council" mean respectively the mayor and the council of the borough;
- (6) "The town clerk" "the treasurer" "the surveyor" "the medical officer" "the sanitary inspector" and "the waterworks engineer" mean respectively the town clerk the treasurer the surveyor and the medical officer of health of the borough any sanitary inspector of the borough and the waterworks engineer of the Corporation and respectively include any person duly appointed by the Corporation to discharge temporarily the duties of any such officer;

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- (7) "The general rate" and "the general rate fund" mean respectively the general rate and the general rate fund of the borough;
- (8) "The borough map" and "the ward map" mean respectively the maps respectively marked "Map of the borough of Brighton 1931" and "Map of the wards of the borough of Brighton 1931" each of which maps was signed in triplicate by the Right Honourable Lord Redesdale the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred and has been deposited as follows one copy in the Parliament Office of the House of Lords one copy in the Committee and Private Bill Office of the House of Commons and one copy with the town clerk at his office;
- (9) "The transferred area" means the area which was transferred from the borough of Brighton to the borough of Hove by the Act of 1927 but subject to the provisions of subsection (2) of section 10 (Boundary of borough and borough map) of this Act;
- (10) "The former Acts and Orders" means the local Acts mentioned in Part I and the Orders mentioned in Parts II and III of the First Schedule and each of those Acts and Orders is referred to in this Act as the Act or Order of the year in which it was passed into law or came into force;
- (11) "The county council" means the county council for the administrative county of East Sussex or of West Sussex as the context may require;
- (12) "The Hove Corporation" means the mayor aldermen and burgesses of the borough of Hove;
- (13) "The gas company" means the Brighton and Hove General Gas Company;
- (14) "The railway company" means the Southern Railway Company;
- (15) "The Minister" where used in Part IV (Tramways and public service vehicles) Part V (Electricity) and Part VI (Generating and

- main transmission works) means the Minister of Transport and where used elsewhere in this Act means the Minister of Health;
- (16) "The tribunal" means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;
- (17) "Highway authority" has the meaning given to that expression by section 121 of the Road Traffic Act 1930;
- (18) "The water undertaking" means the water undertaking of the Corporation and includes all lands properties waters reservoirs wells boreholes aqueducts tunnels conduits adits works buildings machinery plant mains apparatus appliances easements rights powers and privileges for the time being belonging to or held used or enjoyed by the Corporation for or in connection with waterworks or the diversion collection raising storage protection and distribution of water or otherwise for or in connection with the supply of water by them;
- (19) "The water limits" means the limits within which for the time being the Corporation are or shall be authorised to supply water;
- (20) "The new waterworks" means the waterworks authorised by section 18 (Power to make new waterworks) of this Act;
- (21) "The tramways" means the tramways shortly described in the Second Schedule and any tramways or tramroads for the time being belonging to the Corporation;
- (22) "The tramways undertaking" means the tramway and public service vehicle undertaking of the Corporation and includes the tramways and all tramcars and public service vehicles for the time being belonging to the Corporation and all lands properties works buildings machinery plant apparatus appliances easements rights powers and privileges for the time being belonging to or held used or

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enjoyed by the Corporation for or in connection with the said tramways tramcars or public service vehicles or for the purpose of connecting or signalling or telephonic communication with or between any generating stations sub-stations street boxes pillars or depots or between officers and servants of the Corporation in connection with the working of tramways or public service vehicles ;

- (23) "The electricity undertaking" means the electricity undertaking of the Corporation and includes (subject to the provisions of section 177 (Limited application of Electricity Acts to works authorised by Part VI) of this Act) the generating station wharf subway electric lines and other works which the Corporation are by Part VI of this Act authorised to make and maintain and also includes all lands properties works buildings machinery plant mains apparatus appliances easements rights powers and privileges for the time being belonging to or held used or enjoyed by the Corporation for or in connection with electricity works or the generation or distribution of electricity or otherwise for or in connection with the supply of electricity by them ;
- (24) "The electricity limits" means the limits within which for the time being the Corporation are or shall be authorised to supply electricity ;
- (25) "The electricity lands" means the lands described in subsection (2) of section 164 (Generating station) of this Act and the lands of the Corporation adjacent thereto containing an area of forty acres or thereabouts ;
- (26) The "generating station" means the generating station situate on the lands described in the last-mentioned subsection and includes the works and buildings of the Corporation connected therewith and situate on those lands ;
- (27) "The Aquarium undertaking" means the Aquarium undertaking of the Corporation and includes all lands properties works buildings machinery plant apparatus appliances easements rights powers and privileges for the

time being belonging to or held used or enjoyed by the Corporation for or in connection with the Aquarium;

(28) "The town hall" means the town hall of the borough;

(29) "The seaside improvements" means the seaside improvements authorised by Part VIII of this Act and the works constructed before the commencement of this Act under the powers of Part III of the Act of 1884;

(30) "The Pavilion Estate" means so much of the lands and premises conveyed to the Brighton Town Commissioners by a conveyance dated the 14th day of May 1852 and made between the Honourable Charles Alexander Gore of the one part and the several persons therein named and therein called "the Brighton Town Commissioners" of the other part as is at the commencement of this Act vested in the Corporation and includes all buildings works and conveniences for the time being situate thereon but does not include such portions of the said lands and premises as are at the commencement of this Act dedicated to the use of the public for highway purposes;

(31) "The markets undertaking" means the markets undertaking of the Corporation and includes all lands properties buildings apparatus appliances manorial and other rights franchises powers authorities and privileges for the time being belonging to or held used or enjoyed by the Corporation for or in connection with markets or fairs;

(32) "The Dyke Road burial grounds" means—

(a) The burial ground on the west side of Dyke Road between Upper North Street and Clifton Terrace; and

(b) The burial ground on the east side of Dyke Road and the north side of Church Street;

both in the borough;

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(33) "The Queen's Road burial ground" means the burial ground on the east side of Queen's Road and the north side of Church Street in the borough;

(34) "The disused burial grounds" means the Dyke Road burial grounds and the Queen's Road burial ground;

(35) "The racecourse" means and includes—

First The lands and premises described in the first indenture mentioned in Part I of the Sixth Schedule as the race ground the race-stand and other buildings thereon;

Secondly All that strip or piece of land containing in the whole by admeasurement fourteen acres and ten perches or thereabouts and more particularly delineated and described on the plan annexed to the indenture mentioned in Part II of the Sixth Schedule being thereon coloured green and light pink and being the land now set out as a racecourse;

Thirdly All that piece of land of the width of fifteen feet throughout and containing by admeasurement two acres two roods and twenty-four perches or thereabouts and adjoining the said piece of land secondly above mentioned on the south and west and delineated on the said plan and thereon coloured yellow and dark pink together with the right of access between the dotted lines shown on the said plan for horses carts and carriages to the said pieces of land at the point marked "A" on the said plan from the Hill Road between Brighton and Ovingdean;

(36) "The recreation grounds" means the Level the Victoria Gardens the racecourse the Queen's Park the Blaker Recreation Ground the Hollingbury Park the East Brighton Park and the Wild Park;

(37) "Park" includes the recreation grounds and any other public park recreation ground pleasure ground or play ground belonging to the Corporation;

- (38) "Infectious disease" means (except where otherwise stated) any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the borough and includes any other infectious disease which the Minister may by order under section 60 of the Public Health Act 1925 declare to be a dangerous infectious disease;
- (39) "Child" means a person under the age of sixteen years;
- (40) "Food" has the meaning assigned to it by section 34 (Definitions) of the Food and Drugs (Adulteration) Act 1928;
- (41) "Stage carriage" and "express carriage" have the respective meanings given to those expressions by Part IV of the Road Traffic Act 1930;
- (42) "Public service vehicle" has the same meaning as in the Road Traffic Act 1930;
- (43) "Telegraphic line" has the same meaning as in the Telegraph Act 1878;
- (44) "High-water mark" and "low-water mark" mean respectively high-water mark and low-water mark of ordinary spring tides;
- (45) "Daily penalty" means a penalty for each day on which any offence is continued by a person after conviction;
- (46) "Statutory security" means any security 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 Corporation;
- (47) "Statutory borrowing power" means any power whether or not coupled with a duty

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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 made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

- (48) "The prescribed period" means the period allowed by any statutory borrowing power for the repayment of loans raised thereunder;
- (49) "Revenues of the Corporation" includes the revenues of the Corporation from time to time arising from any land undertaking or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation;
- (50) "The Lands Clauses Acts" means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act;
- (51) "The Public Health Acts" means the Public Health Act 1875 and the Acts amending and extending that Act;
- (52) "The Municipal Corporations Acts" means the Municipal Corporations Act 1882 and the Acts amending and extending that Act;
- (53) "Local enactment" includes this Act and any local Act Order byelaw or regulation for the time being in force within the borough;
- (54) "The First Schedule" "the Second Schedule" "the Third Schedule" "the Fourth Schedule" "the Fifth Schedule" "the Sixth Schedule" "the Seventh Schedule" "the Eighth Schedule"

“ the Ninth Schedule ” “ the Tenth Schedule ”
“ the Eleventh Schedule ” “ the Twelfth Sche-
dule ” and “ the Thirteenth Schedule ” mean
respectively the First Second Third Fourth
Fifth Sixth Seventh Eighth Ninth Tenth
Eleventh Twelfth and Thirteenth Schedules to
this Act.

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7.—(1) The provisions of—

Adoptive
Acts.

(a) The Infectious Disease (Prevention) Act 1890
except sections 3 15 and 19;

(b) Part III (except sections 18 19 and 31) and
Part V of the Public Health Acts Amendment
Act 1890;

(c) Part II (except sections 29 and 34) and Parts
III IV and V of the Public Health Act 1925;

(d) The Baths and Washhouses Acts 1846 to
1925;

(e) The Health Resorts and Watering Places
Act 1921; and

(f) The Notification of Births Act 1907;

shall be in force in and apply to the borough Provided
that in their application to the borough—

(i) Section 22 of the Public Health Acts Amendment
Act 1890 shall have effect as if after the word
“ surveyor ” there were added the words
“ medical officer of health or inspector of
nuisances ”;

(ii) Section 36 of the Public Health Acts Amendment
Act 1890 shall extend and apply to colleges and
schools (not being merely private dwelling-
houses used as such) Provided that for the
purposes of the application of that section to
any college or school it shall be read and have
effect as if the words “ for the use of the public ”
were omitted from subsection (1);

(iii) The Health Resorts and Watering Places Act
1921 shall have effect as if the words “ by the
“ insertion of advertisements in newspapers
“ not published within the borough or district
“ so sought to be advertised or by handbooks or

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“ leaflets or by placards at railway stations ” were omitted from section 1 and as if the words “ the council shall not be entitled to expend any other money for such purposes and ” were omitted from section 2.

(2) The provisions of any adoptive Act (other than the Burial Acts and the enactments declared to be in force in and to apply to the borough by subsection (1) of this section) shall cease to be in force in or apply to the borough.

Application
of Public
Health Act
1907.

8.—(1) Subject to the provisions of this Act and any order which the Minister or the Secretary of State may hereafter make the following provisions of the Public Health Acts Amendment Act 1907 with the additions set forth in the proviso to this section shall be in force within the borough :—

Part II (Streets and buildings) sections 16 19
20 23 24 25 27 28 30 32 and 33 ;

Part III (Sanitary provisions) sections 34 35 36
44 47 49 and 51 ;

Part IV (Infectious diseases) sections 54 56 57
58 59 60 61 62 63 64 and 65 ;

Part V (Common lodging-houses) except the
words “ if that person is newly
“ registered after the commence-
“ ment of this section ” in sub-
section (2) of section 69 and except
subsection (1) of section 75 ;

Part VI (Recreation grounds) ;

Part VII (Police) sections 81 83 and 86 ;

Part VIII (Fire brigade) ;

Part IX (Sky signs) ;

Part X (Miscellaneous) :

Provided that unless and until the Minister by an order made on such application and after compliance with such requirements as are described and set forth in section 3 of the said Act otherwise declares specifies and directs the said provisions in their application to the borough shall have effect as if the words and figures set forth in the second column of the following table

were added to and formed part of the sections of that Act respectively indicated in the first column thereof:— A.D. 1931.

Part II Section 24	“Nothing in any local Act shall affect the making or confirmation of any byelaws under the Public Health Acts 1875 to 1925 with respect to any subject-matter specified in this section.”
Part II Section 25	“The power of making or enforcing byelaws under section 157 of the Public Health Act 1875 as extended by section 23 of the Public Health Acts Amendment Act 1890 with respect to the paving of yards and open spaces in connection with dwelling-houses shall cease to be exerciseable.”
Part II Section 27	“(7) Nothing in this section shall apply to any temporary building erected or set up for use by the Territorial Army.”
Part II Section 30	“Nothing in this section shall apply to any wall or other structure in so far as it is used either for the support of any street or public footpath or for the protection of any street or public footpath from damage or obstruction by reason of the surface of the street or footpath being above or below the level of the surface of the adjoining land unless the wall or other structure was built after the street or footpath became a highway repairable by the inhabitants at large by or at the expense of a person other than the highway authority responsible for the repair of the street or footpath.”
Part III Section 35	“This section so far as it relates to the deposit of material shall have effect subject to the first proviso to section 91 of the Public Health Act 1875.” “The power of making or enforcing byelaws under section 23 of the Municipal Corporations Act 1882 for the prevention and suppression of nuisances shall not be exerciseable in relation to any subject-matter of this section.”
Part IV Section 59	“(6) Nothing in this section shall apply to a public or circulating library which is not within the district.”
Part VI Section 76	“(5) No power given by this section shall be exercised in such a manner as to contravene any prohibition or restriction which applies or would otherwise apply to the use of any public park or pleasure-ground by virtue of any enactment contained in any local Act or Provisional Order confirmed by Parliament and in force in the district.”

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Part VII Section 81

This section in its application to the race-course—

(a) shall have effect as if there were included therein the paragraphs of section 28 of the Town Police Clauses Act 1847 which commence as follows:—

Every person who causes any public carriage

Every person who cleanses hoops fires washes or scalds

Every person who throws or lays down any stones

Every person who beats or shakes any carpet

(b) shall not render any person participating in a horse race held under the supervision of the Jockey Club liable to a penalty for riding furiously any horse.

This section in its application to the sea-beach and foreshore in front of the borough—

(a) shall have effect as if there were included therein the paragraphs of section 28 of the Town Police Clauses Act 1847 which commence as follows:—

Every person who causes any public carriage

Every person who places or leaves any furniture

Every person who places any line cord or pole

Every person who wilfully and wantonly disturbs any inhabitants by pulling or ringing any door bell

Every person who cleanses hoops fires washes or scalds

Every person who throws or lays down any stones

Every person who beats or shakes any carpet

(b) shall not extend or be construed to extend to a deprivation of any right or privilege appertaining to the fishermen and fishery of or belonging to the borough by virtue of any Act charter power or award existing on the fourteenth day of August eighteen hundred and eighty-four entitling the said fishermen and fishery to any rights privileges and benefits or to any other rights privileges and benefits usually enjoyed by the said fishermen and fishery under any ancient custom of the manor of Bright-helmston or any other manor or by any other lawful means whatsoever.

A.D. 1931.

Part X Section 92	“Nothing in this section shall be deemed or taken to prejudice diminish alter or affect the estates rights titles privileges powers or authorities of any persons in over or under the cliff foreshore or sands within or in front of the district or the immediate approaches thereto or any part thereof respectively.”
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(2) Section 94 of the said Act of 1907 in its application to the borough shall have effect as if the words “ten shillings” were substituted for the words “five shillings” in subsection (1) thereof.

(3) The under-mentioned Orders declaring certain provisions of the said Act of 1907 to be in force within the borough are hereby annulled and such annulment shall be deemed to be the repeal of an enactment for the purposes of the Interpretation Act 1889 :—

Date or title of Order.	By whom made.
13th February 1911 -	The Secretary of State.
29th May 1912 - -	The Local Government Board.
The Borough of Brighton (Public Health) Order 1924 - - -	The Minister of Health.
The Brighton (Public Health) Order 1927 -	The Minister of Health.

PART II.

CORPORATION BOUNDARY AND WARDS OF BOROUGH.

9. Neither the repeal by this Act of the local Act 18 Vict. cap. xxxi nor any other provision of this Act shall invalidate the charter of incorporation granted to the borough in pursuance of the Municipal Corporations Act 1835 or the grant of a separate court of quarter

Charter and court of quarter sessions to continue.

A.D. 1931. sessions to the borough which charter and grant were
— confirmed by the said local Act.

Boundary of
borough and
borough
map.

10.—(1) The boundary of the borough shall be that shown by the red line on the borough map and the whole of the area within that boundary shall for the purposes of the Municipal Corporations Acts and for all other purposes be the borough and for the purposes of the Local Government Act 1888 shall be the county borough of Brighton.

(2) Notwithstanding anything in subsection (1) of this section or any other provision of this Act the following provisions shall have effect. If the Corporation widen on its western side the whole or any part of the portion of Dyke Road which forms the north-eastern boundary of the transferred area so as to include the whole or any part of the land situate between the existing westerly boundary of that portion of the road and the line of frontage prescribed in October 1900 under section 69 of the Act of 1884 which widening the Corporation may (notwithstanding anything in this Act) carry out in accordance with the provisions of section 33 of the Public Health Act 1925 such land shall as and when and to the extent to which it is added to Dyke Road be deemed to be part of the borough in accordance with clause 5 (3) of the agreement set forth in the Twelfth Schedule and to cease to be part of the borough of Hove the intention being that the boundary of the borough along the north-eastern side of the transferred area shall be the westerly boundary of Dyke Road as for the time being existing.

Wards and
number of
councillors.

11.—(1) Subject to the provisions of the Municipal Corporations Acts the borough shall for the purposes of the election of councillors be divided into nineteen wards having the names hereafter set out and bounded as shown upon the ward map (namely):—

King's Cliff Queen's Park Pier Pavilion Regency
West Montpelier St. Nicholas St. John's Hanover
St. Peter's Elm Grove Lewes Road Moulse-
coomb Preston Park Hollingbury Preston
Patcham Rottingdean.

(2) Subject to the provisions of the Municipal Corporations Acts the number of councillors of the borough shall be fifty-seven (three for each of the said wards) and the number of aldermen shall be nineteen.

12.—(1) Copies of the borough map deposited with the town clerk certified by him to be true shall be sent within one month after the commencement of this Act to the clerk to the county council of East Sussex to the Minister to the Board of Inland Revenue to the Commissioners of Customs and Excise to the Registrar-General to the Postmaster-General to the Board of Trade to the Minister of Transport to the Minister of Agriculture and Fisheries and to the Electricity Commissioners.

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—
Deposit of
maps.

(2) Copies of the ward map so deposited and certified in like manner shall be sent within the period aforesaid to the Minister to the Registrar-General and to the Minister of Agriculture and Fisheries.

(3) Copies of or extracts from the borough map deposited with the town clerk certified by him to be true shall be received in all courts of justice and elsewhere as prima facie evidence of the contents of the borough map so far as it relates to the boundaries of the borough and that map shall at all reasonable times be open to inspection by any person liable to any rate leviable within the borough and any such person shall be entitled to a copy of or extract from that map certified by the town clerk to be true on payment of a reasonable fee to be determined by the Corporation.

13.—(1) Any committee appointed by the council for the execution of the purposes of any local enactment or of the Health Resorts and Watering Places Act 1921 shall if the council so resolve have all the powers with reference to such purposes of a committee appointed under section 200 of the Public Health Act 1875.

Committees
of council.

(2) The council in appointing any such committee may appoint to be members thereof such number not exceeding one-third of the total number of the committee as they shall think fit of persons who are not members of the council.

14. The town clerk and the surveyor respectively may from time to time with the approval of the council appoint a deputy and delegate to such deputy the performance of all or certain of the duties of his office under any public general Act for the time being in force within the borough or under any local enactment.

Town clerk
and sur-
veyor may
appoint
deputy.

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PART III.

WATER.

Definitions
for Part III.

15. In this Part of this Act unless the subject or context otherwise requires words and expressions to which by the Waterworks Clauses Act 1847 meanings are assigned have the same respective meanings.

Water
undertaking
to continue
vested in
Corporation.

16. The water undertaking as it exists at the commencement of this Act shall continue vested in the Corporation and be held used and enjoyed by them.

*Works Waters &c.*Power to
maintain
and provide
waterworks
and supply
water.**17.** The Corporation may—

- (1) maintain renew alter and improve the water undertaking or any part thereof;
- (2) pump intercept take and impound any water which can or may be pumped or intercepted by any of their existing works or by any of the works (other than the winding shaft) authorised by the next succeeding section of this Act or which may be found in or under any lands for the time being held by the Corporation for the purposes of the water undertaking or for or in respect of which they have acquired or may acquire an easement for those purposes;
- (3) make erect lay down provide and maintain on or under any such lands as aforesaid additional adits headings boreholes shafts cuts drifts filters machinery and apparatus and other works whether similar to those hereinbefore mentioned or not;
- (4) lay down provide and maintain additional and other aqueducts mains and pipes in under or across any streets within the water limits subject to the provisions of this Part of this Act and of the Acts incorporated with this Act; and
- (5) sell and supply water in accordance with the provisions of this Part of this Act.

18.—(1) Subject to the provisions of this Part of this Act the Corporation may in the lines situations and levels and on or under the lands delineated or shown on the deposited plans of 1931 or the deposited sections of 1931 or described in the deposited book of reference of 1931 make and maintain in the parish of Falmer in the rural district of Newhaven in the county of East Sussex in connection with the Falmer pumping station of the Corporation the new waterworks hereinafter described—

A.D. 1931.

—
Power to
make new
waterworks.

- (a) An adit commencing under a point in Stanmer Park situate about one hundred and sixty yards south-south-westwards from the southernmost corner of the buildings known as Tenantlain Barn by a junction with the existing adit of the Corporation leading in a north-easterly direction from the Falmer pumping station at its termination and extending thence in a north-easterly and easterly direction to and terminating under a point in the enclosure numbered 87 on the Ordnance map (scale 1/2500) edition 1910 Sussex (East) sheet LIII—16 about sixty-six yards eastwards from the easternmost end of the boundary between the enclosures numbered 85 and 86 on the same sheet of the same map;
- (b) A winding shaft at a point in the enclosure numbered 35 on the Ordnance map (scale 1/2500) edition 1911 Sussex (East) sheet LIII—15 about forty-two yards east-south-eastwards from the north-westernmost corner of the said enclosure.

(2) In addition to the foregoing works the Corporation may on or under the said lands make and maintain all such shafts adits drifts and bores and such other buildings machinery works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the new waterworks or the Falmer pumping station but nothing in this subsection shall exonerate the Corporation from any action indictment or other proceedings for nuisance if any nuisance be caused or permitted by them.

19. In the construction of the new waterworks the Corporation may deviate to any extent within the limits of deviation shown on the deposited plans of 1931 and vertically from the levels shown on the deposited sections of 1931 to any extent.

Limits of
deviation for
new water-
works.

A.D. 1931.
—
Limiting
powers of
Corporation
to abstract
water.

20.—(1) Notwithstanding anything in this Act the Corporation shall not except as mentioned in subsection (2) hereof construct any works for taking or intercepting water from any lands at the commencement of this Act belonging to or after such commencement acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

(2) Nothing in this section shall restrict the Corporation from constructing maintaining enlarging extending and using any new or existing wells bores shafts adits and other works for taking or intercepting water on or under the following lands :—

- (a) The lands coloured pink and blue on the map signed in triplicate by the Right Honourable Lord Redesdale the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred and deposited as to one copy in the Parliament Office as to another copy at the Committee and Private Bill Office of the House of Commons and as to the third copy at the town hall Brighton; and
- (b) any lands in respect of which the Corporation have before the commencement of this Act acquired easements for the construction of any adits or other underground works for taking or intercepting water.

Exercise of
powers of
section 12 of
Act of 1847.

21. The Corporation may subject to the last preceding section of this Act on all or any of the lands for the time being held by them as part of the water undertaking execute for the purposes of or in connection with the water undertaking any of the works and exercise any of the powers mentioned in or conferred by section 12 of the Waterworks Clauses Act 1847 :

Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incidental to or connected with the water undertaking but the restrictions of this section shall not apply in respect of lands leased or sold by the Corporation.

A.D. 1931.

22. The Corporation may from time to time collect impound take divert and appropriate for the purpose of supply in any part of the water limits the whole of the waters known as the Spring Dyke.

—
Use of
water from
Spring
Dyke.

23.—(1) So long as the Corporation shall supply water from the said Spring Dyke to the inhabitants within the water limits they shall discharge and at all times continue to discharge from some part of their works on a level not higher than the level of the land now irrigated by that spring into the dykes or cuttings now formed or to be formed in over or through the meadow or pasture land and saltings now belonging or reputed to belong to Frank Stanley Clarke Bridger and forming parts of Old Shoreham Farm and Erringham Farm respectively free of charge sufficient water for the flowing thereof and irrigation of the said meadow and pasture land and saltings but so that the Corporation shall not be required to discharge therein in any one day of twenty-four hours more than fifty thousand gallons of water and the said Frank Stanley Clarke Bridger and his assigns or other the owner or owners for the time being of the said meadow and pasture land and saltings (all which persons are hereinafter included in the expression "the owner") shall be entitled to use as heretofore all the surplus water not required by the Corporation.

For protec-
tion of
estate of
Mr. Bridger.

(2) The Corporation shall also when and immediately after being required so to do by notice in writing from the owner specifying the houses and premises required to be supplied permit to flow free of charge to New Erringham House in the parish of Old Shoreham and Buckingham House Little Buckingham House and Adur Lodge all in the urban district of Shoreham-by-Sea such water as shall be required for the domestic purposes only of those houses respectively not exceeding as to Buckingham House and premises and New Erringham House and premises four hundred gallons each for every day and not exceeding as to Little Buckingham House and premises and Adur Lodge and premises two hundred gallons each for every day Provided that—

(a) the pipes necessary for the purpose of conveying such water from the reservoir or mains of the Corporation to those houses respectively shall be laid down and at all times kept in good repair by and at the expense of the owner;

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—

- (b) the dimensions and points of junction of such pipes with the reservoir or mains of the Corporation shall be subject to the reasonable approval of the waterworks engineer;
- (c) the provisions of this Act with respect to the prevention of the fouling or misuse or waste of the water of the Corporation shall so far as applicable apply to the supply of water to those houses respectively;
- (d) the person requiring such supply shall place and at all times maintain on the premises supplied a water meter to be approved by the waterworks engineer and to be at all reasonable times open to the inspection of any officer of the Corporation; and
- (e) if such meter shall show that a larger quantity of water than hereinbefore provided for has been used by such person the excess shall be paid for by him at the rate of one shilling per thousand gallons.

(3) No part of the estate formerly belonging or reputed to belong to Harry Colvill Bridger which was purchased or taken by the Shoreham and District Waterworks Company and is now vested in the Corporation shall at any time be used for any other purpose than the purposes of the water undertaking and the erection of an engineer's house not to exceed two storeys in height and other requisite buildings without the consent of the owner in writing first obtained and nothing shall be done or committed on that part of the estate which shall be a nuisance to the owner.

Power to
lay pipes in
private
streets.

24.—(1) The Corporation may on the application of the owner or occupier of any premises within the water limits abutting on or being erected in any street laid out but not dedicated to public use supply those premises with water and for that purpose the Waterworks Clauses Act 1847 shall apply as if section 29 (Undertakers not to enter on private land without consent) of that Act were excepted from incorporation with this Act.

(2) The local authority of the district within which any street laid out but not dedicated to public use is situate or where such local authority are a rural district council the county council shall be deemed in addition

to any other person to be persons having the control or management of such street for the purposes of the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

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(3) The Corporation shall not exercise their powers under this section with respect to any street belonging to the railway company without the consent of that company but such consent shall not be unreasonably withheld and in carrying out any works authorised by this section the Corporation shall not unreasonably obstruct or interfere with the convenient access to any such street.

25.—(1) The Corporation shall have and may exercise the powers which a local authority would have under section 54 (Power of carrying mains) of the Public Health Act 1875 with respect to the carrying of water mains within and without their district and for the purposes of that section the water limits shall be deemed to be the district Provided that the Corporation shall not exercise such powers through across or under any lands or property belonging to the railway company and used for the purposes of their undertaking without the consent of that company but such consent shall not be unreasonably withheld.

Further powers in relation to water mains.

(2) It shall not be necessary for the Corporation to obtain the report of the surveyor referred to in section 16 of the Public Health Act 1875 before exercising their powers under this section.

26. Where the water limits are bounded by or abut on any street wholly or for part of its width outside those limits the Corporation may for the purpose of supplying water to the owner or occupier of any premises abutting on such street and being within the water limits exercise with respect to the whole width of the street the like powers of breaking up the street for the purpose of laying maintaining inspecting repairing and renewing pipes as are exercisable by them with respect to streets within the water limits and subject to the like conditions and the owner or occupier of any such premises may for the purpose of laying any communication pipe or of complying with any obligation to maintain any pipe or

As to streets forming boundary of water limits.

A.D. 1931. — apparatus which he is liable to maintain exercise the like power of opening the ground between any main or pipe of the Corporation and his premises and of opening or breaking up so much of the pavement of the street as shall be between such main or pipe and his premises and any sewer or drain therein as if such street were within the water limits Provided that nothing in this section shall entitle or require the Corporation to supply water to the owner or occupier of any premises abutting on any such street as aforesaid and being outside the water limits.

Application
of Act of
1847 to
discharge
pipes tele-
phones &c.

27. Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Corporation may for the purposes of the water undertaking lay down or erect and maintain in any street within the water limits discharge pipes telephone or telegraph posts wires conductors or apparatus Provided that any telephone or telegraph posts wires conductors or apparatus constructed laid down erected or maintained under the provisions of this section shall be so constructed maintained and used as to prevent any interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line Provided also that the Corporation shall not without the previous consent of the railway company exercise the powers of this section in respect of any street belonging to or maintainable by that company but such consent shall not be unreasonably withheld.

Meters in
streets to
measure
water or
detect
waste.

28. Subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes the Corporation may for the purpose of measuring the quantity of water supplied or of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Corporation and stopcocks in the pipes supplying houses with water and may insert in the carriageways or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose break up and interfere temporarily with public and private streets sewers gas air or water pipes electric lines wires and apparatus :

Provided that—

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- (a) The Corporation shall not interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878;
- (b) The Corporation shall not without the previous consent of the county council exercise the powers of this section in respect of any county road but such consent shall not be unreasonably withheld and if any difference shall arise between the county council and the Corporation as to whether any such consent has been unreasonably withheld the difference shall be determined by an arbitrator to be agreed or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers;
- (c) The Corporation shall not without the previous consent of the railway company exercise the powers of this section in respect of any street or apparatus belonging to or maintained by that company but such consent shall not be unreasonably withheld; and
- (d) Nothing in this section shall extend to or authorise any interference with any works or apparatus of the Central Electricity Board to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with the provisions of that section.

29.—(1) For the purpose of executing constructing laying down enlarging extending repairing cleansing emptying or examining any reservoir well aqueduct pipe or other work of the Corporation the Corporation may cause the water in any such work to be discharged into any available stream ditch or watercourse Provided that water so discharged shall be as free as may be reasonably practicable from mud or soil or offensive matter.

Discharge
of water into
streams.

A.D. 1931.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration.

(3) The rate at which the Corporation may cause water to be discharged directly or indirectly into any available stream ditch or watercourse outside the borough shall not (except in emergency) exceed such a rate as may be agreed between the Corporation and the highway authority for any road adjacent to which the stream ditch or watercourse is situate or as failing agreement may be determined by arbitration to be reasonable having regard to all the circumstances of the case.

(4) The power conferred by this section shall not be exercised so as to damage or injuriously affect the railways or works of the railway company nor shall the Corporation without the consent of the railway company cause water to be discharged into any ditch or watercourse constructed for the purpose of draining such railways and works.

As to disputes with railway company.

30. Any difference which may arise between the railway company and the Corporation as to whether any consent of the railway company has been unreasonably withheld under the provisions of the under-mentioned sections of this Act:—

Section 24 (Power to lay pipes in private streets);

Section 25 (Further powers in relation to water mains);

Section 27 (Application of Act of 1847 to discharge pipes telephones &c.); and

Section 28 (Meters in streets to measure water or detect waste);

shall be determined by an arbitrator to be agreed or failing agreement to be appointed on the application of either party after notice in writing to the other party by the President of the Institution of Civil Engineers.

31.—(1) For the purpose of preventing the contamination of any waters which can or may be intercepted taken or pumped by means of the pumping stations of the Corporation respectively known as the Patcham Mile Oak and Shoreham pumping stations and any well collecting chamber adit or other work connected with any of those pumping stations (which waters are hereinafter referred to as “the said waters”) and of ensuring the purity of the said waters the Corporation may make byelaws for all or any of the purposes mentioned in subsection (2) of this section and to be in force in the respective areas described in subsection (3) of this section or in such part or parts of those respective areas as may be prescribed by the byelaws. Each of the said areas or the part or parts thereof in which any byelaws made under this section are for the time being in force is hereinafter in this Part of this Act referred to as a “zone of protection.”

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—
Byelaws for preventing contamination of water.

(2) By any byelaws to be made under subsection (1) of this section the Corporation may—

- (i) prohibit (either absolutely or subject to such conditions as may be prescribed by the byelaws or approved by the Corporation) the construction or use in the zone of protection to which the byelaws relate of (a) any water-closet or urinal unless connected to the satisfaction of the Corporation with a drain or sewer approved by the Corporation and communicating with a sewage disposal work so approved or with an approved cesspit or cesspool as hereinafter defined or (b) any cesspit or cesspool or other work for the storage of sewage other than an approved cesspit or cesspool or (c) any pigsty cattle shed stable slaughter-house or manure pit unless constructed with an impervious floor or (d) any structure or work for the conveyance or disposal of trade effluent from which contamination might arise to the said waters;
- (ii) prohibit any person from causing allowing or suffering the percolation from any lands in the zone of protection into the subsoil thereof or the flow over or on to the exposed surface

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—

of any chalk within the zone of protection of the discharge from any watercloset urinal privy or midden receptacle for sewage pigsty cattle shed stable slaughter-house or manure pit Provided that any such byelaw prohibiting such percolation as aforesaid shall not have effect—

(a) so as to prevent any person from disposing of any such discharge as aforesaid by means of broad irrigation on the surface soil overlying the chalk in such a manner as not to endanger the purity of the said waters; or

(b) in respect of any lands unless and until the owner lessee or occupier of such lands has been served with notice in writing by the Corporation that the byelaw shall have application with respect to such lands;

- (iii) prescribe the construction and maintenance and require the exclusive user in the zone of protection of proper drains sewers closets and other sanitary works; and
- (iv) require the removal of any structure or work which has been constructed or is used in contravention of any such byelaw and otherwise make provision for the prevention of any act or thing in the zone of protection tending to the contamination of any such waters as aforesaid.

(3) The areas referred to in subsection (1) of this section are—

- (i) In relation to the Patcham pumping station—

So much of the borough and of the parishes of Hangleton Hove and West Blatchington in the borough of Hove and of the parishes of Newtimber and Pyecombe in the rural district of Cuckfield and of the parish of Ditchling in the rural district of Chailey (all in the county of East Sussex) as is situate within a distance of two miles from the Patcham pumping station but except (a) so much of the parish of Hangleton as is situate to the west of the Dyke branch

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railway and (b) so much of the borough and of the parishes of Hove and West Blatchington as is situate to the south of a line drawn due east and west through the junction of Surrenden Crescent and the London and Brighton main road;

(ii) In relation to the Mile Oak pumping station—

So much of the parish of Hangleton in the borough of Hove and of that portion of the urban district of Portslade-by-Sea which prior to the 31st day of March 1928 comprised the parish of Portslade and of the parishes of Fulking and Poynings in the rural district of Cuckfield (all in the county of East Sussex) and of the parishes of Upper Beeding Edburton and Old Shoreham in the rural district of Steyning West and of the parish of Kingston-by-Sea in the urban district of Shoreham-by-Sea and of the urban district of Southwick (all in the county of West Sussex) as is situate within a distance of two miles from the Mile Oak pumping station but except (a) so much of the urban districts of Shoreham-by-Sea and Southwick as is situate to the south of a line drawn due east and west through the northernmost corner of the Southdown Brewery at Portslade and (b) so much of the parishes of Upper Beeding Edburton Fulking and Poynings as is situate to the north of a line drawn due east and west through the centre of Paythorne Barn in the parish of Fulking;

(iii) In relation to the Shoreham pumping station—

So much of the parishes of Coombes Lancing and Old Shoreham in the rural district of Steyning West and of the parish of Shoreham-by-Sea in the urban district of Shoreham-by-Sea (all in the county of West Sussex) as is situate within a distance of one mile from the Shoreham pumping station but except (a) so much of the parishes of Lancing and Shoreham-by-Sea as is situate to the south of the Upper

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Act, 1931.

A.D. 1931.
—

Shoreham road and (b) so much of the estate belonging to the owners of Lancing College which is edged blue on the plan signed in triplicate by Algernon Hawkins Thomond Keith-Falconer Earl of Kintore the Chairman of the Committee of the House of Lords to whom the Bill for the Act of 1924 was referred and deposited as to one copy at the Parliament Office as to another copy at the Private Bill Office of the House of Commons and as to the third copy at the town hall Brighton as is situate to the west of the line coloured red on that plan :

Provided that so much of the said estate as is situate to the east of the said line coloured red on the said plan shall not be included within the zone of protection in relation to the Shoreham pumping station until such date as a well or bore-hole shall have been sunk by the Corporation in connection with that pumping station below the level of 50 feet below Ordnance datum.

(4) The expression " an approved cesspit or cesspool " in subsection (2) of this section means a cesspit or cesspool which (i) is constructed of cast iron at least one inch in thickness and (ii) is watertight and (iii) is provided with proper socket connections for drain pipes and a watertight detachable cover of iron or stone and (iv) has no overflow or outlet pipe except an orifice in such cover for the escape of gases or for the removal of the liquid contents of the cesspit or cesspool.

(5) The owner of or other person interested in any lands within a zone of protection who may be affected by any byelaws made under this section shall be entitled to be furnished with a copy thereof and to object to the confirmation thereof.

(6) All byelaws made under this section shall be subject to the approval of the council of each district comprising any part of the zone of protection within which it is proposed that such byelaws shall be in force Provided that such approval shall not be necessary where in the opinion of the Minister it has been unreasonably withheld or delayed.

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(7) The provisions of sections 182 to 186 of the Public Health Act 1875 shall apply to byelaws made by the Corporation under this section as if they were byelaws made by an urban sanitary authority (not being the council of a borough) under and for the purposes of the said Act of 1875. Provided that the maximum penalties which may be imposed by any byelaws made under this section shall be a penalty of twenty pounds for each offence and a daily penalty of five pounds for a continuing offence instead of the penalty of five pounds and daily penalty of forty shillings mentioned in section 183 of the said Act. Provided also that notwithstanding anything in section 253 of the Public Health Act 1875 proceedings for the recovery of any penalty imposed by any such byelaw may be taken by the Corporation without the consent in writing of the Attorney-General.

(8) The Corporation shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under this section whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws or who are required by such byelaws to construct any works or to do any act or thing which could not lawfully be required by the local sanitary authority of the district in which such lands are situate or which for reasons which appear to such local sanitary authority to be sufficient have or has not in fact been required by such local sanitary authority and such compensation shall be settled in default of agreement by arbitration and for the purposes of this subsection the expression "legal rights" shall include a user of land in respect of which the local authority might have taken proceedings under the Public Health Acts or under their byelaws but have decided not to do so having regard to the character or situation of the land.

32. (1) If—

- (i) at any time after the commencement of this Act the local authority for any district in which a part of any of the areas described in subsection (3) of the last preceding section of this Act (each of which areas is in this section referred to as a "specified zone") is situate decide (a) to construct a sewer for the sewerage of any area which includes the whole or any portion of that part of such specified zone or

For protection of certain local authorities.

A.D. 1931.
—

- (b) to enlarge a sewer into which the sewage or part of the sewage from any specified zone is discharged either immediately or ultimately or (c) to make further provision for the disposal of sewage coming wholly or in part from any specified zone; and
- (ii) at the date of the decision of the local authority there are in force or the Corporation are taking steps to put in force in the case of decision (a) within the whole or such portion as aforesaid of the said part of such specified zone or in the case of decision (b) or decision (c) within such specified zone any byelaws authorised under the last preceding section of this Act; and
- (iii) the Corporation and the local authority agree or the Minister (on the application of either party) determine that having regard to all the circumstances the construction or enlargement of the sewer or the further provision for the disposal of sewage (as the case may be) is reasonable but that in the case of decision (a) the construction of the sewer or some part thereof would not be necessary at the date of the decision in the absence of any waterworks of the Corporation in any specified zone any part of which is comprised in the said area and in the case of decision (b) or decision (c) the enlargement of the sewer or some portion of such enlargement or the further provision for the disposal of sewage or some part of such provision (as the case may be) would not be necessary at the date of the decision in the absence of any waterworks of the Corporation in any of the specified zones where byelaws are in force or steps to put byelaws in force are being taken by the Corporation;

then and in those events the Corporation shall pay to the local authority—

- (a) the interest and sinking fund payments or contributions incurred annually by the local authority in respect of any moneys borrowed for; and/or

- (b) such annual sum as the Corporation and the local authority agree or the Minister (on the application of either party) determine in respect of the amount expended otherwise than out of borrowed moneys on; A.D. 1931.

the construction of the whole or such part of the sewer or the whole or such portion of the enlargement of the sewer or the whole or such part of the further provision for the disposal of sewage (as the case may be) as from time to time the Corporation and the local authority agree or the Minister (on the application of either party) determine would not be necessary (apart from the protection of the waterworks of the Corporation) in the case of decision (a) for the adequate sewerage of the said area or in the case of decision (b) for adequately dealing with the sewage or part of the sewage from or in the case of decision (c) for adequately disposing of sewage coming wholly or in part from any specified zone where byelaws are in force or steps to put byelaws in force are being taken by the Corporation Provided that no application shall be made to the Minister for a determination of any question as to any annual payment to be made by the Corporation under this subsection within two years after the last previous occasion on which the same question shall have been agreed or determined by the Minister as the case may be.

(2) In addition to the provision contained in subsection (1) hereof if the Corporation shall require any local authority to use iron instead of earthenware pipes for any sewer the extra cost thereof shall be borne by the Corporation unless the Minister shall (on the application of the Corporation) determine that iron pipes would have been necessary in the absence of any waterworks of the Corporation.

(3) If the authority responsible for the maintenance of any highway in any of the specified zones shall be required by the Corporation to construct filtration or other works for dealing with surface water from the highway the cost of the construction of such works shall be borne by the Corporation.

(4) If during the period when any byelaws made under the said section of this Act are in force in any specified zone the local authority for any district which includes a part of such specified zone empty and dispose

A.D. 1931. — of the contents of any cesspit cesspool or pail-closet and for that purpose incur expense which would not have been necessary if the byelaws had not been in force the Corporation shall pay to the local authority all expense reasonably incurred by them for the said purpose and any dispute as to whether any such expense has been reasonably incurred shall be determined by the Minister.

Saving for
certain
agreements.

33. Nothing in this Part of this Act or in any byelaw made under section 31 (Byelaws for preventing contamination of water) of this Act shall prejudice or affect any of the agreements dated respectively the eleventh day of October nineteen hundred and one the fifth day of April nineteen hundred and five the twenty-seventh day of November nineteen hundred and seven the eleventh day of May nineteen hundred and nine the thirteenth day of December nineteen hundred and ten and the ninth day of January nineteen hundred and twenty-three each of which agreements is made between the Portslade and Southwick Outfall Sewerage Board of the first part the urban district council of Portslade-by-Sea of the second part and the rural district council of Steyning East of the third part.

Provisions
for enforce-
ment of
byelaws.

34.—(1) The waterworks engineer or other person duly authorised by the Corporation (if he has reasonable ground for believing that any byelaw made under section 31 (Byelaws for preventing contamination of water) of this Act is being contravened or is not being complied with) shall be entitled to enter examine and lay open any lands within any zone of protection where the byelaw is in force and any building or other premises situate on any such lands and for the purposes of this section sections 102 103 and 305 of the Public Health Act 1875 shall apply in the same manner as if the Corporation were the local authority for the district in which such lands building or premises are situate and as if any contravention of or non-compliance with any such byelaw were a nuisance within the meaning of the said section 102 and as if the purpose of ascertaining whether any such byelaw is being contravened or is not being complied with were one of the purposes mentioned in the said section 305 Provided that in every case where no contravention or non-compliance with any such byelaw is discovered the Corporation shall at their own expense reinstate and

make good the lands and premises so laid open and shall make compensation for any damage caused in the exercise of the powers of this section. A.D. 1931.

(2) Where any person has been convicted of any contravention of or non-compliance with any byelaw made under the aforesaid section of this Act the court may (whether they impose a penalty or not) order that such works acts and things as are in their opinion necessary in order to comply with such byelaw shall be executed or done by such person forthwith and if such person shall not comply with the order of the court within such period as may be prescribed by the order the Corporation may themselves cause such works acts or things as aforesaid to be executed or done and may recover from such person the expenses incurred by them in the execution or doing thereof.

35. If the occupier of any premises within a zone of protection when requested by or on behalf of the Corporation to state the name of the owner of the premises occupied by him refuses or wilfully omits to disclose or wilfully mis-states the same he shall (unless he shows cause to the satisfaction of the court for his refusal) be liable to a penalty not exceeding five pounds. Penalties on occupiers refusing to give names of owner.

36.—(1) If after notice of this provision shall have been given by the owner to the occupier of any lands building or premises within a zone of protection the occupier shall prevent the owner from carrying into effect any requirement of any byelaw made under section 31 (Byelaws for preventing contamination of water) of this Act or from doing any act or thing necessary to comply with any such byelaw any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute such work or do such act or thing as may be necessary for the purpose of carrying into effect any such requirement or complying with any such byelaw. Penalty on occupiers obstructing compliance with byelaws.

(2) If after the expiration of forty-eight hours from the service of such order the occupier shall continue to refuse to permit the owner to execute such work or do such act or thing the owner shall nevertheless be entitled to enter on or into such lands building or premises and to execute such work and do such act or thing as may be necessary as aforesaid and the occupier shall for every

A.D. 1931. — day during which he shall so continue to refuse be liable to a penalty not exceeding forty shillings.

Powers for protection of waters and water-works.

37. The Corporation may in and upon any lands for the time being belonging to them construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking all foul waters arising or flowing upon such lands or necessary or proper for preventing the water supply of the Corporation from being contaminated and the Corporation may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

Power to agree as to drainage of lands.

38. The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands with reference to the execution by the Corporation or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters flowing percolating or drawn on from through or under such lands and which the Corporation are for the time being authorised to take.

For protection of Burgess Hill Water Company.

39. Nothing in the foregoing provisions of this Part of this Act shall in any way affect or limit the rights powers and privileges conferred on the Burgess Hill Water Company under the provisions of the Burgess Hill Water Acts and Order 1871 to 1925.

Supply of Water.

Water limits.

40. The water limits until altered by a subsequent Act or Order shall be the borough the borough of Hove the urban districts of Fortslade-by-Sea Shoreham-by-Sea and Southwick the parishes of Falmer and Telscombe in the rural district of Newhaven and the parishes of Lancing and Old Shoreham in the rural district of Steyning West.

Limit of pressure.

41. The water supplied by the Corporation within any part of the water limits need not at any time be delivered at a pressure greater than that to be afforded by gravitation from the service reservoir or other source from which the supply for that part of the water limits is given.

42. Where a constant supply of water can be afforded to any dwelling-house erected after the commencement of this Act and situate on land at a higher level than fifty feet below the service reservoir from which a supply of water would be furnished by the Corporation to such dwelling-house but such constant supply would not reach the storey above the ground floor of such dwelling-house the Corporation—

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—
Cisterns to be provided for high-level supplies.

- (a) may require that such dwelling-house shall be provided with a cistern or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply for such dwelling-house for a period of twenty-four hours; and
- (b) shall not be required to supply such dwelling-house until it is provided with a cistern in conformity with the requirements of this section.

43.—(1) The Corporation shall have and shall be deemed always to have had power to provide a stand-pipe or stand-pipes for the purpose of the supply of water to premises situate above the level of 470 feet above Ordnance datum.

As to supply of water by stand-pipes.

(2) Where the Corporation have provided a stand-pipe or stand-pipes in pursuance of the powers conferred by subsection (1) of this section they may recover water rates from the owner or occupier of any premises within two hundred feet of any such stand-pipe in the same manner in all respects as if the supply had been given on the premises Provided that—

- (a) the rates so recoverable shall be ten per centum per annum less than the rates which would otherwise be recoverable under the powers of this Act; and
- (b) If any such premises have within a reasonable distance and from other sources a supply of wholesome water sufficient for the consumption and use of the occupiers thereof no water rates shall be recoverable from the owner or occupier of the premises unless and until the water supplied by means of any such stand-pipe is used by any such occupier.

44.—(1) The Corporation shall at the request of the owner or occupier of any dwelling-house or part of

Rates for domestic supply.

A.D. 1931. a dwelling-house entitled under the provisions of this Act to demand a supply of water for domestic purposes furnish to such owner or occupier a sufficient supply of water for those purposes at a rate per annum not exceeding—

For water supplied within the parish of Telscombe two shillings in the pound on the net annual value of the premises supplied;

For water supplied within the remainder of the water limits one shilling in the pound on the net annual value of the premises supplied.

In addition to the foregoing rate the Corporation may charge in respect of every fixed bath capable of containing when ordinarily filled for use more than sixty gallons and situate in any premises supplied with water for domestic purposes such sum as the Corporation may think fit.

(2) The net annual value of any such premises as aforesaid shall be ascertained by the valuation list in force at the commencement of the period for which the rate accrues. Provided that where the water rate is chargeable on the net annual value of part only of any hereditament entered in the valuation list such net annual value shall be a fairly apportioned part of the net annual value of the whole hereditament ascertained as aforesaid the apportionment in case of dispute to be ascertained by a court of summary jurisdiction.

Supply by
meter.

45. The Corporation may supply water for other than domestic purposes on such terms and conditions as the Corporation think fit and may supply water by meter either for domestic or other purposes and the moneys payable for the supply of water under this section shall be recoverable in the same manner as water rates. Provided that no person shall be entitled to a supply of water for other than domestic purposes if such supply would interfere with the sufficiency of the supply of water for domestic purposes.

As to net
annual
value of two
or more
houses or

46. Where two or more houses or buildings connected by any internal means of communication or by any bridge subway yard or passage not being a public highway or two or more parts so connected of a house or building are in the occupation of one and the same company body

firm or person the houses or buildings or parts of a house or building shall be deemed for the purposes of determining the amount of the water rate chargeable by the Corporation in respect of any supply of water for domestic purposes furnished by the Corporation to such houses or buildings or parts of a house or building (being in such single occupation as aforesaid) to be one tenement having a net annual value equal to the aggregate net annual values of the separate houses or buildings or parts of a house or building so occupied.

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—
parts of a
house in one
occupation.

47. The price to be charged by the Corporation for water supplied by meter shall not exceed—

Price for
meter
supplies.

For water supplied within the parish of Telscombe two shillings and sixpence per thousand gallons;

For water supplied within the remainder of the water limits one shilling and ninepence per thousand gallons.

48. The price to be charged by the Corporation in respect of water supplied for use for public purposes to local authorities (including the county council) within the water limits (except in the parish of Telscombe) shall not exceed tenpence per thousand gallons.

Price for
water
supplied for
public
purposes.

49.—(1) Where water supplied for domestic purposes is used for horses or for washing carriages or motor cars or for other purposes in stables garages or premises where horses carriages or motor cars are kept the Corporation may if a hose-pipe or other similar apparatus is used charge (except where the water so used is taken by meter) such sum not exceeding twenty shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first. Any sums chargeable under this subsection shall be in addition to the rates for the time being authorised by or under this Act for the supply of water for domestic purposes and shall be paid and recoverable in all respects with and in the same manner as the said rates.

Charges
when
hose-pipes
refrigerating
and other
apparatus
used.

(2) Where water supplied by the Corporation to a person who takes a supply both for domestic purposes and by meter for trade or other purposes is used by him by means of a hose-pipe or other similar apparatus for horses or for washing carriages or motor cars or for

A.D. 1931. — other purposes in stables garages or premises where horses carriages or motor cars are kept the Corporation may if they think fit require that all water so used by means of any such hose-pipe or other apparatus shall be taken by meter and paid for at the rates for the time being in force for the supply of water by meter.

(3) Where—

- (a) a person who takes a supply of water from the Corporation for any purpose desires to use for or in connection with a refrigerating apparatus any of the water so supplied; or
- (b) water supplied for domestic purposes is used for the purpose of affording power or in connection with any machinery or apparatus whatsoever (not being water softening apparatus or apparatus to which the preceding provisions of this section apply);

the Corporation may if they think fit require that all water so used shall—

- (i) be taken by meter on the conditions and at the rates for the time being in force for the supply of water by meter; or
- (ii) be paid for on such other terms as may be agreed between such person and the Corporation :

Provided that if the person is only taking a supply of water from the Corporation for domestic purposes and desires to use for or in connection with a refrigerating apparatus any of the water so supplied and the Corporation require that all water so used shall be taken by meter the minimum sum per quarter which may be demanded by the Corporation for the water so used shall not exceed ten shillings.

Special
terms for
supplies to
caravans &c.

50.—(1) Notwithstanding anything in any Act relating to the Corporation a person shall not be entitled to demand or continue to receive from the Corporation a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Corporation to take a supply of water by meter and to pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by

them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Corporation by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by a court of summary jurisdiction who may also order by which of the parties the costs of the proceedings before them shall be paid and the decision of the court shall be final and binding on all parties.

(3) Notwithstanding anything in this section or any other provisions of or incorporated with this Act the Corporation shall be under no obligation to supply water to any such structure as aforesaid within the borough unless required by the Minister so to do and shall not (unless required so to do by the Minister) supply water to any such structure as aforesaid outside the borough if the local authority for the borough or district in which the structure is situated objects to the supply being given.

51.—(1) The Corporation shall not be bound to supply with water otherwise than by meter—

- (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing or business purpose for which water is required;
- (b) any workhouse public institution hospital (whether public or private) or sanatorium;
- (c) any club hotel assembly hall restaurant public-house inn or common lodging-house;
- (d) any boarding-house capable of accommodating at least twenty persons including the persons usually resident therein; or
- (e) any school.

Supply to houses partly used for trade &c.

(2) The charge for water supplied by meter to voluntary hospitals approved by the Corporation and to the voluntary institutions to which this subsection applies shall not (so long as those institutions are used

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A.D. 1931. — for the purpose for which they were used at the commencement of this Act or other similar purposes) exceed sixpence per thousand gallons.

The voluntary institutions to which this subsection applies are the Brighton School for Blind Boys the Female Orphan Asylum the Deaf and Dumb Institution the French Convalescent Home the John Howard Convalescent Homes the Police Convalescent Home the Brighton Hove and Preston Dispensary the Brighton Home for Little Boys in Lockshill Portslade and such other similar institutions as may from time to time be approved by the Corporation.

(3) Where a supply of water to a farmhouse is used for farming purposes the Corporation may require that the supply for farming purposes shall be taken by meter but nothing in this subsection shall authorise the Corporation to refuse a supply of water for domestic purposes to a farmhouse at the rates and charges for the time being authorised by or under this Act for the supply of water for domestic purposes.

(4) If the owner or occupier of any farm premises within the water limits desires a supply of water for farming purposes and lays the necessary communication pipe from such premises to a main of the Corporation the Corporation shall supply to such owner or occupier by meter such quantity of water as the owner or occupier may from time to time reasonably require for such farming purposes Provided that the Corporation shall not be required to supply water under this section at a pressure greater than that to be afforded by gravitation from the reservoir from which such water is supplied nor if and so long as such supply would interfere with the supply of water for domestic purposes within the water limits.

As to
charges for
water and
meter rents
outside
borough.

52.—(1) The rates or charges levied or made by the Corporation for the supply of water shall be the same throughout the water limits (except in the parish of Telscombe and subject to the provisions of subsection (2) of the last preceding section) as the rate or charge levied or made for a corresponding supply within the borough.

(2) The scale of meter rents charged by the Corporation shall be the same throughout the whole of the water limits except in the parish of Telscombe.

53.—(1) The Corporation or any local authority having jurisdiction within the water limits elsewhere than in the parish of Telscombe or the county council may apply to the Minister for the revision of the rates and charges for the supply of water authorised by this Act or for the time being in force under any order of the Minister made in pursuance of this section elsewhere than in the parish of Telscombe and if and whenever any such application is so made and the Minister is satisfied that the cost of labour and materials or other circumstances affecting the water undertaking has substantially altered he may by order (subject to the provisions of subsection (3) hereof) vary either by way of increase or decrease such rates and charges or any of them.

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—
Revision of
water rates.

(2) The making of any new valuation list under the Rating and Valuation Act 1925 or any amending Act shall be deemed to be a circumstance affecting the water undertaking within the meaning and for the purposes of this section.

(3) By an order made under this section the Minister may alter the basis of any of such rates and charges as aforesaid and the ratio of any particular rates and charges to any other or others of them.

(4) An application for the purposes of this section may be made at any time after the commencement of this Act and when an order has been made under this section at any time after the expiration of three years from the date of the order for the time being in force.

54.—(1) If it appears to the Minister on an application made to him in accordance with the provisions of this section that the cost and expenses of and incidental to the supply of water by the Corporation in the parish of Telscombe or other circumstances affecting the water undertaking have substantially altered he may if he thinks fit from time to time vary by way either of increase or of decrease the rates and charges for the supply of water in that parish hereinbefore authorised.

Revision of
water
charges in
parish of
Telscombe.

(2) An application for the purposes of this section may be made by any one of the following (that is to say) the county council of East Sussex the Corporation the rural district council of Newhaven the Peacehaven Water Company Limited and any owner of land within the parish of Telscombe and may be made at any time

A.D. 1931. — after the commencement of this Act and when an order for variation of rates and charges has been made under this section at any time after the expiration of three years from the date of the order for the time being in force.

As to
accounts of
water under-
taking.

55. If in any year the accounts of the water undertaking kept under section 513 (Accounts) of this Act shall show that the revenue of that undertaking in respect of that year (including if and so long as any reserve fund established in connection with that undertaking is equal to the maximum for the time being prescribed by the Corporation within the limit allowed by section 514 (Application of revenue of undertakings) of this Act the interest and other annual proceeds received by the Corporation in respect of that year on the investments forming part of that reserve fund) has exceeded the total amount expended or set aside in connection with that undertaking in respect of the year for the several purposes mentioned in subsection (1) of the first-mentioned section then—

- (a) Such excess shall not at the end of each of any two successive financial years exceed the sum of three thousand five hundred pounds; and
- (b) If the rate charged in that year for water supplied for domestic purposes in any part of the water limits (except in the parish of Telscombe) was more than ninepence in the pound on the net annual value of the premises so supplied a sum equal to the amount of such excess shall be deemed for the purposes of section 513 (Accounts) of this Act to be revenue of the water undertaking in respect of the next following year.

Water rates
payable
half-yearly
in advance.

56. The rates and charges payable to the Corporation for the supply of water for domestic purposes shall be paid in advance by half-yearly payments due on the first day of April and the first day of October in every year but until the expiration of two months from those respective days no such rate or charge shall be recoverable for more than three months in advance. The first payment in the case of any new supply of water shall be made at the time when the pipe by which the water is supplied is made to communicate with the pipes of the Corporation and shall be such sum as bears to the half-yearly amount

the same proportion as the number of days from the date when water is first supplied to the next succeeding half-yearly date of payment bears to the total number of days in the half-year.

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57.—(1) Any rate or charge payable to the Corporation for the supply of water may be collected together with the general rate and the same books may be used for the said rate or charge and the general rate.

Water rates may be collected with general rate.

(2) (a) The Corporation may from time to time if they think fit make an allowance by way of discount not exceeding five per centum on the amount due in respect of any rate or charge for the supply of water or any instalment thereof from every person who pays the same within such time after demand of the rate or charge or any instalment thereof as the Corporation may prescribe :

Provided that the same rate of discount shall be allowed in similar circumstances to every person from whom such rate or charge or any instalment thereof shall be demanded.

(b) If and so long as the Corporation allow such discount notice of the effect of this subsection shall be endorsed on every demand note for the rate or charge for the supply of water.

58. If any person who shall have been supplied with water by the Corporation or shall be liable to payment in respect of a supply of water shall neglect or refuse to pay the amount due in respect of such supply for fourteen days after the same is recoverable by the Corporation it shall be lawful for any justice having jurisdiction where such person shall then reside or where such water shall have been supplied to issue his summons to such person requiring him to appear before two justices having jurisdiction as aforesaid at a time and place named then and there to show cause why the amount due should not be paid and if on the appearance of such person or in default of appearance after proof of the service of the summons either personally or at the last known place of abode or business of such person no sufficient cause shall be shown to the contrary it shall be lawful for such two justices to issue their warrant of distress for the

Recovery of charges for supply of water.

A.D. 1931. seizure and sale of the goods and chattels of such person for the recovery of the amount which may be proved before such justices to be due from such person together with such costs as to such justices shall seem just and reasonable.

Miscellaneous.

Guarantee
by New-
haven
Rural
District
Council.

59. Subject to any agreement between the Corporation and the rural district council of Newhaven until the total annual revenue derived by the Corporation in any year ending on the thirty-first day of March from water supplied by them within the parish of Telscombe amounts to a sum equal to twelve-and-a-half per centum of the cost and expenses of and incidental to the provision and laying of the iron water main of four inches internal diameter referred to in clause 2 of the agreement dated the twenty-fourth day of September nineteen hundred and twenty-five and made between the Corporation of the one part and the said council of the other part as certified by the waterworks engineer the council shall in each half-year ending on the thirty-first day of March and the thirtieth day of September pay to the Corporation a sum equal to the difference between the revenue for such half-year and one-half of such first-mentioned sum and any sum so paid by the said council shall be deemed to be expenses of that council incurred in the execution of the Public Health Acts.

Byelaws for
preventing
waste of
water.

60.—(1) The Corporation may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as “water fittings”) to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

(2) Such byelaws shall apply only to premises to which the Corporation are bound to afford and do in fact afford or are prepared on demand to afford a constant supply of water.

(3) If any person fails to observe such byelaws as are for the time being in force the Corporation may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Corporation as the water rates in respect of the premises are recoverable.

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(4) Any person who shall offend against such byelaws or any of them shall be liable (in addition to any penalty to which he may be liable) to pay to the Corporation compensation for any damage or loss sustained by them as a consequence of such offence.

61. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 the waterworks engineer or any person duly authorised by him in writing may at all reasonable times between the hours of eight o'clock and nine o'clock in the morning and also between the hours of four o'clock and seven o'clock in the afternoon enter into any house or premises supplied with water by the Corporation in order to examine if there be any waste or misuse of such water and if any person hinder any such engineer or authorised person from entering either under the said section 57 or under this section or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and also be liable to a penalty under this section.

Extension
of power to
inspect
premises.

62. When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Corporation in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the waterworks engineer.

Mainten-
ance of
common
pipe.

A.D. 1931.

—
Separate
communi-
cation pipes
may be
required.

63.—(1) The Corporation shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water :

Provided that this section shall not apply in the case of a communication pipe which at the commencement of this Act is used for the supply of water to more than one house unless and until such communication pipe becomes defective or requires renewal in which event the Corporation may require that a separate pipe be laid from the main pipe into each house formerly supplied with water by means of that communication pipe.

(2) If the owner of any house supplied with water by the Corporation when so required in pursuance of the preceding subsection fails within a period of three months after the receipt of such requirement to provide a separate pipe from the main into such house the Corporation may themselves do the work necessary in that behalf and may recover the cost incurred by them in so doing from the owner.

As to com-
munication
pipes.

64.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 or this Act to lay maintain repair or remove any pipe or apparatus the person liable to lay maintain repair or remove the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(2) The Corporation may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe or apparatus and for that purpose to open or break up any street in the water limits execute such works on behalf of such owner or occupier and any expenses incurred by the Corporation shall be repaid by the owner or occupier with whom the agreement is made.

Power to
Corporation
to repair

65. If in the opinion of the Corporation any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason

of any injury to or defect in any communication pipe which the Corporation are not under obligation to maintain it shall be lawful for the Corporation to execute such repairs to the communication pipe as they may think necessary or expedient in the circumstances without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expense incurred by the Corporation for the purpose of ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Corporation in like manner as the water rates in respect of the premises are recoverable. Provided that (except in emergency) the Corporation shall not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises and if the water rates in respect of the house or premises are payable by the owner thereof to such owner not less than twenty-four hours' previous notice of their intention so to enter.

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—
commu-
nication
pipes.

66. In the case of all buildings erected after the commencement of this Act within the water limits and connected with the mains of the Corporation the Corporation may if the communication pipes are laid by the owner or by the Corporation at his request require the owner at the time when the pipes are laid to insert or to have inserted a stop-cock in the communication or service pipe to the said premises in some position in the footway of the street in which such pipe is laid or if there be no footway in some position on the said premises as near as is reasonably possible to the main of the Corporation from which the supply is given to the said premises and if such owner make default the Corporation may insert a stop-cock in such communication or service pipe and recover the expense from the owner.

Stop-cocks
to be fitted
in commu-
nication
pipes.

67. Notwithstanding anything in any Act relating to the Corporation the Corporation shall have the exclusive right of executing any works on any of the water mains of the Corporation for connecting any communication or service pipe therewith and the Corporation shall on the request of any owner or

Corporation
to connect
commu-
nication
pipes with
mains.

A.D. 1931. occupier of any premises who is entitled to be supplied with water by the Corporation execute on any such main any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Corporation in so doing shall be repaid by the owner or occupier so requesting.

Notice to Corporation of connecting or disconnecting meters.

68.—(1) Before any person connects or disconnects any meter by means of which any of the water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Corporation of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Corporation. Any person offending against this subsection shall for every such offence be liable to a penalty not exceeding forty shillings.

(2) Nothing in this section shall authorise any person to connect or disconnect any meter belonging to the Corporation or affect any agreement whether made before or after the commencement of this Act between the Corporation and any consumer for a supply of water by meter.

Power to sell meters.

69. The Corporation may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Injuring meters &c.

70.—(1) Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Corporation or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation) be liable to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained.

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(2) If any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Corporation the Corporation may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter or instrument of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Corporation by the person so offending and may be recovered by them as water rates are recoverable.

(3) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be prima facie evidence that such injury alteration prevention abstraction consumption or use has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

71.—(1) The Corporation may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter (but shall not manufacture) any such pipes valves cocks meters and other fittings of a like nature as are required or permitted by their byelaws and may provide all materials and execute all work necessary or proper in that behalf and the reasonable charges of the Corporation in providing such materials and executing such work shall be paid by the person requiring the same.

Power to
supply
water
fittings.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such fittings have upon them respectively a distinguishing metal

A.D. 1931. — plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof.

(3) Subject to the proviso to subsection (2) of this section all fittings let by the Corporation on hire as aforesaid shall notwithstanding that they be fixed or fastened to any part of any premises in which they may be situate or to the soil under any premises at all times continue to be the property of and removable by the Corporation. Provided that nothing in this subsection shall affect the amount of the assessment for rating of any premises upon which any such fittings are or shall be fixed.

(4) Provided as follows:—

- (a) The Corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon any moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed);
- (b) When a demand note delivered by the Corporation to a consumer includes a sum charged by the Corporation in respect of providing such fittings or the fixing repairing or removal thereof such sum shall be clearly stated in such demand note;
- (c) The total sums expended and received by the Corporation in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the water undertaking for such year.

Penalty for interfering with valves &c.

72. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Corporation who shall without the authority of the Corporation turn on any valve cock or other work

or apparatus attached to any service main or pipe connected with any main of the Corporation and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 (Penalty for destroying valves &c.) of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

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73. Every person who shall wilfully (without the consent of the Corporation) or negligently close or shut off any valve cock or other work or apparatus belonging to the Corporation whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Corporation) be liable on conviction to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained. Provided that this section shall not apply to a consumer closing the valve fixed on his communication pipe.

Penalty
for closing
valves and
apparatus.

74. The Corporation may enter into and carry into effect agreements with any local authority company or person for the supply of water beyond the water limits to such authority company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed. Provided that—

Contracts
for supply-
ing water
in bulk
outside
water limits.

(1) Such supply shall not be given except with the consent of any local authority company or person supplying water under parliamentary authority within the area to be supplied and of the local authority of the district comprising that area nor if and so long as such supply would interfere with the supply of water within the water limits :

(2) Nothing in this section shall authorise the Corporation to lay any mains or other pipes or to interfere with any street beyond the water limits.

75. The Corporation may enter into and carry into effect agreements with any local authority company or person supplying water under parliamentary authority for the purchase of water in bulk by the Corporation for such price and on such terms and conditions and for such period as may be agreed upon and any water so purchased

Purchase of
water in
bulk.

A.D. 1931. — may be used by the Corporation for the purposes of the water undertaking.

Charges for special readings of meters.

76. The Corporation may levy and recover such charges as they think fit for taking the reading of any water meter fixed in a house which is either in whole or in part let furnished at the request of and for the convenience of consumers at times other than those of the periodical readings. Provided that such charges shall not exceed one shilling for each reading.

Notice of discontinuance.

77. A notice to the Corporation from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the waterworks engineer.

Water accounts to be sent to local authorities.

78.—(1) The Corporation shall forward to the local authority of every district within the water limits on or before the thirtieth day of September in each year an annual statement of accounts of the water undertaking made up to the thirty-first day of March then last preceding containing such details as are required by section 513 (Accounts) of this Act so as to show the financial position of the water undertaking and all appropriations made to any reserve or other fund of the Corporation.

(2) The Corporation shall keep copies of such annual statement at their office and shall sell the same to any applicant at a price not exceeding one shilling for each copy.

PART IV.

TRAMWAYS AND PUBLIC SERVICE VEHICLES.

Definitions for Part IV.

79. In this Part of this Act unless the subject or context otherwise requires—

- (1) "Mechanical power" includes electrical and every other motive power not being steam or animal power;
- (2) "Engine" includes motor;
- (3) "Tramway route" means the route of any of the tramways;
- (4) "Stage carriage route" means a route on which the Corporation are for the time being authorised to run stage carriages.

80. The tramways undertaking as it exists at the commencement of this Act shall continue vested in the Corporation and be held used and enjoyed by them.

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Tramways.

Tramways undertaking to continue vested in Corporation.

81. The Corporation may maintain the tramways and may maintain make form lay down and use all proper rails plates works and conveniences connected therewith.

Power to maintain tramways.

82.—(1) Notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation may place and run cars on and may work and may demand and take tolls and charges in respect of the tramways and in respect of the use of such cars and may provide lay down place erect set up maintain use renew and repair all such poles posts brackets wires electric mains plates channels tubes grooves rails batteries dynamos transformers engines machinery apparatus works and appliances as may be requisite or expedient for the convenient working or user of the tramways by animal or mechanical power and may for that purpose subject to the restrictions and provisions contained in Part II of the Tramways Act 1870 open and break up any road within the borough and any sewers drains water or gas pipes tubes wires or telephonic or telegraphic apparatus therein or thereunder and the Corporation may sell exchange or dispose of such of the before-mentioned articles and things as may be no longer required for such working or use.

Power to Corporation to work tramways.

(2) The regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to any tramways or portions of tramways for the time being worked by the Corporation be made by the Corporation alone.

83. The Corporation may erect provide maintain and use such offices garages depots sheds and other buildings cars machinery plant appliances and conveniences in connection with or for the purposes of the tramways as they may think fit but nothing in this section shall empower the Corporation to construct any station for generating electricity or to create or permit a nuisance.

Power to provide buildings &c. for tramway purposes.

84. When by reason of the execution of any work affecting the surface or soil of any road along or across the carriageway of which any of the tramways is laid it shall in the opinion of the Corporation be necessary

Temporary tramway may be made where necessary.

A.D. 1931. — or expedient temporarily to remove or discontinue the use of that tramway or any part thereof the Corporation may construct in the same or any adjacent road and (so long as occasion may require) maintain a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

Gauge of tramways.

85. The tramways shall be of the gauge of three feet and six inches :

Provided that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriages used on the tramways beyond the outer edge of the wheels of such carriages shall not apply to cars used on the tramways but no engine or car used on such tramways shall extend beyond the outer edge of the wheels of such engine or car more than eighteen inches.

Rails of tramways.

86. The rails of the tramways shall be such as the Minister may approve.

Penalty for not maintaining rails.

87.—(1) The Corporation shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the rails rest. If the Corporation at any time fail to comply with this provision they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues.

(2) If it is represented in writing to the Minister by twenty inhabitant ratepayers of the borough that the Corporation have made default in complying with the provisions of this section the Minister may if he thinks fit direct an inspection by an officer to be appointed by him and if the officer report that the default has been proved to his satisfaction then and in every such case a copy of that report certified by a secretary or an assistant secretary of the Ministry of Transport may be adduced as evidence of the default and of the liability of the Corporation to such penalty or penalties in respect thereof as is or are by this section imposed.

Tramways to be kept on level of surface of road.

88. If and whenever the Corporation alter the level of any road along or across which any part of any of the tramways is laid they may and shall from time to time alter their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

89.—(1) Notwithstanding anything in this Act the Corporation with the consent of the Minister may— A.D. 1931.

- (a) make maintain alter and remove such cross-overs passing places sidings junctions and other works with reference to any of the tramways as they find necessary or convenient for the efficient working of those tramways or for forming junctions with other tramways or light railways or for providing access to any carsheds depots or works of the Corporation or to any lands or premises adjoining or near to the road in which any of the tramways is laid; Power to make additional cross-overs and to double tramway lines.
- (b) lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways; and
- (c) construct or take up and reconstruct any of the tramways in such position in the road in which it is authorised to be constructed as they may think fit.

(2) Provided that if in the construction of any works under this section any rail is intended to be laid nearer to the footpath than previously authorised in such a manner that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between such rail and the outside of the footpath on either side of the road the Corporation shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops or warehouses abutting on the place where such less space would intervene and such rail shall not be so laid (except with the consent of the Minister) if the owners or occupiers of one-third of such houses shops or warehouses by writing under their hands addressed and delivered to the Corporation within three weeks after receiving the notice from the Corporation express their objection thereto.

90. Where in any road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Corporation shall if and where required by the Minister construct a cross-over or cross-overs connecting Cross-overs to be constructed in certain cases.

A.D. 1931. — the one tramway with the other and by the means of such cross-over or cross-overs the traffic shall when necessary be diverted from one tramway to the other.

Attach-
ment of
brackets to
buildings
for tram-
ways pur-
poses.

91.—(1) The Corporation may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the tramways by mechanical power Provided that—

- (a) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction who shall have power having regard to the character of the building and to the other circumstances to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the attachment;
- (b) Any consent of an owner and any order of a court under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed or such earlier date as may be agreed between the Corporation and the subsequent owner Where such notice is given the preceding provisions of this section shall apply and the court shall have the same power as under proviso (a) of this section;
- (c) The owner may require the Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the building;
- (d) The Corporation shall make good all damage caused to the building by or by reason of the attachments.

(2) For the purpose of this section any occupier of a building whose tenancy exceeds five years unexpired and in the case of any other tenancy the person receiving the rack-rent shall be deemed to be the owner.

(3) In this section the word "building" includes a wall or bridge. A.D. 1931.

92. The Corporation may during the execution and for the purposes of any work by this Part of this Act authorised stop up any road and prevent all persons other than those bona fide going to or returning from any house in the road from passing along and using the road for any reasonable time. The Corporation shall provide reasonable access for all persons so bona fide going to or returning from any such house. Temporary
stoppage of
roads.

93. If any obstruction to the traffic on any of the tramways is caused by any vehicle breaking down or any load falling from a vehicle the person in charge of the vehicle shall forthwith remove the vehicle or load so as to prevent the continuance of the obstruction and if he fails to do so the Corporation may so remove the vehicle or load and take all necessary steps for that purpose and may recover the reasonable cost of so doing from the owner of the vehicle. Removal of
obstruc-
tions.

94. The cars used on the tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say):— Provisions
as to
motive
power.

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Minister :

(2) The Minister shall make regulations (in this Act referred to as "the mechanical power regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramways and for regulating the use of electrical power :

(3) The Corporation or any company or person using any mechanical power on the tramways contrary to the provisions of this Act or of the mechanical power regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also if a continuing offence to a daily penalty not exceeding five pounds :

(4) The Minister if he is of opinion—

(a) That the Corporation or such company or person have or has made default in

A.D. 1931.
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complying with the provisions of this Act or of the mechanical power regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

(b) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public;

may by order either direct the Corporation or such company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Minister may impose and the Corporation or such company or person shall comply with every such order. In every such case the Minister shall make a special report to Parliament notifying the making of such order.

Byelaws by
Minister.

95.—(1) The Minister may make byelaws with regard to any of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say):—

- (a) For regulating the use of any bell whistle or other warning apparatus fixed to the engine or cars;
- (b) For regulating the emission of smoke or steam from engines used on the tramways;
- (c) For providing that engines and cars shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Minister may deem proper for securing safety;
- (d) For regulating the entrance to exit from and accommodation in the cars used on the tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such cars;
- (e) For providing for the due publicity of all byelaws and mechanical power regulations in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the cars and elsewhere.

(2) Any person who offends against or commits a breach of any byelaw made by the Minister under the authority of this section shall be liable to a penalty not exceeding forty shillings.

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96. The provisions of the Tramways Act 1870 relating to the making of byelaws by the Corporation with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the Corporation to make any byelaws sanctioning a higher rate of speed than that authorised by this Act or by the regulations of the Minister but the Corporation may if they think fit make byelaws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so authorised.

Byelaws as to rate of speed.

97. The following provisions shall apply to the use of electrical power under this Part of this Act unless such power is entirely contained in and carried along with the cars:—

Special provisions as to use of electrical power.

- (1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (2) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working the tramways undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :
- (3) The electrical power shall be used only in accordance with the mechanical power regulations and in those regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires

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lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

- (4) The Corporation shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the mechanical power regulations and in prescribing such means the Minister shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :
- (5) The provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :
- (6) If any difference arises between the Corporation and any other party with respect to anything in this section contained the difference shall unless the parties otherwise agree be determined by the Minister or at his option by an arbitrator to be appointed by him and the costs of such determination shall be in the discretion of the Minister or of the arbitrator as the case may be :
- (7) The expression " Corporation " in this section shall include lessees licencees and any person owning working or running cars over any tramway of the Corporation.

98. Notwithstanding anything in the foregoing provisions of this Part of this Act the following provisions shall have effect for the benefit and protection of the Hove Corporation unless otherwise agreed between the Corporation and the Hove Corporation :—

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For protection of Hove Corporation.

(1) In this section "the road" means such part or parts of Dyke Road as was or were immediately before the first day of April nineteen hundred and twenty-eight within the former rural district of Steyning East and "the tramway" means such portion or portions of Tramway No. 11 described in the Second Schedule as was or were formerly within that rural district :

(2) The proviso to subsection (5) of section 32 of the Tramways Act 1870 shall extend and apply to any sewers conduits channels or other underground works of the Hove Corporation which have been laid by them or by the former Steyning East Rural District Council in the road since the construction of the tramway or may hereafter be laid by the Hove Corporation in the road :

(3) Any dispute which may arise between the Hove Corporation and the Corporation under this section shall be referred to an arbitrator to be agreed on between the parties or failing agreement to be appointed on the application of either party by the Minister.

99. For the protection of the gas company the following provisions shall unless otherwise agreed in writing between the Corporation and the gas company have effect :—

For further protection of gas company.

(1) If at any time it be proved that any injury or damage to any mains pipes or apparatus of the gas company shall have resulted from the use of electric current on any of the tramways or portion of tramway in this subsection mentioned nothing in this Part of this Act shall relieve the Corporation from liability to make compensation for such injury

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or damage The tramways and portion of tramway hereinbefore referred to are—

(a) Tramways Nos. 12 12a and 12b described in the Second Schedule;

(b) So much of Tramway No. 11 described in the Second Schedule as lies between a point one chain or thereabouts north-east of the junction of Chatham Place with Prestonville Road and the terminus of such tramway in Dyke Road :

(2) The foregoing provisions of this section shall be in addition to and not in substitution for or derogation from any other powers rights or privileges whether statutory or otherwise of the gas company :

(3) Any dispute or difference which may arise between the Corporation and the gas company under this section shall unless otherwise agreed be determined by an engineer to be appointed (failing agreement) on the application of either party by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Alteration
of tele-
graphic
lines.

100. Notwithstanding anything in this Act if any of the works authorised to be executed by this Part of this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

For pro-
tection of
Post Office
telegraph
lines.

101. If any of the tramways be worked by electricity the following provisions shall have effect :—

(1) The Corporation shall construct their electric lines and other works of all descriptions and shall work the tramways undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by the Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all

descriptions and the working of such undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Corporation as to compliance with this subsection shall be determined by arbitration :

- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the tramways undertaking the Corporation shall pay the expense of all such alterations in the telegraphic line as may be necessary to remedy such injurious affection :
- (3) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Corporation as to any requirement so made shall be determined by arbitration :
- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of any works forming part or used for the purposes of the tramways undertaking is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of any such works or to the working of the tramways undertaking

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the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electricity is being generated or used by or supplied to the Corporation for tramway purposes at any such works enter thereon for the purpose of inspecting the Corporation's plant and the working of the same and the Corporation shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Corporation pursuant to the mechanical power regulations :

- (5) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding ten pounds or if the telegraphic communication is wilfully interrupted to a penalty not exceeding fifty pounds and to a daily penalty not exceeding fifty pounds :
- (6) Provided that nothing in this section shall subject the Corporation or their agents to a penalty under this section if they satisfy the court having cognizance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :

- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act : A.D. 1931.
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- (9) The expression “ electric line ” has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Minister on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act :
- (11) Nothing in this section shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid :
- (12) In this section the expression “ the Corporation ” includes their lessees and any person owning working or running cars on any of the tramways.

102.—(1) It shall be lawful for the Postmaster-General in any public road or part of a public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in such road by the Corporation in connection with the tramways and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions :—

Use of tramway posts by Postmaster-General.

- (a) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways ;
- (b) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the public roads or parts of public

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roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as hereinafter provided;

- (c) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Minister arising through the exercise by the Postmaster-General of the powers conferred by this section;
- (d) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as hereinafter provided;
- (e) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road;
- (f) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair;
- (g) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be

incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants;

- (h) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as hereinafter provided;
- (i) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants;
- (j) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Corporation the value of the same :

Provided that if the Corporation or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.

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(2) Nothing in this section shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus in connection with the tramways or any of their undertakings or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connection with the lighting of the streets or otherwise :

Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as hereinafter provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section the expression " Corporation " includes their lessees the expression " telegraph " has the same meaning as in the Telegraph Act 1869 and other expressions have the same meaning as in the Telegraph Act 1878.

Corporation
not bound
to carry
animals
goods &c.

103. The Corporation shall not be bound unless they think fit to carry on the tramways passengers' luggage exceeding the weight in this Act in that behalf mentioned nor any animals minerals parcels or goods.

Passenger
fares.

104. The Corporation may demand and take for every passenger travelling upon the tramways or any part or parts thereof including every expense incidental to the conveyance of such passenger a fare not exceeding one penny per mile and in computing the said fare the fraction of a mile shall be deemed a mile Provided that—

(a) The Corporation may appoint stages upon the tramways each of not less than half a mile in length and may demand and take from every passenger travelling upon the tramways including every expense incidental to the conveyance of such passenger any fare not exceeding one penny for any two consecutive stages or portion of that distance travelled and for this purpose the fraction of a stage shall be deemed a stage; and

(b) In no case shall the Corporation be bound to charge a less fare than twopence.

105.—(1) The Corporation or their lessees at all times shall and they are hereby required to run a proper and sufficient service of cars for artisans mechanics and daily labourers each way over the whole of the tramways every morning and every evening (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance but in no case shall the Corporation be bound to charge a less fare than one penny On Saturdays the Corporation in lieu of running such cars after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

A.D. 1931.
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Cheap fares
for labour-
ing classes.

(2) If complaint is made to the Minister that such proper and sufficient service is not provided the Minister after considering the circumstances of the locality may by order direct the Corporation or their lessees to provide such service as may appear to the Minister to be reasonable.

(3) The Corporation or their lessees shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any order under this section.

106. Every passenger travelling upon the tramways may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof provided that such luggage is carried by hand and at the responsibility of the passenger and does not occupy any part of a seat required for a passenger and is not of a form or description to annoy or inconvenience other passengers.

Passengers'
luggage.

107. Subject to the provisions of the last preceding section the Corporation may demand and take for all animals goods minerals and parcels conveyed on the tramways or any part thereof such charges as they shall think fit not exceeding such maximum

Charges
for goods.

A.D. 1931. — charges as may from time to time be approved by the Minister.

Fares on
Sundays or
holidays.

108. The Corporation shall not take or demand on Sundays Good Fridays Christmas Days or any public holiday any higher fares or charges in respect of the tramways than those levied by them on ordinary week days.

Periodical
revision of
fares and
charges.

109. If at any time after the commencement of this Act or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion thereof it is represented in writing to the Minister by twenty inhabitant rate-payers of the borough or by the Corporation that under the circumstances then existing all or any of the fares and charges demanded and taken in respect of the traffic on the tramways or on such portion should be revised the Minister may (if he thinks fit) direct an inquiry and if the person holding the inquiry reports that it has been proved to his satisfaction that all or any of the fares and charges should be revised the Minister may (subject to the maximum fares and charges authorised by this Part of this Act) by order in writing alter modify reduce or increase all or any of the fares and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as he thinks fit and thenceforth such order shall be observed until it is revoked or modified by an order of the Minister made in pursuance of this section.

Agreements
for leasing
working &c.

110.—(1) The Corporation may enter into and carry into effect contracts and agreements with the Hove Corporation with respect to the construction repair maintenance and working of any tramway or portion of tramway which the Hove Corporation may be authorised to construct in connection with or forming a junction with any of the tramways.

(2) The Corporation may enter into and carry into effect agreements with any local authority company body or person owning leasing running over or using any tramway with which any tramway of or leased

to worked or run over by the Corporation connects with respect to— A.D. 1931.

- (a) The lease reconstruction alteration equipment working running over use management and maintenance of all or any of the respective tramways and works owned by leased to run over or used by any of the contracting parties or any part or parts thereof respectively;
- (b) The making of all necessary junctions;
- (c) The supply by any of the contracting parties to the other or others of them under and during the continuance of any such agreement of rolling stock plant machinery and electrical energy or power necessary for the purposes of the agreement;
- (d) The appointment and removal of officers and servants;
- (e) The payments to be made and the conditions to be performed in respect of any such lease or other such agreement or in respect of such working use management or maintenance or the exercise of running powers;
- (f) The interchange accommodation conveyance transmission and delivery of traffic coming from or destined for the respective undertakings of the contracting parties; and
- (g) The payment collection division and apportionment of the revenue arising from the respective undertakings and the payment of any fixed or contingent rent.

(3) During the continuance of any agreement under this section for the working running over or user by one of the contracting parties of the tramways of the other the tramways of the parties so contracting shall for the purposes of calculating maximum fares and charges in respect of conveyance partly over the tramways of the one party and partly over those of the other be considered as one system of tramways and the maximum charge for each portion of the entire distance shall be calculated at the maximum rate which according to the scale applicable to such portion would be chargeable for the entire distance.

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As to abandonment of tramways.

111.—(1) The tramways or any of them may be abandoned or discontinued either temporarily or permanently. Provided that no tramway shall be so abandoned or discontinued by the Corporation until they shall have provided a service of stage carriages on the route of such tramway or on the portion thereof so proposed to be abandoned or discontinued or on such other route (in lieu of the route of such tramway or portion thereof as aforesaid) as shall be certified by the Minister to be a route in substitution for the tramway route proposed to be abandoned or discontinued.

(2) The Corporation may take up and remove and use or dispose of the rails and paving setts of any such tramway or part of a tramway and the posts poles wires and other works and apparatus provided in connection therewith.

(3) Nothing in this section shall relieve the Corporation of any liability imposed upon them by section 41 (Tramways to be removed in certain cases) of the Tramways Act 1870 in relation to any tramway if the Corporation discontinue the working of such tramway otherwise than in accordance with the provisions of this section.

(4) Nothing in this section shall be in derogation of the provisions of Part IV of the Road Traffic Act 1930.

As to liability for repair of roads.

112. As from the date on which and so long as a service of stage carriages is provided by the Corporation in lieu of a tramway service on any tramway route the revenue of the tramways undertaking shall (to such extent as the Corporation may from time to time by resolution determine) cease to be charged under any statutory enactment relating to that undertaking with any expenses incurred by the Corporation on or in connection with the maintenance and repair of roads along that route but nothing in this section shall relieve the Corporation from any liability attaching to them in respect of such maintenance and repair.

Provision as to general Tramway Acts.

113. Except as by this Act expressly provided nothing in this Act shall exempt the Corporation or the tramways from the provisions of any general Act relating to tramways now in force, or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration

under the authority of Parliament of the maximum A.D. 1931.
fares or charges authorised by this Part of this Act. —

Public Service Vehicles.

114.—(1) Notwithstanding the repeal by this Act of the former Acts and Orders the Corporation shall be deemed to be a local authority operating an omnibus undertaking under a local Act within the meaning and for the purposes of Part V (Running of public service vehicles by local authorities) of the Road Traffic Act 1930 Provided that (subject to the provisions of subsection (2) of this section) the Corporation shall not exercise the powers conferred on them by section 101 of the Road Traffic Act 1930 in the borough of Hove and the urban districts of Portslade-by-Sea Southwick and Shoreham-by-Sea except with the previous consent of the local authority of the borough or district in which and of the highway authority for the road over which such powers are proposed to be exercised.

Power to
run public
service
vehicles.

(2) The proviso to subsection (1) of this section shall be deemed to be a provision restricting or prohibiting the running of public service vehicles on a road within the meaning and for the purposes of section 91 (Power of Minister to modify restrictions on user of roads by public service vehicles) of the Road Traffic Act 1930 as if it had been enacted prior to the first day of August nineteen hundred and thirty.

General.

115.—(1) The Corporation may erect and maintain shelters or waiting-rooms for the accommodation of passengers using the tramways or public service vehicles of the Corporation and of the servants and officers of the Corporation and may use for that purpose portions of any public road or public park or recreation ground or public or private garden or enclosure Provided that such powers shall only be exercised in the case of a public road with the consent of the local authority and the highway authority in the case of a public park or recreation ground or public garden or public enclosure with the consent of the local authority in the case of a private garden or enclosure which is one of the enclosed places as defined in Part XV (Enclosed places) of this

Shelters or
waiting-
rooms.

A.D. 1931. — Act with the consent of the committee appointed under that Part for the management of that enclosed place and in the case of any other private garden or enclosure with the consent of the owners or trustees of such garden or enclosure but the consent of a local authority or highway authority under this section shall not be unreasonably withheld and if any difference arises as to whether any such consent is unreasonably withheld the difference shall be referred to arbitration as hereinafter provided.

(2) If any structure erected by the Corporation under the powers of this section is situate over any mains pipes or apparatus of the gas company laid or placed before the erection of the structure and the gas company at any time after such erection give to the Corporation notice in writing of their desire to obtain access to such apparatus the Corporation shall either remove temporarily the structure or so much thereof as shall require to be so removed in order to afford such access or (if the Corporation determine not to remove the structure or part thereof) bear any additional expense due to the existence of the structure which may reasonably be incurred by the gas company in obtaining such access.

Cloakrooms
&c.

116. The Corporation may provide cloakrooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depot or building used by them in connection with the tramways undertaking and at suitable places on any tramway route or stage carriage route and the Corporation may make charges for the use of such cloakrooms rooms and sheds and for the deposit of articles and things and bicycles tricycles and other vehicles therein but shall not use for the purpose any part of the highway without the consent of the highway authority and the consent of a highway authority under this section may be given subject to such terms and conditions as to that authority may seem fit.

Through
cars &c.

117.—(1) The Corporation may run through cars along the whole or any specified portion of any tramway route and subject to the provisions of Part IV of the Road Traffic Act 1930 through stage carriages along the whole or any part of a stage carriage route and such cars and stage carriages shall be distinguished from other cars and stage carriages in such manner as may be directed by the Corporation.

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(2) The Corporation may demand and take for every passenger conveyed by any such through car or through stage carriage a fare or charge not exceeding the maximum fare or charge authorised or chargeable for and in respect of the whole of such route or the whole of the portion thereof traversed by any such car or stage carriage.

(3) During the running of such through cars or stage carriages the Corporation shall maintain a reasonably sufficient ordinary service of cars or stage carriages as the case may be.

118.—(1) Notwithstanding anything in this Part of this Act the Corporation may on any occasion run and reserve cars on any tramway route and subject to the provisions of Part IV of the Road Traffic Act 1930 stage carriages on any stage carriage route for any special purpose which the Corporation may consider necessary or desirable Provided that such special cars and stage carriages shall be distinguished from other cars and stage carriages in such manner as the Corporation may direct and that during the running of such special cars or stage carriages the Corporation shall maintain a reasonably sufficient ordinary service of cars or stage carriages.

Reserved
cars &c.

(2) The restrictions contained in this Act as to fares and charges for passengers travelling on the tramways shall not extend to any special cars run upon the tramways and in respect thereof the Corporation may demand and take such fares and charges as they shall think fit.

(3) The Corporation may make byelaws and regulations for prohibiting the use of any special cars or special stage carriages run under the provisions of this section by any persons other than those for whose conveyance the special cars or special stage carriages are reserved Provided that—

(a) any byelaws made under this subsection shall be made subject and according to the provisions of sections 46 and 47 of the Tramways Act 1870 and those provisions shall apply accordingly; and

(b) any regulations made under this subsection shall be subject to any regulations relating to similar matters made by the Minister under section 84 of the Road Traffic Act 1930.

A.D. 1931.

—
Property
found in
cars &c.

119.—(1) Any property found in any tramcar waiting-room cloakroom shed or shelter of the Corporation shall forthwith be taken to a place to be appointed for the purpose by the Corporation and if not claimed within six months after the finding thereof shall after notice by advertisement in one or more local newspapers once in each of two successive weeks vest in the Corporation and may be sold by them as unclaimed property by public auction.

(2) Any property deposited at any waiting-room cloakroom shed or shelter of the Corporation for safe custody and not claimed within six months after the date of the deposit shall after such advertisement as is mentioned in subsection (1) of this section vest in the Corporation and may be sold by them by public auction.

Attachment
of signs
indicating
stopping
places to
lamp-posts
&c.

120.—(1) The Corporation may attach to any lamp-post pole standard or other similar erection erected on or in the highway on or near to any tramway route or stage carriage route of the Corporation signs or directions indicating the position of stopping places for tram-cars stage carriages and express carriages. Provided that if the Corporation are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to such lamp-post pole standard or similar erection by such attachment and the Corporation shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment.

(2) Nothing in this section shall be deemed to require the owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes.

(3) The Corporation shall not attach any such sign or direction to any such erection as aforesaid belonging to the Postmaster-General except with his consent in writing or belonging to the Central Electricity Board the county council the railway company or any local authority except with the consent of such board council company or authority in writing.

(4) Any sign erected in pursuance of this section shall be subject to any regulations applicable to such

sign made by the Minister under section 48 of the Road Traffic Act 1930. A.D. 1931.

121. The Corporation may for the purpose of regulating and facilitating the traffic on market or fair days or for the execution of any works by the Corporation or during the time of any public meeting procession or demonstration or for any other purpose which the Corporation having regard to the good government of the borough or the safety of the public may deem necessary order that the working of the tramways or any part thereof or the running of stage carriages on any stage carriage route or part thereof respectively shall be stopped delayed or suspended but so that such stoppage delay or suspension shall continue only so long as may reasonably be necessary for the purposes aforesaid or any of them and the Corporation shall not be liable to pay compensation for damage in respect thereof.

Power to Corporation to suspend running of cars &c.

122.—(1) Where the Corporation consider that any tree hedge or shrub overhangs any street outside the borough so as to be likely to obstruct or interfere with the passage of their stage carriages or express carriages or to obstruct the view of drivers of such vehicles the Corporation may by notice in writing require the authority by whom powers may be exercised under section 23 of the Public Health Act 1925 to proceed within twenty-one days from the date of service of the said notice to exercise those powers in respect of the trees hedges or shrubs to which the requisition refers.

Trees overhanging highways on stage carriage and express carriage routes.

(2) If the said authority have not adopted the said section and refuse or neglect to do so or having adopted the said section or being a county council refuse or neglect to proceed with the exercise of those powers with reasonable dispatch in accordance with the said requisition the Corporation may apply to the Minister of Health for and that Minister may after giving the said authority an opportunity of being heard make an order conferring on the Corporation all or any of the powers of a local authority under the said section in respect of the streets in which the said trees hedges or shrubs are situate but without prejudice to the powers of any such authority as aforesaid under the said section 23.

A D. 1931.

—
Accounts
to be
furnished to
Minister of
Transport.

123. The Corporation shall in every year within three months after the close of their financial year or such longer period as the Minister may allow furnish to the Minister a copy of the annual accounts of the tramways undertaking.

Penalty for
malicious
damage.

124. If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of the tramways or the stage carriages or express carriages of the Corporation anything which is calculated to obstruct or interfere with the working of such tramways or stage carriages or express carriages or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction. Every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any of the tramways shall be liable to a penalty not exceeding twenty pounds.

As to
notices.

125.—(1) Every notice consent or approval under this Part of this Act shall be in writing and if given by the Corporation or by a local authority highway authority or other corporate body shall be sufficiently authenticated by being signed by their secretary or clerk.

(2) Any notice to be delivered by or to the Corporation or to or by a local authority highway authority or other corporate body may be delivered by being left at the principal office of such authority or other body or of the Corporation (as the case may be) or by being sent by post addressed to their respective clerk or secretary at their principal office or to such other office as the authority or other body or the Corporation (as the case may be) from time to time by notice to the other request that such notice may be sent or delivered.

(3) Subject as aforesaid the provisions of section 550 (Authentication and service of notices &c.) of this Act shall apply to any notice consent or approval under this Part of this Act.

Provisions
as to
arbitration.

126. Where under the provisions of the Tramways Act 1870 or this Part of this Act any matter in difference is referred to the arbitration of any person nominated

or appointed by the Minister and provision is not otherwise made the provisions of the Arbitration Act 1889 shall apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation.

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127. For the protection of the railway company the following provisions shall unless otherwise agreed between the Corporation and the company have effect :—

For protection of railway company.

- (1) On the taking up or removal by the Corporation under section 111 (As to abandonment of tramways) of this Act of any rails paving setts posts poles wires or other works and apparatus situate on or attached to any bridge or bridge approach belonging to or maintainable by the railway company the Corporation shall to the reasonable satisfaction of the railway company restore the surface of any road on such bridge or bridge approach disturbed by such taking up or removal and make good all damage thereto :
- (2) The Corporation shall give to the railway company not less than seven days' previous notice in writing of their intention to carry out any such works as are referred to in subsection (1) of this section and shall state in such notice the place and time at which they propose to commence those works and the railway company may where reasonably necessary employ watchmen or inspectors to watch any of such works and operations of the Corporation and the reasonable cost thereof together with any expense to which the company may reasonably be put in consequence of such works and operations shall be borne by the Corporation :

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- (3) Any difference which may arise under the foregoing provisions of this section between the Corporation and the railway company shall be determined by an arbitrator to be agreed or failing agreement to be appointed on the application of either party after notice in writing to the other party by the President of the Institution of Civil Engineers :
- (4) The Corporation shall not without the consent of the railway company exercise the powers of section 115 (Shelters or waiting-rooms) and section 116 (Cloakrooms &c.) of this Act upon any bridge or road belonging to or maintained by the railway company or so as to interfere with or obstruct the convenient access to or exit from any railway station depot or property of the company.

PART V.

ELECTRICITY.

Definitions
for Part V.

128. In this Part of this Act unless the subject or context otherwise requires—

- (1) “The principal Acts” means the Electricity (Supply) Acts 1882 to 1928 ;
- (2) “The schedule of 1899” means the schedule to the Electric Lighting (Clauses) Act 1899 ;
- (3) “The additional areas” means the areas described in Part II of the Third Schedule ;
- (4) Words and expressions to which by the Electric Lighting Act 1882 and the schedule of 1899 meanings are assigned have the same respective meanings.

Electricity
undertaking
to continue
vested in
Corporation.

129. The electricity undertaking as it exists at the commencement of this Act shall continue vested in the Corporation and be held used and enjoyed by them.

Application
of Electric
Lighting
(Clauses)
Act 1899.

130. The provisions of the schedule of 1899 incorporated with this Act shall (except as otherwise provided by Part VI of this Act) apply to the electricity undertaking in all respects as though that undertaking had been originally authorised by this Act.

131. The electricity limits until altered in pursuance of the provisions of the next succeeding section or by a subsequent Act or Order shall consist of the several areas described in Part I of the Third Schedule.

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—
Electricity
limits.

132.—(1) At any time and from time to time after the commencement of this Act the Corporation may (subject to the provisions of this section) by special resolution (hereinafter referred to as an “original resolution”) direct that any part or parts of the additional areas not removed from the operation of this section in accordance with the provisions of subsection (4) of this section shall be added to the electricity limits.

Extension
of electricity
limits to
additional
areas.

(2) No such original resolution shall have any force or effect unless and until it is confirmed by a subsequent special resolution (hereinafter referred to as a “confirming resolution”) to be passed by the Corporation at a meeting held at an interval of not less than one month after the passing of the original resolution nor unless notice of the meetings at which such resolutions are passed respectively and that such resolutions would be proposed thereat has been given in the manner in which notices of meetings of the Corporation are usually given.

The Electricity Commissioners may from time to time require the Corporation to give such public notice of the passing of any original resolution or confirming resolution as aforesaid as they think expedient.

(3) If at any time between the passing of any original resolution and the passing of the confirming resolution a representation is made to the Electricity Commissioners by one-fourth of the ratepayers within the part or parts of the additional areas directed by the original resolution to be added to the electricity limits or one-fourth of the ratepayers within any part of the additional areas which for the time being are not within the electricity limits but are within the distance of 250 yards therefrom that the additions to the electricity limits so directed have not been reasonably or fairly selected having regard to the future developments of the use of electricity in the district the Electricity Commissioners may inquire into the matter of such representation and if on such inquiry they are satisfied of the truth of such representation they may order that that original resolution shall be cancelled and that such

A.D. 1931. additions or some of them shall not be made to the electricity limits except on the condition that some other part or parts of the additional areas should also be added to the electricity limits but save as aforesaid where any original resolution has been duly passed and confirmed the additions to the electricity limits directed by the resolution shall be made and the electricity limits shall be extended accordingly.

(4) If at any time after the commencement of this Act one-fourth of the ratepayers within any part of the additional areas which for the time being are not included within the electricity limits but are within the distance of 250 yards therefrom and contain not less than 800 separate tenements in respect of which rates are payable should be desirous that such part should be added to the electricity limits they may serve a notice on the Corporation requiring them to direct that such part of the additional areas as is particularly specified in the notice shall be added to the electricity limits. If the Corporation for the period of six months after the service of such notice on them as aforesaid refuse or neglect to direct that the part of the additional areas so particularly specified as aforesaid be added to the electricity limits in compliance with the terms of the notice the Electricity Commissioners on being satisfied that the notice has been duly served and that such refusal or neglect has without any good reason continued for the period aforesaid may order that such part of the additional areas or any portion thereof be removed from the operation of this section either absolutely or conditionally or subject to the contingency of a licence or Special Order being obtained by some other local authority or by some company or person authorising them to supply electricity within such part of the additional areas as aforesaid or portion thereof.

(5) Notwithstanding the foregoing provisions of this section the Corporation shall not pass any special resolution under this section directing that the urban district of Shoreham-by-Sea or the parish of Lancing in the rural district of Steyning West or any part of that district or parish shall be added to the electricity limits so long as the Shoreham and District Electric Lighting and Power Company Limited continue to exercise the powers given by the Shoreham-by-Sea and Lancing Electricity

Special Order 1922 in such district or parish or such part thereof respectively. A.D. 1931.

133. Notwithstanding anything in the last preceding section the following provisions shall have effect:—

(a) The Corporation shall not exercise within any part of the additional areas any of the powers of this Part of this Act with respect to the supply of electricity other than the powers of the following sections of this Act:—

Section 147 (Supply of electricity for transport);

Section 148 (Agreements for supply of electricity for traction);

Section 149 (Power to supply electricity in neighbouring districts);

Section 150 (Supply to premises partly without electricity limits);

except with the written consent under the seal of the local authority of the borough or district which comprises that part of the additional areas being first obtained and until such consent has been applied for by the Corporation and obtained from such local authority the Corporation shall be under no obligation in respect of the supply of electricity within that part of the additional areas;

(b) No such consent as aforesaid shall be valid unless given in pursuance of a resolution passed by a majority of the whole number of the members of the local authority at a meeting held after ten days' previous notice;

(c) Except during any period for which the Corporation are authorised by the consent of the local authority to exercise the powers aforesaid within the borough or district of the local authority the Corporation shall not oppose any application made by the local authority or by any person or company with the consent of the local authority for power to supply electricity within that borough or district except so far as may be necessary for the purpose of obtaining clauses for the protection of any water mains or other works or property of the Corporation.

For protection of local authorities in additional areas.

A.D. 1931.
 —
 As to streets
 forming
 boundary of
 electricity
 limits.

134. Where the electricity limits are bounded by or abut on any street wholly or for part of its width outside those limits the Corporation may for the purpose of supplying electricity to the owner or occupier of any premises abutting on such street and being within the electricity limits exercise with respect to the whole width of the street the like powers of breaking up the street for the purpose of laying maintaining inspecting repairing and renewing electric lines and works as are exerciseable by them with respect to streets within the electricity limits and subject to the like conditions Provided that nothing in this section shall entitle or require the Corporation to supply electricity to the owner or occupier of any premises abutting on any such street as aforesaid and being outside the electricity limits.

As to
 purchase by
 local
 authorities.

135. Notwithstanding anything in this Act the provisions of section 2 of the Electric Lighting Act 1888 shall apply to so much of the electricity undertaking as is situate outside the borough except as mentioned in section 177 (Limited application of Electricity Acts to works authorised by Part VI) of this Act and subject as follows :—

(1) The period of forty-two years mentioned in that section 2 shall with respect to each of the areas mentioned in column 1 of the following table be calculated from the date stated with reference to that area in column 2 of the table :—

Area.	Date.
—	—
Those parts of the borough of Hove which are referred to in Part I of the Third Schedule.	29th July 1926.
The urban district of Southwick.	18th December 1924.
The urban district of Portslade-by-Sea.	7th August 1925.
The parish of Falmer - -	29th July 1926.
The parish of Telscombe - -	26th February 1929 :

(2) The said period of forty-two years shall with respect to any part of the additional areas

which may hereafter be added to the electricity limits in accordance with the provisions of section 132 (Extension of electricity limits to additional areas) of this Act be calculated from the date of the passing of the confirming resolution relating to that part of the additional areas :

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- (3) Nothing in the Electric Lighting Act 1888 or in this Act shall extend to authorise the purchase by any local authority of any works of the Corporation which are not exclusively used or required for the purpose of supplying electricity within the area of the local authority.

136.—(1) Subject to the provisions of the schedule of 1899 incorporated with this Act the Corporation are specially authorised by and for the purposes of this Part of this Act to break up the under-mentioned streets and parts of streets not repairable by the local authority :—

Power to
break up
streets.

In the urban district of Southwick—

Albion Street Lower Shoreham Road Fishersgate Terrace Ferry Road Gordon Road from George Street to St. Aubyn's Road St. Aubyn's Road Watling Lane from the rear of the premises number 1 (west end) Butts Road to Grange Road West Road the approach road to the locks from Albion Street to the lock gates the towpath from the generating station of the Corporation to the lock gates.

In the urban district of Portslade-by-Sea—

Wellington Road.

In the parish of Telscombe—

South Coast Road.

(2) Notwithstanding anything in the Local Government Act 1929 the Corporation may for the purposes of the electricity undertaking break up all streets which (i) are within the electricity limits but outside the borough and (ii) are for the time being repairable by the county council and with respect to those streets the county council shall be deemed to be the local authority within the meaning of the principal Acts and of the schedule of 1899.

A.D. 1931.
—
Maximum
prices.

137.—(1) The maximum prices which may be charged by the Corporation as mentioned in section 32 of the schedule of 1899 shall be—

- (i) Where the Corporation charge any consumer by the actual amount of electricity supplied to him they shall be entitled to charge him at the rates per quarter mentioned in the Fourth Schedule;
- (ii) Where the Corporation charge any consumer by the electrical quantity contained in the supply given to him they shall be entitled to charge him according to the rates set forth in the Fourth Schedule the amount of electricity supplied to him being taken to be the product of such electrical quantity and the declared pressure at the consumers' terminals that is to say such constant pressure at those terminals as may be declared by the Corporation under the regulations of the Electricity Commissioners.

(2) The price to be charged by the Corporation for electricity supplied within such part of the existing electricity limits (as defined by Part I of the Third Schedule) as is outside the borough (other than the parish of Telscombe) shall not exceed the price for the time being actually charged by the Corporation for a corresponding supply in the borough.

(3) The price to be charged by the Hove Corporation for electricity supplied in the portion of the borough of Hove (as constituted at the passing of the Act of 1927) which was transferred by the Act of 1927 to the borough shall not exceed the price for the time being charged by the Corporation for a corresponding supply in the borough.

(4) The prices to be charged by the Corporation for electricity supplied by them in any part of the additional areas shall be such prices as shall be agreed between the local authority of the borough or district in which the supply is to be given and the Corporation and approved by the Electricity Commissioners but those prices shall be fixed annually for the then ensuing year at such rates (not exceeding the maximum rates specified in Part II of the Fourth Schedule) that so far as is reasonably practicable the revenue for that year derived from the supply of electricity in the

additional areas shall not be less than the expenditure for that year in connection with the supply in those areas.

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138. The Corporation may if they think fit make an allowance by way of discount not exceeding the rate of five per centum on the amount due in respect of any charges for electricity supplied by them from every person who pays the same within such time after demand thereof as the Corporation think fit to prescribe in that behalf Provided that all discounts shall be of equal amount under like circumstances to all consumers.

Discount on
electricity
charges.

If and so soon as the Corporation decide to allow any such discount notice to that effect shall be contained in every demand note in respect of such charges.

139. The provisions of section 59 of the Rating and Valuation Act 1925 relating to the sending or service of demand notes shall apply to demand notes for any charges made in connection with the electricity undertaking.

Service of
electricity
demand
notes.

140. Notwithstanding anything in any Act or Order relating to the Corporation or the electricity undertaking the Corporation on the one hand and any authority company body or person to whom the Corporation are authorised to supply electricity (other than authorised distributors) on the other hand may enter into and carry into effect contracts or agreements for or with respect to the supply of electricity by the Corporation to such authority company body or person and at such price and on such terms and conditions as may be agreed and the Corporation may supply electricity accordingly Provided that the Corporation shall not in making any such contract or agreement show any undue preference to any such authority company body or person.

Supply of
electricity
on special
terms.

141. The Corporation may levy and recover such charges as they think fit for taking the reading of any electricity meter fixed in a house which is either in whole or in part let furnished at the request of and for the convenience of consumers at times other than those of the periodical readings Provided that such charges shall not exceed the sum of one shilling for each reading.

Charges
for special
readings of
electricity
meters.

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Provision as
to surplus
electricity
revenue.

142. In lieu of the provisions of section 7 of the schedule of 1899 and of the amendments to that section set out in the Fifth Schedule to the Electricity (Supply) Act 1926 the following provisions shall apply with respect to the electricity undertaking (in addition to the provisions of section 514 (Application of revenue of undertakings) of this Act) viz. :—

If in any year the accounts of the electricity undertaking kept under section 513 (Accounts) of this Act shall show that the revenue of the electricity undertaking in respect of that year (including if and so long as any reserve fund established in connection with the electricity undertaking amounts to a sum equal to one-tenth part of the aggregate capital expenditure of the Corporation on that undertaking the interest and other annual proceeds received by the Corporation in respect of that year on the investments forming part of that reserve fund) has exceeded the total amount of the payments and expenses in respect of the year for the several purposes mentioned in paragraphs (a) to (e) of subsection (1) of the last-mentioned section then—

(a) If the reserve fund in respect of the electricity undertaking does not amount to more than one-twentieth of the aggregate capital expenditure on that undertaking an amount equal to such excess shall be deemed for the purposes of section 513 (Accounts) of this Act to be revenue of the electricity undertaking in respect of the next following year and a reduction shall be made in the charges for electricity supplied by the Corporation of such respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the said excess;

(b) If the said reserve fund amounts to more than one-twentieth of the said aggregate capital expenditure such amount as the Corporation may think fit (not being less in cases where the said excess is more than a sum equal to one and a half per

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centum of the outstanding debt of the electricity undertaking than the difference between the said excess and that sum) shall be deemed for the purposes of section 513 (Accounts) of this Act to be revenue of the electricity undertaking in respect of the next following year and a reduction shall be made in the charges for electricity supplied by the Corporation of such respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the amount so deemed to be revenue.

143.—(1) Any owner or occupier of premises having a separate supply of energy who after the commencement of this Act requires the Corporation to give for such premises a supply of electricity shall in addition to the contract which he is required to enter into by section 27 of the schedule of 1899 enter into a written contract with the Corporation if required by them so to do to pay such minimum annual amount (in addition to the payments due under such first-mentioned contract) as will give the Corporation a reasonable return on the outlay incurred by the Corporation in providing any plant to meet the possible maximum demand of such owner or occupier and other standing and establishment charges incurred or to be incurred by the Corporation to meet such demand.

Extending
section 27
of schedule
of 1899.

(2) If any owner or occupier of premises to which the Corporation supply electricity shall at any time after the date on which that supply is commenced establish or take a separate supply of energy for such premises and the Corporation have not received from such owner a reasonable return on the outlay incurred by them in providing plant to meet the possible maximum demand of such owner or occupier and other charges aforesaid in reference to such supply of electricity the Corporation may require such owner or occupier either to pay such sum in addition to any payments due under any then existing contract between the Corporation and such owner or occupier or to take from the Corporation and pay for such minimum supply of electricity as will ensure to the Corporation a reasonable return on such outlay.

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(3) Any difference which may arise between the Corporation and any such owner or occupier under this section shall be determined by an electrical engineer to be appointed on the application of either party by the President of the Institution of Electrical Engineers and the provisions of section 27 of the schedule of 1899 as to security for the payment of moneys due shall extend and apply to any payments to be made under the provisions of this section and any moneys due under any contract made in accordance therewith.

Electricity
supplied for
power not
to be used
for lighting.

144.—(1) No consumer to whom electricity is supplied by the Corporation shall without the consent in writing of the Corporation use or suffer to be used (whether after transformation or conversion or not) for purposes of lighting or illuminating 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 Corporation for any other purpose.

(2) Any consumer who without such consent shall use or allow to be used for lighting purposes electricity supplied to him by the Corporation through a meter fixed for the purpose of ascertaining the value of the supply 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 not exceeding forty shillings and shall in addition be liable to pay the Corporation at such higher rate as they may for the time being be charging for the supply of electricity for the purpose for which the electricity is used or allowed to be 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 Corporation shall sue for any penalty as aforesaid.

(3) Any court having jurisdiction to impose such penalty may and on the application of the Corporation 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 Corporation.

(4) The provisions of section 18 of the Electric Lighting Act 1909 shall apply to any person whom the Corporation have reasonable grounds for believing to be acting contrary to the provisions of this section. A.D. 1931.

145.—(1) Subject to the provisions of the principal Acts and the schedule of 1899 the Corporation may (with the consent of the highway authority and in the case of any street in the urban district of Portslade-by-Sea with the consent of the council of that district either of which consents may be given subject to such terms and conditions as that authority or council may think fit) in or under any street repairable by the inhabitants at large or dedicated to public use and (with the consent of the persons liable to repair the same) in or under any street not so repairable or not dedicated to the public use and being in either case a street within the electricity limits construct and maintain sub-stations transforming stations and other works in connection with the electricity undertaking and may in any such street as aforesaid provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient Provided that—

Power to construct electricity sub-stations under streets.

(a) Where in the opinion of the Corporation the consent of the person liable to repair any street not repairable by the inhabitants at large or not dedicated to the public use is unreasonably withheld the Corporation may appeal to a court of summary jurisdiction who shall have power to allow the construction and maintenance of such sub-stations transforming stations and works subject to such terms and conditions as they may think reasonable or to disallow the same; and

(b) The Corporation shall not construct any such sub-station transforming station or work (i) in or upon any bridge carrying a street over a railway of the railway company or under any bridge carrying a railway of the railway company over a street or within fifteen feet of any portion of any abutment or wing wall of any such bridge without the consent

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of the railway company which consent shall not be unreasonably withheld or (ii) so as to interfere with or render less convenient the access to or exit from any station or depot of the railway company.

Any difference which may arise between the railway company and the Corporation as to whether any consent of the railway company under this proviso has been unreasonably withheld shall be determined by an arbitrator to be agreed or failing agreement to be appointed on the application of either party after notice in writing to the other party by the President of the Institution of Civil Engineers.

(2) Nothing in this section shall authorise the Corporation to construct any sub-station transforming station or other work in any street within the limits of the gas company for the supply of gas in such manner as to leave insufficient space in the said street for the laying down by the gas company for the purposes of their undertaking of any necessary mains pipes or other apparatus.

Power to
lay electric
mains in
private
streets.

146.—(1) The Corporation may upon the application of the owner or occupier of any premises within the electricity limits abutting on or being erected in any street laid out or made and whether dedicated to the public use or not supply such premises with electricity and may lay down take up alter relay or renew in across or along such street such mains wires and apparatus as may be requisite or proper for furnishing such supply and the provisions of the principal Acts and of the schedule of 1899 with respect to the breaking up of streets for the purpose of laying mains so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof and to any works constructed or executed by the Corporation under the provisions of this section :

Provided that nothing in this section shall apply to any street belonging to and forming the approach to any station or depot of the railway company nor shall the Corporation in carrying out the works authorised by this section unreasonably obstruct or interfere with the convenient access to any such street.

(2) The local authority of the district within which any street laid out but not dedicated to public use is situate or where such local authority are a rural district council the county council shall be deemed in addition to any other person to be persons having the control or management of such street for the purposes of the provisions of the schedule to the Electric Lighting (Clauses) Act 1899 with respect to the breaking up of streets for the purpose of laying pipes. A.D. 1931.

147. The purposes for which the Corporation may under the powers of this Part of this Act and the Acts incorporated with this Act generate and supply electricity shall include the purpose of working by electrical power any of the tramways. Supply of electricity for transport.

148. The Corporation on the one hand and any local authority company or person owning or working tramways light railways or railways within or without the electricity limits which are connected directly or indirectly with tramways light railways or railways within those limits on the other hand may enter into and carry into effect agreements for the supply by the Corporation to such authority company or person of electricity for the purposes for which such authority company or person is empowered to use electricity Provided that no electricity shall be supplied or shall continue to be supplied by the Corporation under the provisions of this section in any district in which any local authority company or person shall be supplying electricity under statutory authority without the consent in writing of such local authority company or person : Agreements for supply of electricity for traction.

Provided that any electricity supplied under this section or any agreement made thereunder to any local authority company or person shall be used by the local authority company or person receiving the supply in such manner as not to cause or be likely to cause any interference (whether by induction or otherwise) with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line but this provision shall not apply to an undertaking or part thereof in respect of which any local authority company or person is authorised to use electricity by Act of Parliament or by an Order confirmed

A.D. 1931. — by or having the effect of an Act of Parliament containing provisions for the protection of the telegraphic lines of the Postmaster-General in respect of the use of electricity.

Power to supply electricity in neighbouring districts.

149. Where any local authority for any district comprising any part of the additional areas or any company or person supplying electricity therein or any local authority for or company supplying electricity in any district adjacent or in proximity to the electricity limits or on the route of any electric line belonging to the Corporation desires to be supplied with electricity by the Corporation such local authority or company being authorised to supply electricity under the provisions of the principal Acts the Corporation may supply electricity in bulk to any such local authority company or person.

Supply to premises partly without electricity limits.

150. The Corporation may by agreement supply electricity to any house building or premises which or the curtilage of which is partly within and partly outside the electricity limits in the same manner as if those premises were wholly within such limits.

Maximum power which may be demanded.

151.—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Corporation shall not include any supply of electricity taken on extraordinary occasions or as a stand-by supply unless the consumer shall pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Corporation in order to meet the possible maximum demand for those premises the sum so to be paid to be determined in default of agreement by arbitration in the manner provided by section 28 of the Electric Lighting Act 1882.

(2) The provisions of this section shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the commencement of this Act of any right to which he would be entitled but for those provisions.

Power to cut off supplies where

152. The powers of the Corporation 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 Corporation—

- (a) for electricity supplied by them; or
- (b) in respect of any apparatus or fitting let on hire by the Corporation or supplied by them on hire purchase terms which the Corporation are under obligation to maintain;

remains unpaid after the expiration of such period from the date of demand thereof as the Corporation may from time to time determine.

153. In any case in which the Corporation 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 reasonable expenses incurred by them in such cutting off in like manner as charges for electricity are recoverable by the Corporation.

154.—(1) The powers conferred by section 24 of the Electric Lighting Act 1882 of entering premises for the purposes mentioned in that section shall extend to enable the Corporation to enter any premises to which electricity is or is proposed to be or has been supplied by them (whether for the time being occupied or not) and in or upon which they have reason to believe that there is or has been any contravention of any Act or Order relating to the electricity undertaking or of any byelaw or regulation made thereunder and to inspect such premises and any electric lines wires fuses casings switches fittings lamps lampholders or other apparatus therein and in any case in which any such contravention is found to exist or to have existed to cut off and disconnect the supply of electricity to the premises.

(2) Where any premises which the Corporation are entitled to enter in pursuance of the said section 24 or section 16 of the Electric Lighting Act 1909 or this section are unoccupied the Corporation may after giving not less than forty-eight hours' notice to the owner thereof either personally or if he be unknown to them and if he cannot be ascertained by them after diligent inquiry by affixing such notice upon a conspicuous part of the

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charges &c.
not wholly
paid.

Power to
recover cost
of cutting
off supplies.

Further
powers as to
entry upon
premises.

A.D. 1931. premises forcibly enter the same doing no unnecessary damage.

(3) Any person who shall refuse or neglect to admit any officer appointed by the Corporation to any premises which he is entitled to enter in pursuance of the said section 24 the said section 16 or this section or shall hinder any such officer from entering any such premises or from exercising the powers contained in any of the said sections shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(4) The provisions of this section shall not apply to or in respect of any building or premises (not being a dwelling-house) belonging to and used by the railway company for the purposes of their railway and forming part of any station or goods depot.

Protection
of seals &c.
belonging to
Corporation.

155. The provisions of section 38 (Penalty for injuring meters) of the Gasworks Clauses Act 1871 incorporated with the Electric Lighting Act 1882 shall apply to any person who wilfully fraudulently or by culpable negligence injures or detaches or suffers to be injured or detached any of the sealing or locking devices attached to any sealed or locked receptacle meter or apparatus inserted by the Corporation in any electric line within a consumer's premises or opens or suffers to be opened any such sealed or locked receptacle meter or apparatus.

As to use
of trans-
formers.

156. Where a separate transformer is provided at the expense of the Corporation for the purpose of affording a supply of electricity to any consumer the Corporation may use the transformer for the purpose of affording a supply of electricity to other consumers so long as such use does not prejudice or interfere with the supply for which that transformer was originally provided.

Notice to
discontinue
supply of
electricity.

157.—(1) A notice to the Corporation from a consumer for the discontinuance of a supply of electricity shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the electricity undertaking.

(2) Notice of the effect of this section shall be endorsed upon every demand note for charges for electricity.

158. If a meter of a construction and pattern approved by the Board of Trade or the Minister and used by any consumer of electricity be 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 is proved to have first arisen during the then current quarter. The amount of the allowance to be paid to or the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and in the case of a surcharge shall be recoverable in the like manner as charges for electricity are recoverable by the Corporation.

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Period of
error in
defective
meter.

159.—(1) The Corporation may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the purposes of the electricity undertaking. Provided that—

Attachment
of brackets
to buildings
for elec-
tricity pur-
poses.

(a) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the attachment;

(b) Any consent of an owner and any order of a court under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed or such earlier date as may be agreed between the Corporation and the subsequent owner. Where such notice is given the preceding provisions of this section shall apply and the court shall have the same power as under proviso (a);

(c) The owner may require the Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the building;

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(d) No brackets wires and attachments shall be attached to any bridge of the county council or any bridge or other work of the railway company without the previous consent in writing of the county council or of that company as the case may be;

(e) The Corporation shall make good all damage caused to the building by or by reason of the attachments.

(2) For the purpose of this section any occupier of a building whose tenancy exceeds five years unexpired and in the case of any other tenancy the person receiving the rack-rent shall be deemed to be the owner.

(3) In this section the word "building" includes a wall or bridge.

Provisions
as to supply
of electricity
by agree-
ment.

160.—(1) If any consumer of electricity supplied by the Corporation under the terms of any agreement uses the electricity supplied to him by the Corporation in any manner contrary to the terms of the agreement—

(a) the Corporation may if they think fit discontinue to supply electricity to that consumer;

(b) the consumer shall in respect of all the electricity supplied to him by the Corporation within one year previous to the date of any demand in that behalf made upon him by the Corporation (whether they determine to discontinue the supply or not) be liable to pay the Corporation at any higher rate which they may for the time being be charging for the supply of electricity for use in the manner or under the conditions in or under which the consumer used the electricity supplied to him; and

(c) the Corporation 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 the consumer will be consumed in accordance with the terms of the agreement; and

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

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Provided that before discontinuing any such supply the Corporation shall give to the consumer taking the supply 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 terms of the agreement.

(2) A consumer supplied with electricity by the Corporation under the terms of any agreement shall be deemed to be a person to whom the Corporation may be and are required to supply energy within the meaning of section 30 of the schedule of 1899 and the provisions of that section shall apply to the supply afforded by the Corporation under such agreement unless the provisions of that section are expressly excluded from application in the agreement and if the Corporation fail to supply energy to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Corporation :

Provided that the provisions of this subsection shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the commencement of this Act of any right to which he would be entitled but for those provisions.

161.—(1) The Corporation may make byelaws for the purpose of preventing fire or any injury to persons in any building or premises supplied or proposed to be supplied with electricity by the Corporation with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply and may refuse to supply electricity to any building or premises in which such byelaws are not complied with.

Byelaws as to apparatus and fittings.

(2) The provisions of section 6 of the Electric Lighting Act 1882 so far as those provisions relate to byelaws shall apply to any byelaws made under this section.

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(3) No byelaw made under this section shall apply to or in respect of any building or premises (not being a dwelling-house) belonging to and forming part of the railway or any station or depot adjoining the railway or railway sidings of the railway company.

Special provisions as to Shoreham Harbour.

162.—(1) Subject to the provisions of Part XXVIII of this Act the Corporation may for the purpose of the supply of electricity to or within the urban district of Southwick subject to the provisions of section 15 of the schedule of 1899 place mains under and in but so as to cross below the bed of the canal forming part of the Shoreham Harbour undertaking at any places within that district but shall not (save as expressly authorised by this Act) otherwise interfere in any manner with the bed soil banks or shores of that canal or the navigation thereof or affect in any manner the rights powers or privileges of the Shoreham Harbour Trustees in respect thereto and for the purposes of the said section 15 the Shoreham Harbour Trustees shall be deemed to be the owners of the said canal :

Provided that nothing in this section shall authorise the Corporation to place mains under or in any land not dedicated to public use without the consent of the owners and occupiers thereof.

(2) The provisions of section 14 of the schedule of 1899 shall so far as they relate to the Postmaster-General apply with reference to the placing by the Corporation of mains under in or below the bed of the said canal as they apply with reference to the placing of works in a street.

PART VI.

GENERATING AND MAIN TRANSMISSION WORKS.

Definitions for Part VI:

163.—(1) In this Part of this Act and for the purposes of this Part of this Act in the provisions incorporated with this Part of this Act of the Gasworks Clauses Act 1847 and the Electric Lighting Act 1882 and the Electric Lighting (Clauses) Act 1899—

The expression “ electric line ” means and includes wire or wires conductors or other means used for the purposes of conveying or transmitting electricity with any casing coating covering tube

pipe trough or insulator enclosing surrounding or separating the same or any part thereof or any apparatus connected therewith for the purpose of conveying and transmitting electricity;

The expressions "local authority" and "electricity" have respectively the same meanings as in the Electric Lighting Act 1882;

The expressions "telegraphic line" "county council" "railway" "tramway" and "daily penalty" have respectively the same meanings as in the Electric Lighting (Clauses) Act 1899;

The expression "street" means and includes the carriageway and footway of all or any part of any square court alley highway street road bridge thoroughfare public passage or place;

The expression "undertakers" means the Corporation.

(2) In this Part of this Act—

"The deposited plans of 1900" "the deposited sections of 1900" and "the deposited book of reference of 1900" respectively mean the plans the sections and the book of reference deposited with the clerk of the peace for the county of Sussex in respect of the Bill for the Act of 1900;

"The deposited plans of 1903" and "the deposited sections of 1903" respectively mean the plans and sections deposited with the clerk of the peace for the county of Sussex in respect of the Bill for the Act of 1903.

164.—(1) The Corporation may upon the lands hereinafter referred to continue maintain improve alter enlarge work and use their existing generating station together with such machinery engines works matters or things of whatever description as may be required by the Corporation to enable them to generate transform and transmit electricity and the Corporation may on those lands generate transform and transmit electricity accordingly Provided that nothing in this subsection shall relieve the Corporation from the necessity for obtaining the consent of the Electricity Commissioners

Generating
station.

A.D. 1931. under section 11 of the Electricity (Supply) Act 1919
— as amended by section 13 of the Electricity (Supply)
Act 1922 to any extension of the existing generating
station.

(2) The lands above referred to are the lands in the urban district of Southwick lying between the road on the south bank of the east arm of Shoreham Harbour and high-water mark and bounded on the east by lands of the gas company and extending westwards from those lands for a distance of from two hundred and twenty-seven to two hundred and forty yards or thereabouts.

(3) The Corporation shall not stop up the portion of the towing-path forming part of the said lands but shall maintain the same as a towing-path and road subject to all rights of way thereover existing on the thirtieth day of July nineteen hundred.

Easements
over road.

165.—(1) Subject to the provisions of this Part of this Act the Corporation their officers servants and workmen may enter upon pass over and use at all times either on foot or with horses cattle carts and carriages the road between the generating station and the highway from Brighton to New Shoreham and open and break up the site and soil of and may lay down construct and from time to time repair renew and inspect water mains or pipes therein or thereunder Provided that so far as the water mains or pipes which the Corporation are authorised to lay down in the road shall be laid in lands not dedicated to public use the Corporation shall make to the owners and occupiers and other parties having any estate or interest in such lands compensation for the value of the right or easement of so laying down maintaining repairing renewing and inspecting such mains or pipes and may give notice to treat in respect of such right or easement and the provisions of the Lands Clauses Acts shall apply to the purchase of such right or easement as if such purchase were a purchase of land within the meaning of those Acts.

(2) The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall extend and apply to the exercise of the powers of this section with

respect to the laying down construction and repair of mains and pipes in and under the said road. A.D. 1931.
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(3) Except as by this section expressly provided nothing in this section shall prejudice alter or affect the property of the gas company in the said road or any powers rights privileges and authorities vested in or exerciseable by the gas company or extend to divest the gas company of any rights powers privileges or authorities conferred upon or granted to them by any Act of Parliament or otherwise howsoever acquired.

166.—(1) Subject to the provisions of Part XXVIII of this Act the Corporation may in the lines and situation shown on the deposited plans of 1900 and according to the levels shown on the deposited sections of 1900 make and maintain a wharf (already partly constructed) on the south bank of the eastern arm of Shoreham Harbour. Power to make wharf.

(2) In constructing the said wharf the Corporation may deviate from the lines thereof as shown on the deposited plans of 1900 to any extent within the limits of deviation shown on those plans and from the levels thereof as shown on the deposited sections of 1900 to any extent not exceeding two feet :

Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

167. Subject to the provisions of Part XXVIII of this Act the Corporation may erect work maintain and use such stages shipping places staiths stairs cranes drops hoists dolphins moorings buoys dams groynes culverts pipes pumps engines works buildings and conveniences as may be necessary or expedient in connection with the electricity lands and the works situate thereon and the said wharf. Subsidiary works.

168.—(1) Subject to the provisions of Part XXVIII of this Act the Corporation may from time to time erect construct and maintain and from time to time alter vary remove and reconstruct drains pipes and dams groynes or other protective works on the electricity lands and on the sea-beach or foreshore and bed of the sea adjacent thereto. Power to construct groynes &c. for protection of works.

A.D. 1931.

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(2) Twenty-one days' notice in writing of any application to the Board of Trade for their consent to the construction of any groyne or other protective work proposed to be constructed by the Corporation under the powers of this section elsewhere than on the electricity lands shall be served together with plans and sections of the intended works on the gas company by the Corporation.

Power to
dredge.

169.—(1) Notwithstanding anything in any bye-law made by the Shoreham Harbour Trustees or any Act of Parliament relating to Shoreham Harbour the Corporation may subject to the provisions of Part XXVIII of this Act from time to time within the limits defined on the deposited plans of 1900 of lands to be acquired under the Act of 1900 dredge the bed soil and channel of the east arm of the harbour at and adjoining the wharf by this Part of this Act authorised and for the purpose of laying any electric lines under the harbour as hereinafter provided with such covering or protective works as may be necessary in connection therewith.

(2) The Corporation may take and utilise the material dredged and any shingle stones or other material on the lands shown on the deposited plans of 1900 and the electricity lands and may dispose thereof and of any sludge or refuse arising in the carrying on of the electricity undertaking by deposit on their premises or in the sea or in such other manner as may be approved by the Shoreham Harbour Trustees :

Provided that the powers of the Corporation under this subsection shall be exerciseable subject to the provisions of section 584 (Crown rights) of this Act and in particular and without prejudice to that general limitation any consent given to the exercise of such powers by the Commissioners of Crown Lands or the Board of Trade on behalf of His Majesty may be given subject to such restrictions and conditions including the payment by the Corporation to the Commissioners of Crown Lands or the Board of Trade of royalties rents or sums of money in respect of materials raised from any place below high-water mark and sold by the Corporation under this section or in respect of any place below high-water mark upon which materials

may be deposited as may be fixed by the Commissioners of Crown Lands or the Board of Trade as the case may be. A.D. 1931.
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170.—(1) Subject to the provisions of this Part and Part XXVIII of this Act the Corporation may in the lines and situations and according to the levels shown on the deposited plans and sections of 1903 relating thereto make and maintain a subway under the east arm of Shoreham Harbour and under the towpath and lands on the south side thereof. Power to make subway under Shoreham Harbour.

(2) The Corporation may also lay down maintain use repair remove and alter electric lines gas and water and other mains and pipes and telephone and telegraph wires and other works in the subway and connect such electric lines with their generating station and with any electric lines whether existing at the commencement of this Act or authorised by this Part of this Act to be laid down by the Corporation.

(3) In making the subway the Corporation may deviate from the lines thereof to any extent within the limits of deviation defined on the deposited plans of 1903 and from the levels thereof as marked on the deposited sections of 1903 to such an extent as may be found necessary or convenient. Provided that the Corporation shall not in making such deviation of the levels of the said subway bring any portion of the works of the subway within fourteen feet of the existing bed of Shoreham Harbour.

(4) The Corporation may in connection with and for the purpose of the subway from time to time make and maintain all such hydraulic and other lifts stairs stairways inclined planes and other means of ingress and egress to and from the subway and all such shafts and openings for ventilating the same and all such tunnels tubes piers abutments walls dams stages pumps pipes sewers approaches and other works machinery apparatus and conveniences as may be necessary or convenient in or for the construction maintenance repair and user of the subway.

171. The Corporation and any local authority company body or person may enter into and carry into effect agreements for or with respect to the user of the subway by this Part of this Act authorised and the payments for such user. Agreements] as to user of subway.

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Power to
abstract
water.

172. The Corporation may abstract appropriate and use the waters of Shoreham Harbour for condensing or other purposes of the electricity undertaking provided that all water so utilised and not consumed shall be returned to the harbour.

Power to
lay down
electric
lines &c.

173.—(1) Subject to the provisions of this Part and Part XXVIII of this Act the Corporation may for the purpose of connecting the generating station with their electric works within the borough lay down maintain repair remove and alter electric lines under the portion of the east arm of Shoreham Harbour and the towing-path thereof and the lands in the urban district of Southwick lying between the electricity lands and the high road from Brighton to Shoreham and under the streets and roads shown on the deposited plans of 1900 and included within the limits of "Roads to be utilised" marked thereon and may use such electric lines for the transmission of electricity.

(2) The Corporation may also for the purpose of laying down maintaining repairing renewing altering and using such electric lines and works and of examining testing regulating measuring directing and controlling the transmission of electricity through them and examining and testing the state thereof exercise in such streets and roads all the powers of the provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and those provisions shall so far as applicable and except where inconsistent with the provisions of this Part of this Act be incorporated with this section and shall apply accordingly. Provided that for the purposes of this section the provisions so incorporated shall be construed as if "gas" meant "electricity" "pipe" meant "electric line" and "the limits of the special Act" meant the aforesaid streets and roads and any other streets within the urban districts of Southwick and Portslade or the borough of Hove in which the Corporation may obtain the consent of the local authority to lay electric lines.

(3) The provisions of sections 13 to 17 and sections 22 and 23 of the Electric Lighting Act 1882 and of sections 10 to 20 and 77 of the schedule to the Electric Lighting (Clauses) Act 1899 shall apply to and in the case of the exercise by the Corporation of the powers

by this section conferred upon them in relation to streets and roads so far as they are applicable and except where inconsistent with the provisions of this Part of this Act and for the purposes of those enactments the Corporation shall be deemed to be specially authorised to break up the roads not repairable by a local authority and the railways and tramways shown on the deposited plans of 1900 within the limits of "Roads to be utilised" and described in the deposited book of reference of 1900. A.D. 1931.

(4) All provisions contained in the Electricity (Supply) Acts 1882 to 1928 and in the schedule to the Electric Lighting (Clauses) Act 1899 for the protection of the Postmaster-General and his telegraphic lines shall apply to the exercise by the Corporation of the powers by this section conferred upon them.

(5) The Corporation on the one hand and (in the case of streets situate within the urban district of Portslade-by-Sea) the council of that district and (in any other case) the highway authority on the other hand may agree for a variation of the route along which electric lines may be laid down by the Corporation under the powers of this section and the Corporation shall have and may exercise in respect of the streets along such route all such and the like powers as are by this section conferred upon them with regard to the streets shown on the deposited plans of 1900.

The Corporation shall forthwith send to the county council a copy of any agreement entered into by them under this subsection with the Portslade-by-Sea Urban District Council.

174. Any surplus soil or material excavated and left after the filling in and reinstating of any street or road situate beyond the borough which may be broken up by the Corporation under the powers of the last preceding section shall belong to the local authority of the district in which such street or road is situate or in the case of roads repaired by the county council to the county council and the Corporation shall deliver the same to such local authority or council (as the case may be) at such place not being more than half a mile from where the same is excavated as the local authority or their surveyor or the county council or their county surveyor (as the case may be) may direct within seven As to surplus soil.

A.D. 1931. — days of the receipt of notice of the intention of the Corporation to break up such street or road and failing any such direction being given such surplus soil or material shall vest in the Corporation and shall be removed and disposed of by them.

For protection of Hove Corporation.

175. In laying down and using any electric lines laid by the Corporation under the powers of this Part of this Act under any street within the area of the Hove Corporation for the supply of electricity the Corporation shall take all reasonable precautions so as not injuriously to affect by induction or otherwise any electric lines or works of the Hove Corporation then existing under such street.

For protection of Shoreham Harbour Trustees.

176. For the protection of the Shoreham Harbour Trustees (hereinafter called "the trustees") the following provisions shall in addition to the other provisions in this Act for their protection have effect:—

- (1) Before commencing any further works in connection with the construction of the wharf authorised by section 166 (Power to make wharf) of this Act or to construct alter vary remove or reconstruct any groynes or sea defence works under the powers of section 167 (Subsidiary works) and section 168 (Power to construct groynes &c. for protection of works) of this Act or to make or alter any of the works authorised by subsection (4) of section 170 (Power to make subway under Shoreham Harbour) of this Act the Corporation shall submit drawings plans and sections of the proposed works to the engineer for the time being of the trustees who shall within thirty days after delivery to him of such drawings plans and sections either disapprove them or approve them with such alterations therein (if any) as he may think proper Provided always that if the said engineer shall disapprove or fail within the period aforesaid to approve such drawings plans and sections or if he shall require any alteration to be made therein to which the Corporation are unwilling to agree the matter in difference between the Corporation and the said engineer with respect to such drawings plans and sections shall be referred

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to arbitration and the arbitrator shall have full power by his award either to disapprove or to approve with such alterations (if any) as he may think proper the drawings plans and sections submitted by the Corporation as aforesaid :

- (2) The said proposed works shall be constructed and maintained only in accordance with such drawings plans and sections as shall have been approved as the case may be by the said engineer or such arbitrator as aforesaid :
- (3) Before the Corporation commence to dredge any part of the bed soil or channel of the east arm of Shoreham Harbour at and adjoining the said wharf the Corporation shall (except in emergency when they shall give as long a notice as possible stating the grounds of emergency) give to the said engineer thirty days' notice in writing of their intention together with particulars of the work proposed to be done showing the part of the said bed soil or channel proposed to be dredged and the depth to which it is proposed to dredge the same And any such works of dredging shall be carried out to the reasonable satisfaction of the said engineer and under his superintendence unless he fails to superintend the same Provided always that if the trustees shall give to the Corporation within three days after the receipt of such notice as aforesaid notice in writing of their desire so to do the Corporation shall permit the trustees to carry out and execute and the trustees shall with all reasonable dispatch carry out and execute such works of dredging in lieu and at the expense of the Corporation and the reasonable costs and expenses incurred by the trustees of and incidental to and consequent upon the carrying out and execution of such works of dredging as aforesaid shall be repaid to the trustees by the Corporation and may be recovered summarily :
- (4) All water abstracted by the Corporation from Shoreham Harbour and utilised for condensing or other purposes of the electricity undertaking

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and not consumed shall be returned by the Corporation to the harbour free from sewage or offensive contamination and at a temperature not exceeding 35 degrees Fahrenheit above the temperature at which it was abstracted :

- (5) Before commencing to exercise any of the powers conferred on them by section 173 (Power to lay down electric lines &c.) of this Act or by any of the Acts referred to in that section or any dredging for the purpose of such works in or upon any part of the bed soil or channel of the east arm of Shoreham Harbour or the towing-path thereof or of any other lands or property of the trustees the Corporation shall (except in emergency when they shall give as long a notice as possible stating the grounds of emergency) deliver to the said engineer a map or plan and sections showing the line and level of the trench in which any electric lines are proposed to be laid down removed or altered under the powers conferred on the Corporation by the said section or any of the said Acts in or upon any part of the east arm of the harbour or the towing-path thereof and the provision of subsection (1) of this section with respect to the approval and settlement of plans and sections shall apply mutatis mutandis to and in the case of such map or plan and section The laying down removal or alteration of any such electric lines shall (except in the case of any removal or alteration necessitated by any emergency of which the Corporation shall give as long a notice as possible stating the grounds of emergency) be carried out only in the line and level shown on the said map or plan and section approved by the trustees or settled by the arbitrator as provided by the said subsection (1) of this section :
- (6) The north boundary wall of the generating station or other buildings to be constructed and erected by the Corporation on the electricity lands shall not extend beyond the line of frontage of the north boundary wall of the works of the gas company :

(7) Notwithstanding anything in this Part of this Act or in any of the Acts incorporated herewith or with any Part thereof the Corporation shall be responsible for and make good to the trustees all costs damages losses and expenses which may be occasioned to the trustees or to Shoreham Harbour or the navigation thereof through or by reason of or consequent upon—

(a) the laying down or existence of any electric line or the execution of any work of dredging under the powers of this Part of this Act in or under the bed of the east arm of the harbour; or

(b) the construction or existence of the subway authorised by this Part of this Act under the bed of the east arm of the harbour or any works in connection therewith; or

(c) any act or omission of the Corporation or any of their contractors sub-contractors agents workmen or servants or any person employed by the Corporation or their contractor in reference to the matters aforesaid;

The Corporation shall also effectually indemnify and hold harmless the trustees from all claims and demands upon or against them by reason of any such act or omission as aforesaid or the construction or existence of the said subway or any works in connection therewith and notwithstanding in the case of any such electric lines as aforesaid or dredging in connection therewith any approval of the trustees or the said engineer :

(8) Any matter in difference between the Corporation and the trustees or the said engineer by this section referred to arbitration shall be decided by a single arbitrator who shall in case of dispute be nominated by the Board of Trade upon the application of the Corporation and the trustees or of either of them under their respective common seals :

(9) If there shall be any inconsistency between any plans or sections approved by the trustees or

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settled by arbitration under this section and the plans and sections approved by the Board of Trade under section 578 (Works below high-water mark not to be constructed without consent of Board of Trade) of this Act the works shall be executed in accordance with the plans and sections so approved by the Board of Trade.

Limited application of Electricity Acts to works authorised by Part VI.

177. Notwithstanding anything in the definition of the electricity undertaking in section 6 of this Act or any other provisions of this Act—

(1) The provisions of the Electricity (Supply) Acts 1882 to 1928 and of the schedule to the Electric Lighting (Clauses) Act 1899 shall not extend or apply to the generating station wharf subway electric lines and other works which the Corporation are by this Part of this Act authorised to make and maintain or to the Corporation with respect to those works except only to the extent mentioned in section 164 (Generating station) and section 173 (Power to lay down electric lines &c.) of this Act :

(2) The works aforesaid shall not be purchasable by any local authority under the Electric Lighting Act 1888 or section 135 (As to purchase by local authorities) of this Act.

Expenses and receipts under Part VI.

178. Any expenses incurred and moneys received by the Corporation under this Part of this Act shall respectively be deemed to be expenses incurred and moneys received in respect of the electricity undertaking.

PART VII.

SEA DEFENCE.

Incorporation of Railways Clauses Act 1845.

179. In addition to the enactments incorporated with this Act by Part I thereof the provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof except section 39 of that Act are (so far as those provisions are applicable for the purposes and not inconsistent with the provisions of this Part of this Act) hereby incorporated with and form part

of this Part of this Act subject to the following modifications:— A.D. 1931.

- (a) The expressions “the company” and “the railway” in those provisions shall respectively mean the Corporation and the works authorised by this Part of this Act;
- (b) The expression “the Lands Clauses Consolidation Act” in those provisions shall mean the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919;
- (c) Sections 30 and 32 shall have effect as if the words “at any time before the expiration of the period by the special Act limited for the construction of the railway” were omitted therefrom and “the prescribed limits” meant in both sections the area within two hundred yards from high-water mark.

180. In this Part of this Act unless the subject or context otherwise requires— Definitions
for Part VII.

“The board” means the Brighton Intercepting and Outfall Sewers Board;

“The board’s Act and Orders” means the Brighton Intercepting and Outfall Sewers Act 1870 and the Brighton and Hove (Outfall Sewers) Orders 1888 to 1929.

181. All groynes walls embankments and other works of sea defence existing at the commencement of this Act and belonging to the Corporation shall continue vested in the Corporation. Sea defence
works to
continue
vested in
Corporation.

182. Subject to the provisions of Part XXVIII of this Act the Corporation may repair improve maintain or remove the groynes walls and other works of sea defence existing at the commencement of this Act and may erect set up build repair and maintain such other groynes walls jetties piers and works as they may think fit for the purpose of protection against the encroachment of the sea or for facilitating the approach to the beach or foreshore. Powers as to
sea defence
works.

183. Subject to the provisions of Part XXVIII of this Act the Corporation may lay down use and take up for all or any of the purposes of this Part of this Act such Temporary
works.

A.D. 1931. — temporary works materials and machinery of every description as may be deemed necessary or expedient for the purpose of constructing maintaining altering or repairing any of the works by this Part of this Act authorised in such positions and in accordance with such plans and specifications as they may determine or as may be settled by them in agreement with any authority body or person whose interests are affected by the construction and maintenance of any of such works.

For protec-
tion of
Brighton
Intercepting
and Outfall
Sewers
Board.

184. For the protection of the board the following provisions shall apply and have effect unless otherwise agreed between the Corporation and the board in writing under their respective common seals :—

- (1) Notwithstanding anything in this Part of this Act the Corporation shall not under the powers of this Part of this Act (except as hereinafter mentioned) enter upon or use any lands property or works of the board :
- (2) The Corporation may without payment of pecuniary compensation acquire from the board and the board shall if required by the Corporation grant accordingly an easement or right of constructing and at all times repairing and maintaining such of the sea-walls and other works by this Part of this Act authorised as are situate through over and across the lands and property of the board subject to such terms and conditions relating to the mode of construction of such works and otherwise as may be agreed between the parties or as failing agreement may be determined by arbitration as hereinafter provided :
- (3) The provisions incorporated with this Part of this Act of the Railways Clauses Consolidation Act 1845 shall not apply to any lands or private roads of the board :
- (4) If the Corporation shall construct any groynes sea-wall or other defensive work (hereinafter referred to as "defence works") so as to interfere with the access to any adits of the board the Corporation shall extend to the reasonable satisfaction of the surveyor to the board such adits beyond the present line of the

cliff up to the southern face of such defence works so as to afford access to the sewers of the Board :

- (5) Before the Corporation interfere with any sewers adits or other works of the board or commence the construction of any defence works over or upon any land of the board they shall submit to the board for their approval plans sections and particulars of such defence works and of any extension of adits which may be required under the last preceding subsection of this section and if within one month after the receipt of such plans sections and particulars the board signify to the Corporation their disapproval thereof or make any requirement for the protection of the board the plans sections and particulars and any requirement of the board (if not agreed between the Corporation and the board) shall be submitted to an arbitrator to be appointed as hereinafter mentioned The Corporation shall not commence any such works until such plans sections particulars and requirements have been approved agreed or settled as aforesaid and such works shall be constructed by the Corporation strictly in accordance with the plans sections particulars and requirements approved agreed or settled as aforesaid and to the reasonable satisfaction of the surveyor to the board :
- (6) If the board at any time or times hereafter desire to reconstruct enlarge alter or repair the intercepting sewer vested in them or any work or works in connection therewith or to construct a new intercepting sewer or works in connection therewith or to construct any groynes or other sea defence works which may be reasonably necessary for the protection of the said sewer or other works the execution of which would be interfered with by the works by this Part of this Act authorised the Corporation shall (if so required by the board by notice in writing under the hand of their clerk) at the expense of the board alter their said works in such manner as the board by such notice require so as to allow of the construction reconstruction enlargement alteration or repair of the works which the board desire

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to construct reconstruct enlarge alter or repair as aforesaid.

If the Corporation fail within three months from the receipt of such notice to make and complete the alteration so required the board may themselves alter the works of the Corporation to such extent as may be necessary for enabling the board to effect such construction reconstruction enlargement alteration or repair (as the case may be) doing as little damage as practicable in such alteration of the works of the Corporation but the board shall with all convenient speed complete the works of the board for which the works by this Part of this Act authorised shall be so altered and shall with all possible dispatch completely restore and reinstate and make good the works by this Part of this Act authorised and any works connected therewith as altered to the reasonable satisfaction of the Corporation and of any other authority or person having under this Act rights therein or thereunder If the board shall not completely restore reinstate and make good with all possible dispatch as aforesaid any works which they may be liable to restore reinstate or make good under this section the Corporation may restore reinstate and make good the same and recover the reasonable cost and expense connected therewith from the board in any court of competent jurisdiction :

- (7) If any difference arises between the Corporation and the board under the provisions of this section the difference shall be referred for settlement to an arbitrator to be agreed upon between them or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers :
- (8) Subject as in this section provided nothing in this Part of this Act shall take away limit or affect any rights or powers of the board under the board's Act and Orders of constructing repairing altering maintaining and

removing sewers and other works and conveniences connected therewith and groynes and other sea defence works or any other powers rights or privileges vested in or exercisable by the board under the provisions of the board's Act and Orders.

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185.—(1) The cost of the construction and maintenance of the works of sea defence authorised by this Part of this Act or existing at the commencement of this Act shall be provided out of the general rate fund and the general rate and any contributions which the board may agree to make.

Costs of construction and maintenance.

(2) The board are hereby authorised to make contributions to the cost of the construction and maintenance of any such works if they are of the opinion that the works would be or are beneficial to any of their sewers or other works. Provided that if a majority of the representatives of the Hove Corporation upon the board object to their so doing the board shall not make such contributions unless they are authorised so to do by order of the Minister and before making any such order the Minister shall afford to the Hove Corporation an opportunity of laying before him their objections.

(3) The Corporation and the board may enter into and carry into effect agreements for or in relation to the provision by the board of any contributions towards the cost of the construction and maintenance of the works by this Part of this Act authorised and any contributions so agreed to be provided by the board may be paid out of the contributions rates and moneys coming to the board under the board's Act and Orders and this Act or out of moneys borrowed by the board under the authority of this Act.

186.—(1) For the purposes of making any contribution which the board may under the provisions of this Part of this Act agree to make the board may—

Board may borrow.

- (a) Exercise any unexhausted borrowing powers conferred on them by the Brighton and Hove (Outfall Sewers) Orders 1888 to 1929; and
- (b) From time to time borrow on the security of the contributions rates and moneys coming

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to the board under the board's Act and Orders and this Act in addition to any moneys which they are authorised to borrow under any other Act or Order any sum or sums not exceeding in the whole the amount of the contributions which the board have for the time being agreed to make.

(2) The moneys borrowed by virtue of this section shall be repaid within such period as the Minister may prescribe and the period so prescribed shall be deemed to be the prescribed period referred to in the provisions of the Brighton and Hove (Outfall Sewers) Order 1924 mentioned in subsection (3) hereof and shall also be the prescribed period for the purposes of the Local Loans Act 1875.

(3) The provisions of article IX of the Brighton and Hove (Outfall Sewers) Order 1898 and of articles 12 13 14 19 and 20 of the Brighton and Hove (Outfall Sewers) Order 1924 shall extend and apply to the borrowing of any moneys by the board under the provisions of this section and as if they were with any necessary modifications and particularly with the substitution of the words "this Act" for "this Order" re-enacted in this Part of this Act.

(4) All contributions made by the board under this Part of this Act and all instalments of principal and interest upon moneys borrowed by the board under this Part of this Act including all expenses connected with the formation maintenance or otherwise of any sinking fund formed by the board under this Part of this Act and all other costs and expenses incurred by the board under this Part of this Act shall be deemed to be costs and expenses incurred by the board under the board's Act and Orders and the provisions of the board's Act and Orders shall apply accordingly as if such contributions instalments costs and expenses as aforesaid were costs of keeping and maintaining the sewers authorised by the Brighton Intercepting and Outfall Sewers Act 1870 in good working order and condition and not expenditure requiring the sanction and authority of all the local authorities under the provisions of section 57 of that Act.

187. A person lending money to the board under this Part of this Act shall not be bound to inquire as to the observance by them of any provisions of this Part of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

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Protection of lender to board from inquiry.

188. Moneys borrowed by the board under this Part of this Act shall be applied only to the several purposes in respect of which they were respectively authorised to be borrowed and to which capital is properly applicable.

Application of money borrowed by board.

PART VIII.

SEASIDE IMPROVEMENTS.

189. Subject to the provisions of Part XXVIII of this Act the Corporation are hereby (as far as any statutory authority in this behalf is requisite) authorised to make execute and maintain on so much of the sea-beach and adjoining land as may for the time being belong to them and (with the consent of the owner) on any other part of the sea-beach and adjoining land the following seaside improvements :—

Power to make sea-side improvements.

Conservatories shelters reading rooms lavatories and other places and conveniences for the use accommodation recreation and amusement of the inhabitants of and visitors to the borough ;

Ornamental gardens lakes and pools ;

Lifts elevators or other means for the conveyance of passengers between Madeira Drive or the sea-beach and the upper part of the cliff ;

together with all necessary or proper approaches works and conveniences.

190. The Corporation may provide acquire purchase take on lease or hire such engines lifts elevators pumps machinery appliances and conveniences as they may think proper for the purposes of the seaside improvements.

Power to acquire or hire machinery &c.

191. The Corporation may make reasonable charges in respect of the use of the conservatories shelters reading rooms lavatories and other places and conveniences lifts and elevators forming part of or provided

Charges for use of conservatories &c.

A.D. 1931. in connection with the seaside improvements not exceeding—

- (i) For admission to and use of any conservatory
 For each person one shilling;
- (ii) For admission to and use of any reading room lavatory or other place or convenience
 For each person three pence;
- (iii) For conveyance in a lift or elevator
 For each person two pence;

and when a concert or entertainment takes place in any conservatory shelter reading room or other place the Corporation may charge for admission to any such building or place such additional sum as they may from time to time think fit.

Power to let
 seaside im-
 provements.

192. The Corporation may let all or any of the seaside improvements to such person for such term not exceeding five years for such consideration and on such terms and conditions as the Corporation may think fit and as shall in their opinion be consistent with the objects for which the same are authorised.

Byelaws
 with respect
 to seaside
 improve-
 ments.

193. The Corporation may make byelaws—

For the management of all or any of the
 seaside improvements;

For regulating the use of all or any of the
 seaside improvements and the conduct of
 persons resorting thereto.

PART IX.

AQUARIUM.

Aquarium
 undertaking
 to continue
 vested in
 Corporation.

194. The Aquarium undertaking as it exists at the commencement of this Act shall continue vested in the Corporation and be held used and enjoyed by them.

Powers as to
 Aquarium
 under-
 taking.

195. The Corporation may exercise in connection with the Aquarium undertaking the following powers:—

- (1) They may maintain repair and from time to time alter and improve and make additions to the Aquarium and the buildings forming part of the Aquarium undertaking and any ornamental grounds connected therewith:

- A.D. 1931.
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- (2) They may construct provide maintain and carry on a winter garden pavilions assembly rooms concert rooms reading rooms refreshment rooms museums shops lavatories lifts and other conveniences promenades and terraces :
 - (3) They may provide and carry on a school of marine biology :
 - (4) They may furnish stock and equip the Aquarium winter gardens school of biology pavilions assembly rooms concert rooms reading rooms refreshment rooms museums lavatories and other buildings and may appropriate for the purposes thereof any portion of the existing buildings forming part of the Aquarium undertaking :
 - (5) They may make charges for the use of or admission to the Aquarium and any part or parts thereof or any building or part of a building forming part of the Aquarium undertaking and may issue season and other tickets on such terms as they think fit and may employ and pay attendants :
 - (6) They may make the roof over the existing Aquarium available as a promenade and may admit the public to such promenade and to any other promenades and terraces forming part of the Aquarium undertaking free of charge :
 - (7) They may generally exercise all such powers as may be necessary for carrying on the Aquarium undertaking and the business connected therewith or incidental thereto :

Provided that the Corporation shall not erect upon the site of the existing Aquarium any building of a greater height than the level of the southern kerb of the footpath of the Marine Parade adjoining thereto except such buildings as may be necessary in connection with the entrances to any premises forming part of the Aquarium undertaking or with lifts provided in connection with any such premises or other similar buildings.

196. The Corporation may—

- (1) let on lease the whole or any part of the Aquarium undertaking or any buildings or conveniences connected therewith for the

Power to
lease Aqua-
rium under-
taking.

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purposes or uses mentioned in the last preceding section or such other purposes or uses as shall be deemed by the Corporation to be in the best interests of the inhabitants of the borough to such person for such term not exceeding sixty years at any one time at such rent under such covenants and conditions and with under and subject to such rights powers privileges and authorities relating thereto as they think fit; and

- (2) let any assembly rooms concert rooms or other buildings forming part of the Aquarium undertaking for the purposes of particular meetings or entertainments :

Provided that no lease shall be granted for a period exceeding seven years without the consent of the Minister.

Power to advertise Aquarium undertaking.

197. The Corporation may pay or contribute towards the cost of providing and maintaining at railway stations and other public places and of otherwise publishing advertisements of the entertainments provided in connection with the Aquarium undertaking and the attractions afforded thereby Provided that the expenditure of the Corporation under this section shall not in any year exceed the sum of three thousand pounds.

As to smoke and steam.

198. The Corporation shall not suffer any smoke or steam produced on any lands forming part of the Aquarium undertaking to escape or be discharged on the south side of the Marine Parade and shall cause all smoke and steam that may be produced on any such lands and which shall not be consumed to be discharged at some place or places north of the Marine Parade.

Byelaws with respect to Aquarium undertaking.

199. The Corporation may make byelaws—

- (a) for the convenient inspection of the Aquarium undertaking by the public ;
- (b) for the protection of the works and property forming part of or connected with the Aquarium undertaking; and
- (c) for regulating the smoking of tobacco in under or upon any lands or buildings forming part of the Aquarium undertaking.

200. Section 56 of the Brighton Marine Palace and Pier Act 1888 shall be read and have effect as if the Corporation had been named therein instead of the Brighton Aquarium Company.

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As to agree-
ments with
pier com-
pany.

PART X.

ROYAL PAVILION LIBRARIES MUSEUMS AND ART
GALLERIES.

201. The Pavilion Estate and all public libraries museums and art galleries belonging to the Corporation at the commencement of this Act shall continue vested in the Corporation and may be held used and enjoyed by them.

Pavilion
Estate &c.
to continue
vested in
Corporation.

202.—(1) The Corporation may exercise the following powers on or in connection with the Pavilion Estate:—

Powers in
relation to
Pavilion
Estate.

- (a) They may maintain repair alter enlarge or improve any existing buildings and any further buildings to be erected under the powers of this section;
- (b) They may demolish any existing buildings and erect such further buildings as they may think necessary or convenient for the purposes of this Part of this Act or for the benefit of the inhabitants of and visitors to the borough;
- (c) They may maintain the existing lawns and gardens and may alter and improve them and may lay out roads paths and walks thereon;
- (d) They may continue erect maintain and remove such lodges gates entrances summer-houses seats railings fences and conveniences as they may think fit;
- (e) They may make byelaws for the regulation and use of the Pavilion Estate;
- (f) They may exercise the powers of section 283 (Retention and disposal of lands) of this Act;
- (g) They may let the whole or any part or parts of the Pavilion Estate to such person for such period and purposes and on such terms and conditions as they may think fit and in particular

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(without prejudice to the generality of the foregoing provisions of this section) they may grant or permit the use free of charge of any room or rooms forming part of the Pavilion Estate for any charitable religious or scientific purposes or for public or private meetings or for public lectures or for other like objects or purposes ;

(h) They may allow the lawns and pleasure grounds forming part of the Pavilion Estate or any part or parts of the said lawns and grounds to be used for purposes of flower shows fruit shows exhibitions of natural or artificial products or of works of art or industry games of skill and other like purposes but subject nevertheless to such byelaws as to the user thereof as may from time to time be in force and they may when the said lawns and pleasure grounds or any part or parts thereof are so used demand and take or permit to be demanded and taken such reasonable sums as they from time to time think fit and direct for the admission of persons vehicles and things thereto and may exclude therefrom all persons vehicles and things by whom or in respect of which the sums so directed to be demanded and taken shall not have been paid ;

(i) They may exercise the powers of paragraphs (d) (e) and (f) of subsection (1) of section 76 of the Public Health Acts Amendment Act 1907 as if the Pavilion Estate were a public park or pleasure ground.

(2) The Corporation shall not exercise the powers of paragraph (b) of subsection (1) of this section without the consent of the Minister nor so as to contravene any restriction against building existing at the commencement of this Act nor shall they sell the whole or any part of the Pavilion Estate without the like consent.

Lawns and
pleasure
grounds to
be open to
public.

203. The lawns and pleasure grounds forming part of the Pavilion Estate shall (subject to the provisions of this Part of this Act and to any byelaws for the time being in force relating to such lawns and pleasure grounds) be kept open to the public during such hours as may from time to time be prescribed by the Corporation.

204.—(1) The Corporation may maintain repair alter improve enlarge and extend their existing libraries museums and art galleries and may upon any lands within the borough for the time being belonging to them provide and maintain further public libraries news-rooms museums and art galleries and fit up furnish and supply the same with all requisite furniture fittings and conveniences and do and provide all other acts and things that may be necessary or proper in connection therewith.

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—
As to
libraries
museums
and art
galleries.

(2) The Corporation may in relation to any public libraries news-rooms museums and art galleries for the time being belonging to them exercise all or any of the powers of section 202 (Powers in relation to Pavilion Estate) of this Act as though such libraries news-rooms museums and art galleries formed part of the Pavilion Estate.

(3) Nothing in this section shall be taken to dispense with the consent of the Board of Education to any appropriation exchange or other disposition of any lands of the Corporation in any case in which such consent would have been required if this section had not been enacted.

PART XI.

BURIAL BOARD AND BURIAL GROUNDS.

205. All burial grounds vested in the Corporation at the commencement of this Act shall continue vested in and may be held used and enjoyed by the Corporation as the burial board under the Burial Acts 1852 to 1906.

Existing
burial
grounds to
be con-
tinued.

206.—(1) The Corporation shall be the burial board for the borough and shall have throughout the borough to the exclusion of any other burial authority all the powers rights duties and liabilities of a burial board under the Burial Acts 1852 to 1906 and the council may exercise and perform any of such powers rights duties and liabilities in accordance with the provisions of subsection (2) of this section.

Corporation
to be burial
board for
borough.

(2) Notwithstanding anything in the Burial Acts 1852 to 1906 or any other Act the council may exercise and perform any of such powers rights duties and liabilities as aforesaid in the same manner and at the same time and subject to the same notices as all other powers of the

A.D. 1931. Corporation are exerciseable by the council and without being required to give any special notice referring to the business of the burial board to be transacted at any meeting of the council.

Saving certain rights of burial &c.

207. Nothing in this Part of this Act nor the alteration of the district of the Corporation as the burial board for the purposes of the Burial Acts 1852 to 1906 effected by section 29 (Brighton Burial Board) of the Act of 1927 shall—

- (1) Prejudice or affect any right of burial or any right of constructing a burial place or of erecting or placing any monument tablet gravestone or inscription which any person may have acquired prior to the first day of April nineteen hundred and twenty-eight in relation to any burial ground; or
- (2) Prejudicially affect any right privilege authority or duty which immediately before that day was exerciseable by or attached to any incumbent or sexton under the Burial Acts.

PART XII.

DISUSED BURIAL GROUNDS.

Disused burial grounds to be maintained by Corporation only.

208. The Corporation alone shall continue to control maintain and repair the disused burial grounds and no other body or person shall be liable for any costs or expenses incident to the maintenance or repair of the disused burial grounds or any of them.

Freehold of disused burial grounds to be vested as at commencement of Act.

209. The freehold of and in the disused burial grounds respectively shall remain vested in the same corporations bodies and persons respectively in whom the freehold is vested at the commencement of this Act but this enactment shall not prejudice or interfere with the easement powers and rights by this Part of this Act conferred on the Corporation. Provided that if the trustees or owners for the time being of the Queen's Road burial ground shall give notice in writing to the Corporation of such their desire then at the expiration of six months from the time of giving such notice all the clauses and provisions of this Part of this Act so far as they regard and affect the Queen's Road burial ground shall cease

and absolutely determine and the Corporation shall be discharged of and from all easements rights powers duties or interests in or over that burial ground.

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210. Subject to the provisions of this Part of this Act the Dyke Road burial grounds and Queen's Road burial ground respectively shall continue to be kept used and enjoyed as open spaces accessible to the public and shall respectively under the control of the Corporation be enclosed with such walls rails and fences and laid out with such roads approaches ornamental and other walks as the Corporation think fit and the Corporation shall have for themselves and their successors their officers servants and workmen a perpetual easement therein and thereover respectively and such powers and rights of entry access and otherwise in and over the disused burial grounds respectively and with respect to everything in and on the same respectively as are conferred by this Part of this Act or as may be necessary for effectually carrying out the provisions thereof but not otherwise Provided that nothing in this Part of this Act shall take away or diminish the right of access to the Hanover Presbyterian Church.

Disused burial grounds to be public enclosures and Corporation to have easement there-over.

211. The Corporation shall at their own cost repair maintain and keep in good and decent state of preservation and regulate and control the disused burial grounds respectively and the fences rails walls roads and walks thereof respectively including the existing and such other walks and proper approaches as may be necessary and (subject to the rights privileges and easements by this Part of this Act reserved in respect thereof) the vaults graves tombstones and monuments for the time being in or upon the disused burial grounds respectively and may drain level lay out turf plant ornament light seat and otherwise improve the disused burial grounds respectively and do all such works and things as may be requisite for the purposes aforesaid or any of them.

Corporation to lay out and maintain burial grounds.

212.—(1) In order that the Corporation may better drain level lay out turf plant ornament and otherwise improve the disused burial grounds respectively they may remove any tombstone or monument Provided that any tombstone or monument so removed shall be placed in

Power to transfer tombstones.

A.D. 1931. — some other part of the same burial ground and that a register be kept of the situation from which such tombstone or monument shall have been removed and of all such marks and signs as may aid in its future identification.

(2) Before the Corporation remove any tombstone or monument under the powers of this section they shall publish once at least in each of two successive weeks in one or more newspapers circulating in the borough notice of their intention so to do together with a statement that any person desiring to object to the removal of any such tombstone or monument shall give notice in writing to the Corporation of his objection and the grounds thereof within the date stated in the notice (which date shall not be earlier than ten days after the last publication of the notice) If any objection shall be so given to the Corporation and not withdrawn the tombstone or monument to which the objection relates shall not be removed without the consent of the Secretary of State.

Disused
burial
grounds not
to be altered
without
consent
specified.

213. Notwithstanding anything in this Part of this Act the Corporation shall not remove any tombstone or monument or make any alteration in or to the Dyke Road burial grounds without the consent of the vicar and churchwardens of Brighton or in or to the Queen's Road burial ground without the consent of the minister and trustees of the Hanover Presbyterian Church.

Power to fix
days and
hours of
admission.

214. The Corporation may fix and from time to time vary the days and hours at which persons may be admitted to the disused burial grounds respectively Provided that the Corporation shall from time to time if so required by the minister or trustees of the Hanover Presbyterian Church by the byelaws hereinafter mentioned or otherwise exclude or prevent admission to the Queen's Road burial ground on the whole or any part of any Sunday and during such hours on any week-day as may be appointed for service in that church.

Byelaws as
to disused
burial
grounds.

215. The Corporation may make byelaws for all or any of the following purposes with respect to each of the disused burial grounds respectively :—

For the prevention of the posting of bills or placards and the writing stamping cutting drawing or

marking in any manner of any word or character
or of any representation of any object on any
building erection monument tombstone wall
railing fence tree lamp-post walk pavement or
seat or elsewhere in such burial ground;

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For the preservation of order and good conduct
among persons frequenting such burial ground;

For the prevention or restraint of acts or things
tending to the injury or disfigurement of such
burial ground or anything in or on the same or to
interference with the use thereof by the public
for purposes of exercise and recreation;

For preventing or regulating the admission of dogs to
such burial ground;

For the removal from such burial ground of any
person infringing any byelaw in force in relation
to such burial ground.

216. The Corporation may from time to time in
their own name bring any action of ejectment or trespass
or other action for recovering or defending the possession
for the purposes of this Part of this Act of or for obtaining
the payment of damages or any mandamus or injunction
in respect of or against any actual or contemplated injury
or damage to the disused burial grounds respectively or any
part or parts thereof respectively or the fences rails walks
vaults graves tombstones monuments and property in
or about the same In every such action or other pro-
ceeding all the parties thereto shall be bound to assume
and shall be absolutely estopped from denying the title
of the Corporation to such possession as aforesaid of the
disused burial grounds respectively and the fences rails
walks vaults graves tombstones monuments and property
in or about the same.

Corporation
may bring
actions in
respect of
injury to
disused
burial
ground.

217. Nothing in this Part of this Act shall prejudice
or interfere with the rights privileges or easements which
any person immediately before the commencement of
this Act had or his heirs or personal representatives may
hereafter have in respect of any vault grave tomb
tombstone or monument or the maintenance thereof or
the access thereto respectively in any of the disused
burial grounds.

Saving
rights of
heirs &c. of
persons in-
terred in
burial
grounds.

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PART XIII.

MARKETS AND SLAUGHTER-HOUSES.

Definitions
for Part
XIII.

218. In this Part of this Act unless the subject or context otherwise requires—

- (1) "Market house" includes market hall :
- (2) "Market stand" means any stand stall shed table compartment or place in any market house or market place of the Corporation :
- (3) "Marketable commodities" with reference to any market includes all commodities provisions articles and things other than animals which may be sold in the market :
- (4) Words and expressions to which meanings are assigned by the Markets and Fairs Clauses Act 1847 have the same respective meanings.

Application
of Markets
and Fairs
Clauses Act
1847.

219. The provisions of the Markets and Fairs Clauses Act 1847 (in this section referred to as "the Act of 1847") incorporated with this Act shall apply to the markets undertaking as if that undertaking were authorised by this Act and for the purposes of such application the following provisions shall have effect :—

- (1) The markets market places and market houses of the Corporation existing at the commencement of this Act shall be deemed to have been duly opened for public use and completed fitted and certified for use of the persons resorting thereto and due notice of such opening shall be deemed to have been given within the meaning and for the purposes of and as prescribed by the Act of 1847 :
- (2) The byelaws for the regulation of the markets in operation at the commencement of this Act shall be deemed to be byelaws within the meaning of and for the purposes of section 14 of the Act of 1847.

Except as mentioned in section 5 (Incorporation of Acts) of this Act the provisions of the Act of 1847 shall not apply to the markets undertaking or be incorporated with this Act.

220. The markets undertaking as it exists at the commencement of this Act shall continue vested in the Corporation and be held used and enjoyed by them.

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Continuance
of Corpora-
tion markets.

221. The Corporation without prejudice to the generality of the provisions of the last preceding section shall have the following powers in relation to the markets undertaking :—

Powers of
Corporation
as to mar-
kets and
fairs.

- (1) They may continue enlarge improve and extend the existing markets and alter the places at which the markets respectively are or may be held and establish and hold new markets and discontinue the whole or any part of any such existing or new markets Provided that the powers conferred by this paragraph of altering the places at which markets are or may be held and of discontinuing markets shall not apply to the fish market on the beach as that market exists at the commencement of this Act :
- (2) They may continue any existing and provide new market places for the sale of any marketable commodities or of cattle or other animals :
- (3) They may alter enlarge improve extend reconstruct and rebuild their existing market houses or erect or provide and maintain new buildings therefor :
- (4) They may provide and maintain weighing houses and weighing machines and all proper appliances for weighing carts and for weighing or measuring marketable commodities or animals :
- (5) They may in connection with or as part of any existing or new market house or other building or market place or any of their markets or the markets undertaking maintain any existing and erect or provide new offices shops stores warehouses buildings approaches market stands appliances conveniences and things :
- (6) They may for the aforesaid purposes or any of them or for any purpose of or in connection with any of their markets or the markets undertaking appropriate and use (subject to the approval of the Minister) any lands for the time being vested in or belonging to them.

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As to
markets held
in streets.

222.—(1) Subject to the provisions of this Part of this Act and to any byelaws for the time being in force any market rights existing at the commencement of this Act shall continue to be exerciseable in the following streets and parts of streets :—

- (a) Market Street from its junction with Little East Street to its junction with Brighton Place;
- (b) Bartholomews;
- (c) Little East Street;
- (d) Prince Albert Street;
- (e) Black Lion Street;
- (f) Brighton Place;
- (g) East Street :

Provided that—

- (a) In the case of East Street such rights shall not extend so as to authorise the use of any part of that street except those parts which were actually used as hereinafter mentioned at any time prior to the twenty-fifth day of September nineteen hundred and thirty nor the use of those parts—

- (i) at any time except between the hours of four in the morning and half-past seven in the morning of the same day;

- (ii) by any persons except by retailers for the purpose of standing vehicles therein prior to and during the loading of such vehicles with goods purchased by such retailers in other parts of the market; and

- (b) In the case of the remaining streets and parts of streets such rights shall only be exerciseable between the hours of seven in the evening and nine in the morning of the following day.

(2) Every person who in the exercise of such rights desires to leave any vehicle or to place any goods in any such street or part of a street shall comply with such directions (whether general or special) as shall be given by any officer of the market with a view to avoiding unnecessary obstruction. Any person failing to comply with any such directions shall be liable to a penalty not exceeding forty shillings.

(3) Any market rights which may exist at the commencement of this Act in any street or part of a street other than the streets and parts of streets mentioned in subsection (1) of this section are hereby abolished.

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223.—(1) It shall not be lawful to sell any hay or straw in any market of the Corporation unless it is made up in trusses.

As to sale of
hay and
straw in
markets

(2) Every truss of hay shall be of not less weight than (in the case of hay sold during the months of June July August and September in any year and being hay of that year's growth) sixty pounds and (in the case of any other hay) fifty-six pounds.

(3) Every truss of straw shall be of not less weight than thirty-six pounds.

(4) Every person who offends against the provisions of this section shall be liable to a penalty not exceeding forty shillings. Provided that in case of a sale of more than one truss the seller shall not be liable to a penalty under this section if the average weight of the trusses is not less than the weight prescribed by this section.

224. The Corporation may grant to any person a lease for any term not exceeding three years (with the right if they think fit of assigning the lease with their consent) or a weekly or other tenancy of any of the market stands or other conveniences in any market market place or market house belonging to them or under their control and may also grant to any person a lease for any term not exceeding twenty-one years (with a similar right) or a weekly or other tenancy of any office shop store warehouse tenement or building situate in any of their markets or forming part of or acquired or erected in connection with the markets undertaking.

Power to
lease stalls
shops &c. in
markets.

225.—(1) It shall be lawful for the Corporation to demand from any person occupying or using any market stand or bringing into any market place or market house of the Corporation existing at the commencement of this Act or to be constructed and established under the provisions of this Act any marketable commodities or animals specified in the Fifth Schedule such tolls and charges as the Corporation shall from time to time appoint not exceeding the several tolls and charges specified in that schedule.

Tolls and
charges.

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(2) The Corporation may require the separation of commodities or animals chargeable with any toll or charge under this section for the purpose of ascertaining the amount of toll or charge to be paid in respect thereof and any person who refuses to separate or obtain the separation of such articles or things shall be liable to a penalty not exceeding forty shillings.

(3) The power conferred by this section with respect to the taking of tolls and charges shall be construed and shall extend to enable the Corporation at all times to demand and take tolls and charges as in this section provided in respect of any place appropriated to or used by the Corporation for the purpose of any market or of the markets undertaking.

(4) In lieu of all or any of the tolls and charges specified in the Fifth Schedule the Corporation may from time to time by resolution approved by the Minister fix other tolls and charges and the tolls and charges so fixed by the Corporation shall thereafter be the maximum tolls and charges which the Corporation may demand and take for the several matters to which those tolls and charges respectively relate.

(5) Any toll or charge payable with respect to the occupation or user of any market stand shall be paid not only by the original taker or occupier thereof for the part of a day or other time but also by any subsequent taker or occupier thereof for any other part of the same day or other time.

(6) The Corporation may lease the tolls and charges which they are authorised by this section to demand from year to year or for any period not exceeding one year subject to such terms and conditions as they think fit and the person to whom such tolls and charges shall be leased shall have all the powers for enforcing payment thereof which are conferred upon the Corporation by this Act and the Acts incorporated therewith.

Power to
take possession of
stands &c.
for non-
payment of
rent &c.

226. If any person occupying or using any market stand shall not after any toll or charge has become due and payable to the Corporation in respect of the market stand and after demand has subsequently been made therefor pay the same within three days of the demand the Corporation may enter upon and take possession of

that market stand and re-let it without prejudice to any other remedy for the recovery of such toll or charge. A.D. 1931. —

227. The Corporation may sell any cattle or other articles distrained upon in pursuance of section 38 of the Markets and Fairs Clauses Act 1847 in respect of which toll is payable and after deducting from the proceeds of sale the amount due to them together with the expenses of distraint and sale shall return the surplus if any to the person or persons to whom the cattle or other articles belonged. As to sale of distrained goods.

228.—(1) The Corporation may permit—

- (a) Any market place and any land used for the purposes of any market and any open land within the borough of which for the time being the Corporation are the owners; and
- (b) Any land forming part of the estate outside the borough commonly known as “the Dyke Estate” so long as such land is vested in and under the effective control of the Corporation;

Use of market place and open land for fairs.

to be used for pleasure fairs and they may make regulations with respect to the purposes of such use and as to the conduct of persons resorting thereto but nothing in this section shall operate to prevent the holding of any market.

(2) Nothing in this section shall be construed to render lawful any act or omission on the part of the Corporation or of any person which is or but for this section would be deemed to be a nuisance at common law.

229.—(1) The Corporation may permit—

- (a) Any market place and any land used for the purposes of any market and any open land within the borough of which for the time being the Corporation are the owners; and
- (b) Any land forming part of the estate outside the borough commonly known as “the Dyke Estate” so long as such land is vested in and under the effective control of the Corporation;

Use of market place for public meetings &c.

to be used for public meetings public services and speaking and public lectures or for entertainments and dancing and they may make regulations with respect

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to the purposes of such use and as to the conduct of persons resorting thereto and may make such charges for such user as they may from time to time determine but nothing in this section shall operate to prevent the holding of any market nor empower the Corporation to make any charge for the use of land forming part of a street.

(2) Nothing in this section shall be construed to render lawful any act or omission on the part of the Corporation or of any person which is or but for this section would be deemed to be a nuisance at common law.

As to emaciated or diseased animals.

230.—(1) Any officer of the market or the sanitary inspector or any constable may remove or exclude from any market of the Corporation any emaciated or diseased animal which in the opinion of a duly registered veterinary surgeon or of the medical officer is unfit for human food and any animal which after inspection by a duly registered veterinary surgeon is suspected by him to be affected with tubercular disease.

(2) Any officer of the market or the sanitary inspector or any constable may detain for a period not exceeding the hours of the market and three hours after the closing of the market on the day upon which such animal is so detained any emaciated or diseased animal brought to any cattle market of the Corporation and any person wilfully obstructing or impeding any officer in so doing shall be liable to a penalty not exceeding five pounds.

Extension of sections 116 to 119 of Public Health Act 1875.

231.—(1) Any animal brought to any market of the Corporation at which animals intended for food are in fact sold shall (unless the contrary be proved) be deemed to be deposited for the purpose of sale and intended for food within the meaning of sections 116 to 119 (relating to unsound meat &c.) of the Public Health Act 1875 and the provisions of those sections shall respectively apply to any such animal.

(2) Any person who knowingly causes directs or permits any animal which is diseased or unsound or unwholesome or unfit for food to be brought to any such market of the Corporation and any person (including any auctioneer) who offers for sale or sells any such animal knowing it to be diseased or unsound or unwholesome or unfit for food as well as the persons mentioned

in section 117 of the Public Health Act 1875 shall be liable to a penalty as mentioned in the said section 117. A.D. 1931.
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232. If the occupier or one or more of the joint occupiers of any building registered or licensed to be used as a slaughter-house shall after the commencement of this Act be convicted of an offence against section 117 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 and section 407 (Penalty on original vendor of unsound food) of this Act a court of summary jurisdiction may if it think fit by order cause such building to be removed from the list of registered slaughter-houses or revoke the licence to use such building as a slaughter-house as the case may be. Court may revoke slaughter-house licence if occupier convicted of selling &c. diseased meat.

233. The Corporation may from time to time by agreement purchase any slaughter-house and premises connected therewith or any part of such premises or the Corporation may agree with the occupier of a slaughter-house with the consent in writing of any other person having an interest therein entitling him to require the user of such premises as a slaughter-house for the discontinuance of the user thereof as a slaughter-house on such terms and conditions and for such consideration as the Corporation think fit and may remove such slaughter-house from the register of slaughter-houses. Power to purchase slaughter-houses.

234.—(1) (a) After the expiration of twelve months from the date of publication by the Corporation in a local newspaper circulating in the borough of notice to that effect no person shall slaughter in the way of trade any cattle sheep goats or swine in any slaughter-house within the borough mentioned in the notice. Prohibition of slaughtering in private slaughter-houses.

(b) The Corporation shall send a copy of any such notice to the owner and occupier of any slaughter-house mentioned therein within seven days from the date of the publication thereof in the newspaper.

(c) If any person acts in contravention of paragraph (a) of this subsection he shall be liable for each offence to a penalty not exceeding five pounds.

(2) The Corporation shall pay or tender compensation to the owner and occupier of any slaughter-house closed by a notice given under subsection (1) hereof if—

(i) the slaughter-house was registered prior to the passing of the Public Health Act 1875 or is a

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slaughter-house the licence in respect of which is not required to be renewed periodically or is not revocable by the Corporation; and

- (ii) no agreement has been previously made with the owner and occupier of the slaughter-house under the last preceding section.

The amount of any compensation payable under this subsection if not agreed shall be settled in the manner in which cases of disputed compensation are settled under the Lands Clauses Acts and the provisions of those Acts shall apply accordingly. Provided that if the slaughter-house so closed is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in respect of its closing.

(3) Nothing in this section shall interfere with the operation or effect of the Diseases of Animals Acts 1894 to 1927 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

Extension of section 169 of Public Health Act 1875.

235.—(1) The provisions of section 169 (Power to provide slaughter-houses) of the Public Health Act 1875 shall be extended so as to empower the Corporation in connection with any slaughter-houses provided by them in pursuance of that section to erect and maintain furnish fit up and equip all necessary buildings pens yards railway sidings works and conveniences approaches buildings stalls standings and other accommodation and to use the same for the purposes of the said slaughter-houses and any other purposes in connection with the markets undertaking.

(2) The Corporation may lease for such period let or otherwise permit the use of in such manner and for such consideration and on such terms and conditions as they think fit portions of or accommodation in the slaughter-houses or lairages erected by them and for that purpose may enter into and carry into effect contracts arrangements and agreements with any company body or person.

Power to provide cold storage.

236. The Corporation may—

- (1) Construct and maintain in connection with any market established by them a refrigerator

or cold air store with all machinery apparatus and appliances necessary for the proper working and user thereof and for the storage and preservation of articles of food;

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- (2) Demand and take in respect of the use of any such refrigerator or cold air store such charges as the Corporation may determine;
- (3) Lease for any term not exceeding twenty-one years any such refrigerator or cold air store or any part thereof at such rent and on such terms and conditions as the Corporation may think fit;
- (4) Make byelaws for regulating the use of any such refrigerator or cold air store.

PART XIV.

PUBLIC BUILDINGS PARKS RECREATION GROUNDS AND BATHS.

237. The town hall public buildings police offices and stations and all other buildings belonging to the Corporation at the commencement of this Act and used for the purpose of any Act of Parliament or any other public purpose shall continue vested in and may be held used and enjoyed by the Corporation.

Public buildings to continue vested in Corporation.

238.—(1) The Corporation may maintain alter improve and enlarge the buildings referred to in the immediately preceding section and provide such additional or other buildings in connection therewith as they may think fit and may erect acquire or provide other municipal or police buildings.

Powers with regard to public buildings.

(2) The Corporation may also furnish and equip maintain insure and carry on any such buildings as aforesaid as they may think fit and may let on lease or otherwise such part or parts of those buildings or any of them as may not for the time being be required for the purposes of the Corporation to such bodies and persons for such periods and on such terms and conditions as they may think fit.

239. All parks vested in or belonging to the Corporation at the commencement of this Act shall continue vested in and may be held used and enjoyed by the Corporation.

Existing parks to continue vested in Corporation.

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—
The Old
Steine and
the Level.

240.—(1) The Old Steine and the Level as they exist at the commencement of this Act shall (subject to the provisions of this Part of this Act) be held used and enjoyed by the Corporation upon the trusts thereof respectively declared by the first indenture the second indenture and the third indenture referred to in Part I of the Sixth Schedule for the inhabitants and visitors of the town of Brighton.

(2) All the rights powers privileges and authorities by the said indentures or some of them given to the managing trustees therein named or other the managing trustees for the time being with respect to the making of rules orders and regulations and otherwise so far as they relate to the Old Steine or the Level shall remain vested in and may be exercised by the Corporation without the consent of the vicar of Brighton or the lords of the manors of Brighton and Atlingworth or any of them.

The race-
course.

241.—(1) All the rights powers privileges and authorities of the managing trustees referred to in and the benefit of all covenants to which those trustees were formerly entitled under the several indentures described in Part I of the Sixth Schedule or any of them with respect to the racecourse and the appurtenances thereto shall continue vested in the Corporation and may be exercised and enjoyed by them without the consent of the vicar of Brighton or the lords of the manors of Brighton and of Atlingworth or any of them.

(2) The Corporation may have hold and enjoy the racecourse for the purposes of this Part of this Act and for such purposes as shall not be inconsistent with the use thereof in the manner and for the purposes mentioned in the several indentures described in Parts I II and III of the Sixth Schedule and this Part of this Act and those purposes shall be deemed to include—

(a) The erection maintenance furnishing and equipment of such temporary or permanent buildings on any part or parts of the racecourse as stables for horses as the stewards of the Jockey Club may certify to be necessary for the purpose of the use of the racecourse for horse races;

(b) The erection by the Racecourse Betting Control Board with the consent of the Corporation on

any part or parts of the racecourse of such buildings and apparatus as may be necessary or desirable for the purposes of any totalisator to be set up and kept under the provisions of the Racecourse Betting Act 1928;

- (c) The letting or leasing to the said board for such period at such rent and subject to such covenants and conditions as the Corporation think fit of such portion or portions of the racecourse as the said board may certify to be required for the purposes of any such totalisator as aforesaid :
- (d) The enclosure of and exclusion of the public (either temporarily or permanently) from any part or parts of the racecourse which may have been leased to the said board or upon which stables may have been erected and the exclusion by the Corporation or any person authorised in writing by them of any unauthorised person from admission to any such part or parts of the racecourse.

242.—(1) The Corporation may from time to time permit Preston Park or any portion thereof to be used for any of the following special purposes :—

agricultural shows flower shows fruit shows exhibitions of natural or artificial products or works of art or industry school treats the drilling of territorial or volunteer corps games athletic sports;

or any other special purpose tending to promote health amusement or enjoyment.

(2) The Corporation may when Preston Park or any part thereof is so used for any special purpose close the park or any part thereof against the public and demand and take or permit to be demanded and taken such reasonable sums as the Corporation from time to time think fit and direct for the exclusive occupation of any portion of the park or for the admission of persons vehicles goods and things into the park or into any portion thereof and exclude from the park or from any portion thereof all persons vehicles goods and things unless payment be made of the reasonable sums demanded Provided that the Corporation shall not close the park or any part thereof exceeding one-fourth of the whole

A.D. 1931. — area for more than fifty-six days in the whole in any one year.

(3) The Corporation may make and enforce rules for the due and orderly conduct of all proceedings on any occasion of the park being used for any such special purpose as aforesaid but no penalty shall be imposed by any rule so made.

(4) The Corporation may demand and receive such reasonable sums as they think fit for the use of any special conveniences works or appliances provided by them in the park.

General
saving as to
Preston
Park.

243.—(1) The purchase by the Corporation under the powers conferred by the Preston Park Act 1883 of the pieces or parcels of land or ground described in clauses 1 and 3 of the agreement scheduled to that Act and of any other hereditaments and premises referred to in that agreement and the powers conferred on the Corporation by the immediately preceding section of this Act with reference to Preston Park shall not in any way prejudice or affect any estate right title interest claim and demand of the King's most Excellent Majesty His heirs and successors or any other person and body politic and corporate or their respective heirs successors executors administrators and assigns (other than and except the several persons mentioned in subsection (2) of this section who are expressly excepted out of this general saving) of or upon to or out of the pieces or parcels of land or ground hereditaments and premises hereinbefore mentioned and every and any part thereof which they or any of them had before the passing of the Preston Park Act 1883 or could or might have had or enjoyed if that Act had not been passed.

(2) The following persons and their respective heirs executors administrators and assigns are excepted out of the general saving in subsection (1) hereof and accordingly are bound by the purchase by the Corporation of the pieces or parcels of land or ground hereditaments and premises hereinbefore mentioned and by the powers conferred on the Corporation by the immediately preceding section of this Act (that is to say):—

(a) Ellen Benett Stanford and Vere Fane Benett Stanford her husband John Montagu Fane Benett Stanford their son born before and the

- sons and the daughters born of Ellen Benett Stanford after the specified date (hereinafter defined) and the heirs of their respective bodies;
- (b) Edward Stanford and his sons and daughters born before or after the specified date and the heirs of their respective bodies;
- (c) Eleanor Montagu Macdonald and the sons born of Eleanor Montagu Macdonald after the specified date and the heirs of their respective bodies;
- (d) Flora Porteous and David Scott Porteous her husband and the heirs of the body of the said Flora Porteous;
- (e) Edward Stanford and Charles Henry William Gordon as trustees under the will of the testator William Stanford and every person being after the specified date a trustee under that will in their capacity of trustees only;
- (f) William John Williams as trustee of a term of one thousand years created by the will of the testator William Stanford and every person being after the specified date a trustee of that term in their capacity of trustees only;
- (g) Percy Mansfield Morris Marmaduke Robert Jeffreys and Henry Arthur Fane as trustees under the marriage settlement of the said Ellen Benett Stanford on her marriage with Vere Fane Benett and every person being after the specified date a trustee under the same settlement in their capacity of trustees only;
- (h) Alfred Seymour and Charles Forbes as trustees for a term of two hundred years created by the said marriage settlement of the said Ellen Benett Stanford and every person being after the specified date a trustee of the same term in their capacity of trustees only;
- (i) William Willatts as trustee of a term of nine hundred years created by the said marriage settlement of the said Ellen Benett Stanford and every person being after the specified date a trustee of the same term in their capacity of trustees only;

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(j) All and every other person or persons to or upon whom any estate right title or interest at law or in equity and either beneficially or in trust of in or to the pieces or parcels of land or ground hereditaments and premises hereinbefore mentioned hath been devised given limited or settled or hath come or devolved or shall come or devolve under or by virtue of any limitation in the said will of the said William Stanford subsequent to the limitation under which the said Flora Porteous was on the specified date entitled as tenant in tail or under or by virtue of the said marriage settlement of the said Ellen Benett Stanford.

In this subsection "the specified date" means the date of the passing of the Preston Park Act 1883 viz. the thirty-first day of May eighteen hundred and eighty-three.

Victoria
Gardens.

244.—(1) The Corporation shall hold and permit the Victoria Gardens as they exist at the commencement of this Act to be used as public walks or pleasure grounds subject to the provisions of this Part of this Act and of the Public Health Acts.

(2) The Corporation may from time to time permit the use of the whole or set apart any portion of the Victoria Gardens for lawn tennis croquet or other similar games or for open-air concerts or any other special purpose tending to promote health amusement or enjoyment.

(3) The Corporation shall not let the Victoria Gardens or any part thereof to any person or persons intending to make a profit out of the same or for any purpose that may be a nuisance annoyance or injury to the owners or occupiers of the adjoining property or allow the same to be so used and shall not admit into the Victoria Gardens any animal or vehicle (other than perambulators hand chairs or other carriages drawn by hand) or permit the sale of refreshments in the Victoria Gardens.

(4) No building except such gardeners' lodges tool sheds or other erections as may be considered by the Corporation necessary for the proper management of the Victoria Gardens shall be erected or placed thereon.

245. The Corporation may from time to time permit the use of the whole or set apart any portion of any of the recreation grounds (other than the Victoria Gardens) for cricket football golf lawn tennis croquet archery or other similar games and for gymnastics or for the drill of territorials volunteers yeomanry or cadets or any military or police force or for open-air concerts or any other special purpose tending to promote health amusement or enjoyment.

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Other recreation grounds may be set apart for games &c.

246. The Corporation may when the whole or any portion of any of the recreation grounds (other than the Blaker Recreation Ground) is so used or set apart or let for any special purpose as aforesaid or for any of the purposes mentioned in section 44 of the Public Health Acts Amendment Act 1890 close the same or any part thereof against the public and may demand and take or permit to be demanded and taken such reasonable sums for the exclusive occupation of or for the admission of persons vehicles goods and things into such recreation ground or portion of recreation ground so used or set apart and may exclude therefrom all persons vehicles goods and things unless payment be made of the reasonable sums demanded :

As to closing of the recreation grounds.

Provided that the Corporation shall not in any one year close any part of the Victoria Gardens exceeding one-half of the whole area thereof or any part of the Queen's Park the Level the racecourse the Hollingbury Park the East Brighton Park and the Wild Park exceeding one-fourth of the whole area thereof respectively for more than the periods hereinafter mentioned :—

In the case of the Queen's Park twelve days or on special occasions such further period as the Corporation may by resolution determine but not exceeding in the whole twenty-eight days ;

In the case of the Level the racecourse the East Brighton Park or the Wild Park twenty-eight days ;

In the case of the Victoria Gardens twelve days but not for more than four consecutive days on any one occasion ;

In the case of the Hollingbury Park twelve days.

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Application
of section
164 of
Public
Health Act
1875.

247. Section 164 of the Public Health Act 1875 shall apply to any park provided by the Corporation or under their management and control notwithstanding that the same may not have been provided under the powers conferred by that section.

Apparatus
for games.

248. The Corporation may provide apparatus for any games or other purpose for which any park may for the time being be used for the use of the public frequenting such park and may charge for the use thereof and may from time to time lease or grant for any term not exceeding three years the right of providing and charging for such apparatus on such terms and conditions as they see fit.

Power to let
parks to
cricket
clubs &c.

249. The Corporation may from time to time let for terms not exceeding a year to any club company body or person any portion of any park set apart by them for any purpose under paragraph (b) of subsection (1) of section 76 (Powers as to parks and pleasure gardens) of the Public Health Acts Amendment Act 1907.

Power to let
chairs &c.

250. The Corporation or any person or persons authorised by them may provide and let on hire chairs in any park public walk or esplanade or in any public building and the Corporation may make byelaws for regulating the use of and the charges for and for preventing injury to such chairs.

Pro-
grammes.

251. The Corporation may issue programmes of any concert entertainment athletic meeting exhibition or performance which may from time to time be provided by the Corporation or with their sanction or towards the expenses of which they may contribute in any park or on any esplanade or in any public building in the borough and may sell such programmes or may authorise any person or persons to issue and sell such programmes.

Power to
provide
public
buildings
&c.

252. The Corporation may provide or acquire or may (subject to the approval of the Minister) on any lands within the borough of which for the time being they may be the owners and on any other lands of which they are the owners at the commencement of this Act (other than any park) erect and construct or allow to be erected and constructed and hold furnish equip maintain insure and carry on public halls pavilions bandstands

assembly rooms and other public buildings with all necessary and suitable offices committee rooms entertainment rooms reading rooms shelters ante-rooms refreshment rooms kitchens cloakrooms lavatories conveniences and appurtenances and may for any such purposes maintain alter adapt extend or otherwise deal with existing buildings for the time being belonging to the Corporation and may provide erect and maintain shops and offices as part of any such building or buildings :

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Provided that the following restrictions shall have effect with respect to any concert or other entertainment provided by the Corporation under this section (that is to say) :—

- (i) No stage play shall be performed; and
- (ii) The concert or other entertainment shall not include any performance in the nature of a variety entertainment; and
- (iii) No cinematograph film other than a film illustrative of questions relating to health or disease shall be shown; and
- (iv) No scenery theatrical costumes or scenic or theatrical accessories shall be used.

253. If after the commencement of this Act the Corporation appropriate any lands for the time being belonging to them for the purpose of a public park pleasure ground or recreation ground the provisions of section 245 (Other recreation grounds may be set apart for games &c.) and section 246 (As to closing of the recreation grounds) of this Act except the proviso to the last-mentioned section shall apply to such lands as if they had been specifically referred to in those sections in addition to the recreation grounds referred to therein and the Corporation may accordingly exercise with respect to such lands all the powers conferred on them by those sections :

Application to future parks of provisions of Part XIV.

Provided that the Corporation shall not in any one year close for more than twenty-eight days any part of the lands so appropriated for the purpose of a public park pleasure ground or recreation ground exceeding one-fourth of the whole area so appropriated.

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Leasing of
racecourse
and Royal
Spa.

254.—(1) The Corporation may from time to time at such rents and subject to such covenants and conditions as they think fit let on lease for any period not exceeding seven years or grant licences for the use of all or any part of the racecourse which has heretofore been or is at the commencement of this Act let on lease or permitted to be used under licence for any purpose or purposes for which the same is at the commencement of this Act let on lease or may be used under licence or which is or are authorised by the indentures described in the Sixth Schedule. Provided that nothing in this subsection shall restrict the powers conferred on the Corporation by paragraph (c) of subsection (2) of section 241 (The racecourse) of this Act.

(2) The Corporation may also after the expiration or other determination of the lease of the house and premises (part of the Queen's Park) known as the Royal Spa let the said house and premises for any period not exceeding twenty-one years and on such terms and for such purposes as the Corporation may deem expedient.

(3) Any money received by the Corporation by way of rent under any such lease or licence or under any lease or licence current at the commencement of this Act shall be applied in the maintenance and improvement of the racecourse or Queen's Park as the case may be and subject thereto shall be carried to the credit of the general rate fund.

(4) The Corporation may also accept surrenders of leases or licences of or affecting the said Royal Spa or any such parts as aforesaid of the racecourse on such terms and conditions as may be agreed and may provide any money required for that purpose out of the general rate fund.

Power for
Corporation
to promote
and regulate
public
bands.

255. The Corporation may from time to time pay or contribute towards the payment of a public band or public bands of music for the borough to perform in any place of public resort within the borough (not being a public park or pleasure ground) as the Corporation may prescribe. Provided that the amount of all such payments or contributions shall not in any year exceed the amount which may be raised by means of a rate of one halfpenny in the pound.

256. The powers of the Corporation of making byelaws for the regulation of their parks shall extend to the making of byelaws for securing good and orderly conduct during any concert recital entertainment exhibition or amusement provided or carried on in pursuance of the provisions of the Public Health Act 1925 or this Act.

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Further powers as to byelaws.

257. Subject to the provisions of section 241 (The racecourse) of this Act and of the next succeeding section nothing in this Part of this Act shall authorise or empower the Corporation to use the Queen's Park the Level the racecourse the Blaker Recreation Ground or the Hollingbury Park or any part thereof respectively for any purpose inconsistent with the conditions and stipulations contained in the indentures affecting the same respectively.

Saving for provisions of deeds affecting recreation grounds.

258. Nothing in this Part of this Act shall limit any right which the Corporation may have under any other Part of this Act or any other Act or any Order confirmed by or having the force of an Act to use the Old Steine or any park for any of their statutory purposes.

Saving for statutory powers of Corporation.

259.—(1) Subject to the provisions of Part XXVIII of this Act the Corporation may on any part of the sea-beach and foreshore in front of the borough belonging to them construct and maintain open or covered seawater swimming and other baths with all necessary conveniences and appliances and the provisions of the Baths and Washhouses Acts 1846 to 1925 (including the provisions relating to byelaws) so far as applicable to swimming-baths and not inconsistent with the provisions of this Act shall extend and apply to such baths.

Power to provide swimming-baths.

(2) No portion of any swimming or other bath which may under the powers conferred by this section be constructed on the sea-beach and foreshore westward of a point due south of the junction of Margaret Street with Marine Parade shall be constructed to a greater height than the existing sea wall in front of the borough at the point at which it is constructed.

260.—(1) The Corporation may close to the public and may reserve the exclusive use of any swimming-bath or open bathing-place belonging to them and may grant the use thereof either gratuitously or for payment for

Use of swimming-baths for exhibitions and entertainments.

A.D. 1931. — swimming contests practices aquatic exercises water polo matches life-saving classes or for entertainments or exhibitions or for meetings and may demand and take or authorise to be demanded and taken at the door or entrance of such swimming-bath or open bathing-place such sums for the exclusive use of such bath or place or for admission of persons thereto as they may think fit.

(2) The Corporation may also let the exclusive use of any such swimming-bath or open bathing-place to any school or club on such conditions as they may think fit Provided that no letting under this subsection shall extend over a consecutive period of more than two hours.

PART XV.

ENCLOSED PLACES.

Definitions
for Part XV.

261. In this Part of this Act—

“Enclosed places” means the enclosures and gardens forming part of the squares and places named in the first column of the Seventh Schedule and shall also include any gardens or enclosed grounds which may after the commencement of this Act be the subject of an order of the Minister made under section 263 (Extension of Part XV to other places and houses) of this Act;

“Privileged houses” means the houses and parts of houses described in the second column of the Seventh Schedule and shall also include any houses which may after the commencement of this Act be the subject of an order of the Minister made under the said section of this Part of this Act;

“Owner” and “occupier” when used in relation to any request or consent by this Part of this Act required to be made or given by any owners or occupiers of privileged houses or in relation to the right of voting at any election of any committee of any enclosed place shall respectively have the meanings following :—

“Owner” shall mean any person for the time being receiving on his own account or

as agent or trustee for any other person or as mortgagee or other incumbrancer in possession the rack-rent of any privileged house or any part thereof or who would be entitled so to receive the rack-rent if such house or part thereof were let at a rack-rent;

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“ Occupier ” shall mean any person in the actual occupation of any such house or any part thereof occupied as a separate tenement who has been rated to the general rate in respect of such house or part thereof for not less than one year immediately preceding the day of the making or giving by him of any such request or consent or the tendering of his vote at any such election and has also before that day paid all rates due from him under this Part of this Act except rates which have so become due within the six months immediately preceding.

262. The enclosed places described in Part I of the Seventh Schedule shall (subject to all rights of the owners and occupiers of the privileged houses in relation to such places respectively to use the same respectively as pleasure grounds or gardens) continue vested in the Corporation as trustees for the purposes of this Part of this Act and the Corporation shall subject to the provisions of this Part of this Act continue to be entitled to the benefit of the covenants originally entered into with the owner of the enclosed place by the first purchasers of the several sites of privileged houses entitled to the user thereof.

Enclosed places to continue vested in Corporation.

263.—(1) Where any garden or enclosed ground has been set apart otherwise than by the revocable permission of the owner thereof in any public square crescent circus street or other public place for the use or enjoyment of the inhabitants of the houses abutting upon or in the immediate vicinity of the same subject to any condition or reservation for keeping such garden or enclosed ground as a garden or pleasure ground or unbuilt upon the Minister may if requested by a majority of three-fourths of the owners and occupiers of the said houses or if requested by the Corporation with the consent of such

Extension of Part XV to other places and houses.

A.D. 1931. — majority by order to be published in the London Gazette declare that immediately after the publication of such order in the London Gazette the provisions of this Part of this Act hereinafter contained shall apply to the said garden or enclosed ground and to the said houses and forthwith after the publication of such order in the London Gazette the provisions of this Part of this Act hereinafter contained shall extend and apply to the said garden or enclosed ground and the said houses :

Provided that the day for the first election of the committee for the management of the said garden or enclosed ground shall be a day to be specified in the said order by the Minister and in relation to the said garden or enclosed ground and the said houses this Act shall be read and construed accordingly.

(2) The production of a copy of the London Gazette containing any such order as aforesaid shall be conclusive evidence of the due making and publishing of the order and of the provisions of this Part of this Act hereinafter contained being in force in relation to the garden or ground and the houses specified in the order.

(3) The provisions of this Part of this Act hereinafter contained shall continue to apply to the enclosed places and privileged houses described in Part II of the Seventh Schedule.

(4) The orders of the Local Government Board made under section 34 of the Act of 1884 and dated respectively the 26th day of February 1895 and the 27th day of October 1913 referring to the enclosed places and privileged houses described in Part II of the Seventh Schedule are hereby revoked but without prejudice to anything done thereunder.

Enclosed
places.

264. Each of the enclosed places shall be kept free from all buildings and as a pleasure ground or garden for the use and enjoyment of the owners and occupiers of the privileged houses and their respective families visitors and friends only (subject to the provisions of this Part of this Act as to the maintenance management and improvement of the same) and may from time to time be used and enjoyed respectively as a pleasure ground or garden by the owners and occupiers of the privileged houses and by any of their respective families visitors and friends and by no other persons subject to the provisions of this Part of this Act and the byelaws

from time to time made in manner by this Part of this Act provided and for the time being in force : A.D. 1931
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Provided that save as by this Part of this Act expressly provided nothing in this Part of this Act shall prejudice or affect the estate right title or interest of any person his heirs executors administrators or assigns in to or in respect of any of the enclosed places other than those described in the first column of Part I of the Seventh Schedule :

Provided also that no visitors or friends of any such owner or occupier shall be entitled to use any enclosed place unless accompanied by such owner or occupier or by some member of his family resident in his house.

265.—(1) For the purpose of providing for the maintenance management and improvement of the enclosed places and of the grass trees shrubs plants flowers rails fences seats and other things therein and the walks thereon and the enclosure railings or fences thereof there shall be a committee who shall to the exclusion of any other person or authority be charged with the duty of such maintenance management and improvement and such committee shall be called by the name of the enclosed place in respect of which the same shall be constituted as by this Part of this Act provided. Committee
for manag-
ing enclosed
places.

(2) Such committee shall (subject to subsection (3) hereof) consist of six persons of whom one shall be the mayor or some member of the council nominated in writing by the mayor and the remainder shall be owners or occupiers of the privileged houses to be elected annually at the times in the manner and subject to the conditions prescribed by the regulations contained in the Eighth Schedule.

(3) The committee may from time to time within ten months after the then last election of members by resolution increase or decrease the number of members of the committee as they may think fit but such resolution shall only take effect at the annual election of members next after the passing of the resolution and the number of the members constituting the committee shall not at any time be more than eight nor less than five of whom the mayor or such nominee of the mayor as aforesaid shall always be one.

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(4) The committee shall for the purpose aforesaid have all such rights powers and authorities and be entitled to do all such acts matters and things and to cause to be executed all such works and to employ and remunerate all such superintendents gardeners and workmen as they may think necessary.

(5) The committee shall hold meetings at such time and place as they may from time to time think necessary.

(6) At every meeting of the committee the chairman of the meeting shall be the mayor or such nominee of the mayor as aforesaid if present and if he be absent some other member to be chosen by the committee.

(7) At any meeting of the committee all powers vested in the committee under this Part of this Act may be exercised by any three or more members present at the meeting and no business shall be transacted unless three members be present and all questions shall be decided by a majority of those present and voting and in case of equality of votes the chairman of the meeting shall have a second or casting vote.

Committee
may make
rates to
defray ex-
penses.

266.—(1) The committee of any enclosed place may for the purpose of defraying any expenses incurred by them in the execution of this Part of this Act once or more often in every year make assess and collect a rate or rates upon and from the occupier of every privileged house or any part of a privileged house occupied as a separate tenement according to the rateable value of such house or part thereof respectively according to the valuation list for the time being in force Provided that such rate or rates shall not in any one year exceed in the case of Powis Square the New Steine Royal Crescent or Clarence Square sixpence and in the case of other squares and places one shilling in the pound on the rateable value of such house or part thereof respectively.

(2) If any rate by this section authorised shall be in arrear for one month after a notice in writing demanding payment thereof has been served on the occupier of a privileged house or any part of a privileged house occupied as a separate tenement the rate may be recovered by and in the name of the town clerk on behalf of the committee for the time being in the county court for Sussex held at Brighton as a simple contract debt and in any such

proceeding it shall not be necessary to prove the appointment of the committee or any member thereof.

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(3) Any three or more occupiers of separate privileged houses or separate parts of a privileged house may appeal against any such rate within fourteen days after the demand of the rate to the court of summary jurisdiction for the borough on the ground of irregularity in making the rate or of the amount thereof per pound being larger than is necessary but no such appeal shall be heard unless ten clear days' notice in writing be given to the town clerk on behalf of the said committee stating the objection to the rate and the court shall have power in case of irregularity in making the said rate to quash the rate or if in their judgment the amount thereof is larger than necessary to vary the rate accordingly and to make such order thereon as to costs as they may think just and right.

(4) The provisions of subsection (4) of section 4 of the Rating and Valuation Act 1925 shall extend and apply with respect to any rate to be made by the committee as aforesaid under this section as though such rate were a general rate under that Act and the committee were the rating authority and the provisions of subsections (1) and (2) of section 59 of the same Act shall apply to any notice demanding payment of a rate under this section.

(5) The committee may for the purpose of making assessing and collecting any rate or rates which they are by this section authorised to make appoint a fit person to assist them in making and assessing such rate or rates and to collect the same and may pay him such remuneration as they may think just.

267.—(1) The committee of any enclosed place may make byelaws for the regulation use and control of the enclosed place and may by such byelaws prescribe penalties for offences against the byelaws Provided—

Byelaws as
to enclosed
places.

(a) Such penalties shall not exceed the sum of five pounds for each offence and in the case of a continuing offence the sum of forty shillings by way of daily penalty;

(b) The byelaws shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

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(2) Byelaws made in pursuance of subsection (1) of this section shall be subject to the approval of the Corporation.

(3) The provisions of sections 184 and 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority and of section 24 of the Municipal Corporations Act 1882 shall apply to byelaws made and approved as aforesaid as though the same had been made by the Corporation.

Committee may bring actions and take proceedings.

268. The committee of any enclosed place may in the name of the town clerk on behalf of the committee of such enclosed place—

- (a) bring any action of ejectment or trespass or other action for recovering or defending the possession for the purposes of this Part of this Act of or for obtaining the payment of damages or any mandamus or injunction in respect of or against any actual or contemplated injury or damage to such enclosed place or any part or parts thereof or the fences walks lawns and property in or about the same; and
- (b) take proceedings for the recovery of the penalties prescribed by the byelaws relating to such enclosed place from persons committing offences against the byelaws.

Town clerk not liable in respect of certain legal proceedings instituted in his name.

269.—(1) Nothing in this Part of this Act shall render the town clerk personally liable in respect of any legal proceedings instituted by the committee of any enclosed place in the name of the town clerk under this Part of this Act.

(2) All damages costs charges and expenses to which the town clerk may be put or with which he may become chargeable in respect of any legal proceedings by the committee of any enclosed place in his name under this Part of this Act shall be paid by the committee of such enclosed place and such committee shall be entitled to indemnify themselves for such payment out of moneys applicable or which may be raised by the committee for defraying the expenses incurred by the committee in the management of such enclosed place.

270. No proceedings of the committee of any enclosed place shall be invalidated or be illegal in consequence of there being any vacancy in the number of such committee at the time of such proceedings and all proceedings of such committee or of any person acting on their behalf shall notwithstanding the subsequent discovery that there was some defect in the appointment or election of any of the members of the committee or that they or any of them were disqualified be as valid as if every member of such committee had been duly appointed or elected and was qualified to be a member of the committee.

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Proceedings of committee not to be invalidated for want of form.

271.—(1) Notwithstanding anything in this Part of this Act the Corporation may with the consent of the committee of any enclosed place testified by resolution and with the consent of two-thirds of the owners of the privileged houses in relation to the enclosed place concerned take over and maintain as a public park or pleasure ground the whole or any part of such enclosed place and as from the date of the last of such consents the provisions of this Part of this Act shall cease to apply to the enclosed place or part of an enclosed place so taken over by the Corporation.

As to appropriation of enclosed places.

(2) A copy of any such resolution certified by the chairman of the meeting at which the same was passed to be true shall be conclusive evidence of the meeting having been duly convened and held and of the resolution having been duly passed.

(3) This section shall not apply to Powis Square the New Steine Royal Crescent or Clarence Square.

272. Nothing in this Part of this Act shall limit any right which the Corporation may have under any other Part of this Act or any other Act or any Order confirmed by or having the force of an Act to use the enclosed places for any of their statutory purposes.

Saving for statutory powers.

PART XVI.

LANDS.

273. All lands vested in belonging to or used or enjoyed by the Corporation immediately before the commencement of this Act may be and continue to be held maintained and enjoyed by the Corporation.

Existing lands of Corporation to continue vested in them.

A.D. 1931.
—
Power to
take lands.

274. The Corporation may enter upon take and use the lands hereinafter mentioned and delineated on the deposited plans of 1931 and described in the deposited book of reference of 1931 or any outstanding interest in those lands not vested in the Corporation at the commencement of this Act.

The lands hereinbefore referred to are—

The sea-beach and the lands between the sea-beach and low-water mark situate partly in the borough and partly in the parish of Telscombe in the rural district of Newhaven between the easterly boundary of the borough as it existed immediately prior to the first day of April nineteen hundred and twenty-eight and a point one hundred and seventy-seven yards eastwards of the outfall sewer of the Brighton Intercepting and Outfall Sewers Board (being the properties numbered on the deposited plans of 1931 1 and 2 in the borough and 1 and 2 in the parish of Telscombe) and any manorial or other rights affecting the sea-beach and those lands.

Correction
of errors in
plans and
book of
reference.

275. 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 of 1931 or specified in the deposited book of reference of 1931 the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county in which the lands are situate for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and the certificate shall be deposited with the clerk of the county council for such county and a duplicate thereof shall also be deposited with the town clerk of the borough or the clerk to the district council of the district in which the lands affected thereby are situate and the certificate and duplicate respectively shall be kept by the clerks with whom they are deposited with the other documents to which the same relate and thereupon the deposited plans of 1931 or deposited book of reference of

1931 shall be deemed to be corrected according to the certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with the certificate.

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276. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Part of this Act the tribunal 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 the land created after the sixteenth day of November nineteen hundred and twenty-nine if in the opinion of the tribunal 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.

Compensation in case of recently acquired interest.

277. The Corporation 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 on giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter upon and into the lands and buildings by this Part of this Act authorised to be taken and used or any of them for the purpose of surveying and valuing those 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 enter property for survey and valuation.

278.—(1) All private rights of way over any lands which the Corporation are authorised by this Act to acquire compulsorily shall be extinguished as from the date of the acquisition of such lands by the Corporation if the Corporation shall by resolution so determine and give notice in writing of such their resolution to the owner of any right of way referred to therein.

Extinction of private rights of way.

(2) Provided that the Corporation shall make full compensation to all persons interested in respect of any rights extinguished under the provisions of this section 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.

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Purchase
of land for
purposes of
improve-
ments.

279. The Corporation may in connection with any street widening or improvement or any new street which they are authorised to make under the provisions of the Public Health Acts or otherwise in addition to the premises necessary to be acquired for the purpose of widening opening or enlarging or otherwise improving the street or making the new street purchase by agreement any property in the immediate vicinity of such widening or improvement or new street which they may consider necessary for providing space for the erection of houses and buildings on or for the due development of any property acquired but not required for the purposes of such widening improvement or new street and the purchase of property for that purpose shall be deemed to be a purpose of the Public Health Act 1875.

Further
powers for
acquisition
of land.

280.—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable the Corporation should acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the borough.

(2) When any lands purchased or acquired or taken on lease by the Corporation under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Corporation and pending such appropriation all expenses incurred by the Corporation under this section shall be payable out of the general rate fund and general rate.

Persons
under
disability
may grant
easements
&c.

281. 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 Corporation 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 Lands Clauses Acts with respect to lands and rentcharges as 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.

282. The Corporation when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such person make such compensation wholly or partly in works land or money but in the case of land for the alienation of which the consent of any Government department is required only with such consent.

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Compensation may be in land &c.

283.—(1) Notwithstanding anything in any other Act or otherwise to the contrary the Corporation may retain hold and use for such time and for such purpose as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest in any lands acquired by them under any public general Act from time to time in force in the borough or under any local enactment from time to time in force in the borough and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposal of such lands or interests in lands and may do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposal and on any exchange may give or take any money for equality of exchange :

Retention and disposal of lands.

Provided that the Corporation shall not unless the Minister otherwise directs sell lease or dispose of any lands under the powers of this section except at the best price or on the best terms which can reasonably be obtained but a purchaser or lessee shall not be concerned to inquire whether the direction of the Minister is necessary or has been obtained.

(2) The Corporation on selling or leasing any lands acquired for or in connection with the water undertaking and not required for the purposes of that undertaking may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale or lease subject to such reservations accordingly and may also make any such sale or lease subject to such other reservations special conditions restrictions and provisions with respect to method of

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cultivation use of water exercise of noxious trades or discharge flow or deposit of sewage or manure or other impure matter whether liquid or solid and otherwise as they may think fit.

(3) Nothing in this section shall be taken to dispense with the necessity for obtaining the consent of any Government department to any sale lease appropriation exchange or other disposal of any lands of the Corporation in any case in which such consent would be required if this section had not been enacted.

(4) Nothing in this section shall release the Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Corporation or any person from or through whom the Corporation may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this section had not been enacted.

(5) Nothing in this section shall authorise the Corporation to use any lands acquired for the purposes of or in connection with the water undertaking for any purpose which in the opinion of the Minister would or might cause or lead to the contamination of any waters which can or may be intercepted taken or pumped by means of any pumping station of the Corporation or any well collecting chamber adit or other work connected with any such pumping station.

Proceeds of
sale of
lands.

284.—(1) The Corporation may so far as they consider necessary apply subject to the approval of the Minister any capital moneys received by them on the resale or exchange of or by leasing any lands acquired under the powers of this Act or any of the former Acts and Orders (not being capital moneys to which section 469 (Payment of sale money &c. to loans fund) of this Act applies) in the purchase of other lands but as to capital moneys so received and not so applied the Corporation

shall (subject to the provisions of section 510 (Consolidated loans fund) of this Act) apply the same either— A.D. 1931.

(a) In or towards the extinguishment of any loan raised by them under the powers aforesaid such application being in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister; or

(b) In such other manner as may be approved by the Minister.

(2) Any capital moneys received by the Corporation on the re-sale or exchange of or by leasing any lands acquired under any public general Act from time to time in force in the borough or under any local enactment (other than this Act and the former Acts and Orders) and not being capital moneys to which the said section 469 of this Act applies shall be applied in the same manner as capital moneys received under such public general Act or local enactment are applicable or in such other manner as may be approved by the Minister.

285.—(1) Subject in the case of lands acquired by the Corporation under section 529 (Acceptance of gifts by Corporation) of this Act to any express provision in the instrument creating the gift the Corporation may with respect to any lands for the time being belonging to them exercise all or any of the following powers:— Power to develop lands &c.

(a) they may with the consent of the Minister lay out and develop any such lands and on any such lands may erect and maintain houses shops offices warehouses and other buildings and construct sewer pave flag channel and kerb streets roads and ways;

(b) they may grant any easements rights or privileges in under or over any such lands and may pull down and remove any house or other building situate on any such lands and use or dispose of the materials thereof.

(2) The Corporation may also sell lease (for any period not exceeding ninety-nine years) exchange or otherwise dispose of any houses shops offices warehouses or buildings erected or situate on any such lands and subject to such terms conditions and restrictions as they

A.D. 1931. may think fit including conditions and restrictions as to
— the buildings to be erected and the use to which such
buildings may be put.

(3) Notwithstanding the foregoing provisions of this section the Corporation shall not under the powers of this section—

(a) lay out or develop any lands or erect on any lands any houses shops offices warehouses or other buildings in any manner which infringes any then existing legal right of any owner lessee or occupier of adjoining lands;

(b) except with the consent of the Minister sell lease or dispose of any such houses or other buildings except at the best price or on the best terms which can reasonably be obtained but nothing in this subsection shall require a purchaser or lessee from the Corporation to inquire whether the consent of the Minister is necessary or has been obtained; or

(c) except with the consent of the Board of Education sell lease appropriate exchange or otherwise dispose of any lands of the Corporation in any case in which such consent would be required if this section had not been enacted.

Power to
reinststate
owners of
property.

286. The Corporation may enter into and carry into effect agreements and arrangements with the owners of or other persons interested in any lands or buildings which may be acquired by the Corporation under the provisions of any general Act or local enactment from time to time in force in the borough with respect to the reinstatement of any such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange.

For pro-
tection of
Peacehaven
Estates
Limited.

287. For the protection of Peacehaven Estates Limited (hereinafter called "the company") the following provisions shall have effect:—

(1) The Corporation shall not except by agreement with the company acquire any lands belonging to the company which form part of the properties numbered on the deposited plans of 1931 1 and 2 in the borough and 1 and 2 in the parish of Telscombe :

- (2) The company shall not remove or permit to be removed without the consent in writing of the Corporation previously obtained any sand stone beach shingle or other materials from the lands hereinbefore referred to and shall not remove the same or permit the same to be removed at all after notice in writing has been given by the Corporation to the company or their secretary or left upon the said lands prohibiting such removal and shall use their best endeavours to prevent illegal or unauthorised removal of any such materials as aforesaid :
- (3) The company shall not sell assign let or part with the possession of the said lands or any rights affecting the same without first giving to the Corporation an opportunity of purchasing those lands and rights at a price to be agreed upon or failing agreement to be determined in manner prescribed by the Lands Clauses Acts Provided that nothing in this paragraph shall restrict the company from granting licences to use the said lands in any manner and for any purpose not inconsistent with the remaining provisions of this section :
- (4) The company shall not build erect make or place or permit to be built erected made or placed upon in or under the said lands or any part thereof any building erection or work without the consent in writing of the Corporation for that purpose previously obtained and shall at all times maintain and keep in good repair and condition any buildings erections and works which they may with the consent of the Corporation and of the Board of Trade under section 578 (Works below high-water mark not to be constructed without consent of Board of Trade) of this Act build erect make or place or permit to be built erected made or placed upon in or under the said lands or any part thereof Provided nevertheless that if the company are aggrieved by the withholding of any consent of the Corporation under this paragraph they may appeal to the Board of Trade within fourteen days after the intimation to them of

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such withholding and the Board of Trade alone may consent to the building erection maintaining or placing of any such building erection or work as aforesaid or they may confirm the withholding of the consent of the Corporation :

- (5) The company shall permit the Corporation at any time and from time to time to enter upon and to inspect the said lands and the state and condition thereof and if any breach of the last preceding paragraph shall have been committed they shall on receiving notice to that effect from the Corporation remedy such breach within twenty-eight days next after the receipt of any such notice :
- (6) The company shall permit the Corporation or the Brighton Intercepting and Outfall Sewers Board at any time and from time to time to enter upon the said lands or any part thereof and to execute thereon any such works of sea defence or works of sewerage as the Corporation or the said board may consider necessary and shall not oppose any application which the Corporation or the said board may hereafter make to Parliament or to any Government department for any sanction which may be necessary in connection with the execution of such works except for the purpose of securing that the engineering details of any such works are satisfactory :
- (7) Nothing contained in this section shall be held to recognise or confirm any right title or claim of the company to any foreshore but the right and title to such foreshore shall remain in the same state as if this Act had not been passed.

PART XVII.

STREETS.

Definitions
for
Part XVII.

288. In this Part of this Act unless the subject or context otherwise requires—

“ new ” applied to a street designates a street begun to be laid out or made after the commencement of this Act ;

“available width” applied to a street means the whole width used or intended to be used for purposes of public traffic in that street exclusive of any gardens forecourts or enclosed areas measured at right angles to the course or direction of the street. A.D. 1931.

289.—(1) Whenever application shall be made to the Corporation to approve the laying out of or notice shall be given to the Corporation of intention to lay out a new street the Corporation may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new street to supply the Corporation with plans sections and particulars showing the general scheme (if any) for the development or laying out of such estate or lands and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans sections and particulars required as aforesaid shall be so furnished. Development scheme may be required in connection with new streets.

(2) In this section the expression “lay out a new street” includes the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street.

(3) If after receiving the plans sections and particulars referred to in subsection (1) of this section the Corporation shall approve the laying out of any such new street either unconditionally or subject to any modification of such plans sections and particulars neither the owner of the estate or lands nor his successors in title shall carry out the development of such estate or lands in such a manner as to conflict substantially with such plans sections and particulars as approved. If any such owner shall offend against the provisions of this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(4) The said owner may at any time submit to the Corporation for their approval any alteration in the said plans sections and particulars and the Corporation may if they think fit approve such alteration.

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(5) Any person deeming himself aggrieved by any requirement of or by the Corporation under this section or by any modification required in the said plans sections and particulars by the Corporation or by any refusal of the Corporation to approve any such alteration as aforesaid therein may within fourteen days from the date of such requirement or of the intimation to him by the Corporation of such refusal appeal to a court of summary jurisdiction.

(6) Nothing in this section shall be deemed to authorise any contravention of any byelaw or statutory provision in force in the borough.

Frontage
line in new
streets.

290.—(1) Every person who intends to form a new street shall in addition to the information required to be supplied to the Corporation by virtue of any enactment or byelaws with respect to streets and buildings in force within the borough distinctly define and mark on a plan drawn to such scale as the Corporation may require and to be prepared and submitted by such person to the Corporation for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called the "building line") and the Corporation shall be deemed to have approved any building line unless within six weeks after the date of submission thereof they shall have signified to the person submitting the same their disapproval thereof.

(2) The Corporation may also prescribe the building line to be observed in those parts of any street (not being a highway maintainable by them or by any highway authority) already formed upon which buildings have not already been erected.

(3) It shall not be lawful without the consent of the Corporation to erect or bring forward in any such street any house or building or any part thereof or any addition to any house or building if the building line for such street has been disapproved by the Corporation or before the expiration of the six weeks aforesaid without their approval nor beyond or in front of the building line approved or prescribed by the Corporation. Any person who offends against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

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(4) The provisions of section 3 (Buildings not to be brought forward) of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been approved or prescribed by the Corporation.

(5) If the Corporation require as a condition of their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of a new street than the distance required by any byelaw for the time being in force in the borough and applicable to such new street or if no such distance is required by such byelaw to a greater distance from the centre of the street than one-half of the width of the street and ten feet in addition or in the case of a street already formed to a greater distance from the centre of the street than the line at which buildings could be erected having regard to the provisions of the Public Health (Buildings in Streets) Act 1888 the Corporation shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

(6) For the purpose of this section the surveyor shall by certificate under his hand at or before the time of the approval of the building line by the Corporation determine the centre of any street or intended street.

(7) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Lands Clauses Acts.

(8) Any person deeming himself aggrieved by any requirement of or by the Corporation under this section may within fourteen days from the date of such requirement appeal to a court of summary jurisdiction.

291.—(1) The Corporation may enter into and carry into effect agreements with any owner of lands adjoining any street within the borough for the adjustment of the boundary of any such street and for such purpose may give up to such owner land including land forming part of the street in exchange for other land. For the purposes of this section the Corporation shall be deemed to be the owners of the land forming the

Adjustment
of bounda-
ries of
streets.

A.D. 1931. — site of the street and shall be entitled to convey the land in accordance with an agreement entered into in pursuance of this section.

(2) No such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the borough and if during such period of one month any four inhabitant householders of the borough by themselves or their agent give notice to the Corporation of their intention to appeal under the provisions of this section the Corporation shall not proceed with their proposals (unless the notice of appeal is withdrawn) pending a decision on or a withdrawal of the appeal. The advertisement in the newspaper shall include notice of this subsection.

(3) Any four inhabitant householders of the borough may appeal to a court of summary jurisdiction against any proposal of the Corporation for an adjustment of the boundaries of a street under this section within the period mentioned in subsection (2) of this section.

(4) Notwithstanding any agreement entered into under this section—

(a) the Postmaster-General shall continue to have the same powers and rights in respect of any telegraphic line belonging to or used by him which remains in under upon over along or across the site of any such street as if the same had continued to be part of the street and if by reason or in consequence of any such agreement it becomes necessary to alter any such telegraphic line the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration as though the Corporation or the owner of the adjoining land (as the case may be) were "undertakers" within the meaning of the said Act;

(b) the Central Electricity Board shall continue to have the same powers and rights in respect of any electric lines and other apparatus belonging to or used by them which remain in under upon over along or across the site of any such street as if the same had continued to be part of the street and if by reason or in consequence of

any such agreement the Central Electricity Board deem it necessary to alter the position of any such electric lines or other apparatus they shall be at liberty so to do and the expenses incurred by them in so doing shall be paid to them by the Corporation.

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292.—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new street (including in that expression the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) within the borough are submitted to the Corporation for approval the Corporation may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes. The provision so to be made and the terms and conditions on which such provision is to be made shall failing agreement between the Corporation and the respective persons interested in such estate or lands be determined on the application of the Corporation or any such person by an arbitrator to be appointed by the Minister and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid. Provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

Adjustment
of bounda-
ries of
estates.

(2) Any award made under the provisions of this section shall operate to effect any adjustment or alteration of boundaries or exchange of lands or the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands which may be provided for by such award or be necessary for giving effect thereto and shall be duly stamped accordingly and the costs charges and expenses of any such arbitration shall unless and except in so far as the award shall otherwise provide be borne and paid by the Corporation.

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(3) Any lands or moneys received by any person in or in respect of any adjustment or alteration of boundaries or exchange of lands under the provisions of this section shall be held by such person subject to the same trusts (if any) and any lands so received shall also be held subject to the same covenants restrictions and conditions (if any) so far as the same are applicable as the lands exchanged therefor. Where any such covenants restrictions or conditions shall be agreed to be inapplicable or be determined by the arbitrator to be inapplicable the same shall be indicated in any agreement or award made under the provisions of this section.

(4) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid the Corporation may themselves purchase any land and may sell or lease the land so purchased in whole or in part at such time or times at such price or prices and on such conditions as they may think fit or may appropriate the same for any public purpose approved by the Minister and until such sale or appropriation may occupy manage or let the same or any part thereof in such manner as the Corporation may think reasonable.

Further
powers as to
future line
of street.

293.—(1) Where an improvement line or line of frontage has been prescribed by the Corporation either—

(a) in pursuance of the power conferred on them by section 33 (Power to prescribe improvement line for widening streets) of the Public Health Act 1925; or

(b) prior to the commencement of this Act in pursuance of the power conferred on them by section 69 (Corporation may define future line of streets) of the Act of 1884;

and premises having an aggregate frontage of less than one-third of the total frontage affected by any such improvement line or line of frontage have not been pulled down set back or altered so as not to project beyond or in front of such improvement line or line of frontage the Corporation may on giving twelve months' previous notice in writing to the owner require that any building or erection which or any part of which was beyond or in front of any such improvement line or line of frontage at the date when the line was so prescribed shall be

pulled down set back or altered so that the same shall not project beyond or in front of such line. A.D. 1931.

(2) The owner may by notice in writing given to the Corporation before the expiry of the notice given by them under subsection (1) of this section require the Corporation to purchase the whole of any premises belonging to him which are affected by any such improvement line or line of frontage and thereupon the owner shall sell and the Corporation shall purchase such premises at a price to be settled in default of agreement in the manner in which cases of disputed compensation are settled under the Lands Clauses Acts and the provisions of those Acts shall apply accordingly.

(3) If no notice is given by the owner under subsection (2) of this section the owner may and if so required by the Corporation shall notwithstanding any contract lease or agreement or any provision therein contained enter on any land building or erection affected by any requirement of the Corporation under this section and carry out such requirement.

(4) If any building or erection be pulled down set back or altered in accordance with any requirement of the Corporation under this section the Corporation shall make compensation to the owner lessee and tenant of any such building or erection and to any or either of them for any loss or damage sustained by such owner lessee or tenant in consequence of such building or erection being pulled down set back or altered as aforesaid.

(5) The amount of any compensation payable under subsection (4) of this section and any other question under this section the determination whereof is not otherwise provided for by this Act shall in default of agreement be determined in accordance with the provisions of the Lands Clauses Acts but in estimating the amount of any such compensation the benefit arising from the widening or improvement of the street and accruing to the property in respect of which such compensation shall be payable shall be fairly estimated and set off against such compensation.

(6) Any person who shall fail to comply with a requirement of the Corporation under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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Byelaws as
to inter-
secting
streets.

294. The power of the Corporation to make byelaws with respect to new streets under section 157 of the Public Health Act 1875 shall extend to enable them to require intersecting streets in connection with the laying out of new streets at such intervals as the byelaws may determine. For the purposes of this section "intersecting street" means a side or cross street forming a junction with another street.

Power to
determine
width of
carriage-
ways and
footways.

295.—(1) The Corporation may if they think fit in any case vary the relative widths of the carriageway and footway or footways in any street in the borough repairable by the inhabitants at large. Provided that twenty-one days before commencing under this section any work which will materially reduce the width of any carriageway or footway the Corporation shall send notice of the proposed work to the Minister of Transport.

(2) Whenever the Corporation shall in the exercise of the powers of this section add to the carriageway any portion of the footway in or under which any apparatus of the Central Electricity Board is for the time being situate the board may at their option either—

(a) relay the apparatus under the altered footway;
or

(b) lower such apparatus so as to provide adequate protection therefor against injury;

and the Corporation shall repay to the board the expense reasonably incurred by them in so doing.

Power to
define
streets.

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

Drainage
of new
streets.

297.—(1) When the plans and sections of any new street shall have been approved by the Corporation the surveyor shall specify the depth and inclination form size and materials the means of ventilation and flushing and other particulars of the sewers and their appurtenances needed for the proper drainage of such street and of the adjoining houses and properties.

(2) After any specification shall have been made by the surveyor under subsection (1) of this section with respect to any street and the adjoining houses and properties no person shall carry out any works for the drainage

of such street or of the adjoining houses and properties otherwise than in accordance with such specification.

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298. It shall not be lawful for any person except with the consent of the Corporation to erect or build or to begin to erect or build any new building abutting upon any new street or part of a new street unless the Corporation shall have previously approved of the level and available width of such new street or part of a new street nor until the site of the carriageway and footway of such new street or part of a new street shall have been formed to such a level and of such a width and constructed and sewered in such a manner as to comply with the requirements of any general Act for the time being in force within the borough or any local enactment.

Formation
of new
streets.

299. Every continuation of an existing street shall be deemed a new street and shall be of the full available width at the least of the street of which it shall be a continuation.

Continuation
of existing
streets to be
deemed new
streets.

300. The Corporation may vary or alter the intended position or direction of any intended new street for the purpose of causing it to communicate in a direct line with any other street adjoining or leading thereto.

As to com-
munication
&c. of new
streets.

301. The approval or disapproval of plans and sections of new streets by a committee of the Corporation shall be of the same force and have the same effect as approval or disapproval by the Corporation.

Approval
&c. of plans
by com-
mittee of
Corporation.

302. If any new street approved by the Corporation (whether before or after the commencement of this Act) is not commenced within two years from the time of approval the approval shall at the expiration of that period cease to operate and fresh notice and approval shall as to so much of the street as is not so commenced be requisite as if notice and approval had never been given.

Duration of
approval as
to new
streets.

303. The Corporation at their own expense may execute temporary repairs or works for preventing or minimising dust or erect lamps in or scavenge light water or tar spray any street which is dedicated to the public use but is not a highway repairable by the inhabitants at large but the execution of such repairs or works or the erection of such lamps in or the scavenging lighting

Powers
as to
temporary
repairs of
private
streets.

A.D. 1931. — watering or tar spraying of such streets by the Corporation under this section shall not be deemed to amount to or be evidence of an adoption by them of any such street nor impose upon the Corporation any liability whatever in respect of such street.

Restriction
on new
vaults and
cellars
under
streets.

304.—(1) It shall not be lawful to make any new vault arch or cellar under any street without the written consent of the Corporation nor otherwise than in accordance with the conditions as to construction (if any) laid down by the Corporation.

(2) If any vault arch or cellar is made contrary to the provisions of this section the Corporation may remove such vault arch or cellar and fill up the excavation and recover the expenses incurred in so doing from the person making such vault arch or cellar.

As to
deposits of
materials
and ex-
cavations in
streets.

305.—(1) It shall not be lawful for any person without the consent of the Corporation to lay any building materials rubbish or other thing or make any excavation on or in any street and when with such consent any person lays any building materials rubbish or other thing or makes any excavation on or in any street he shall at his own expense cause the same to be sufficiently fenced and a sufficient light to be fixed in a proper place on or near the same and to be continued every night from sunset to sunrise and shall remove such materials or thing or fill up such excavation (as the case may be) when required by the Corporation or the surveyor. If any person fails to comply in any respect with the requirements of this section the Corporation may remove any such materials or thing or fill up such excavation (as the case may be) and recover the expenses from such person.

(2) This section shall not apply in cases where building operations or works in connection with the street are proceeding in any street not repairable by the inhabitants at large and it is necessary in connection with such building operations or works to lay any building materials rubbish or other thing or make any excavation on or in that street.

As to
pavement
lights.

306.—(1) It shall not be lawful for the owner or occupier of any property to construct in any pavement forming part of any street any work for the admission of light through such pavement to any room or premises

situate under or adjoining the pavement (in this section referred to as "pavement lights") without the consent of the Corporation.

A.D. 1931.

(2) The Corporation may require that in consideration of their giving their consent to the construction of any pavement lights the owner or occupier shall give such undertaking in regard to the construction maintenance repair and removal of the pavement lights and in regard to accidents loss or damage to persons or property by or by reason thereof as they may require.

307.—(1) Where the owner or occupier of any premises fronting or abutting on any street repairable by the inhabitants at large habitually uses or permits to be used any kerbed footway or paved footway in such street as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor-cycle) in passing to and from such premises the Corporation may either—

Crossings
for horses or
vehicles
over
footways.

- (a) require the construction across such footway of a carriage-crossing for the purpose aforesaid constructed of such materials and in such manner as they may prescribe; or
- (b) allow the use of the footway for the purpose aforesaid subject to the condition that the footway is strengthened or adapted in such manner as the Corporation may prescribe or subject to such other reasonable conditions (if any) as they may impose.

(2) If the Corporation require the construction of any carriage-crossing across the footway or allow the use of the footway subject to a condition that it is strengthened or adapted they may execute such works as may be necessary to secure compliance with such requirement or condition and may recover the expenses of so doing from the owner or occupier.

(3) If the Corporation allow the use of the footway as a crossing for any horse or horse-drawn or mechanically propelled vehicle other than a motor-cycle subject to any condition other than the strengthening or adaptation of the footway any person who uses or permits to be used the footway as a crossing as aforesaid in contravention of that condition shall be liable to a penalty not exceeding five pounds.

A.D. 1931.
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(4) Every person desirous of forming a carriage-crossing across a footway in any street or of strengthening or adapting any part of any such footway as a carriage-crossing shall apply in writing to the Corporation for an estimate of the cost thereof and after having obtained such estimate may deposit with the Corporation the amount thereof. When such deposit shall have been made the Corporation shall with all convenient speed carry out the works and any difference between the sum so deposited and the actual cost of the works shall be paid to or by the Corporation by or to such person as the case may require.

(5) Nothing in this section shall impose on the owner or occupier any obligation to maintain any crossing constructed or footway strengthened or adapted in pursuance of a requirement of or condition imposed by the Corporation under this section.

Power to
provide
tubs for
trees &c.

308. The Corporation may provide and maintain in any street (including the footway) repairable by the inhabitants at large tubs for trees or plants. Provided that this power shall not be exercised so as to hinder the reasonable use of the street or footway by the public or any person entitled to use the same or so as to become a nuisance or injurious to any adjacent owner or occupier.

As to
barriers in
streets.

309.—(1) It shall be lawful for the Corporation at all times of ceremonies public processions rejoicings fairs exhibitions carnivals races sports illuminations or on emergencies to cause barricades to be erected across any of the streets in the borough and to continue the barricades for such time as may be deemed reasonably necessary. Any person who wilfully removes any such barricade or any part thereof shall be liable to a penalty not exceeding forty shillings.

(2) For the purpose of the erection of such barricades the Corporation may construct or place and maintain in and under the surface of the streets in the borough such sockets or slots as may in their opinion be necessary or convenient.

Fire-plugs.

310. Any person who shall cover over or wilfully or negligently obstruct or interfere with the convenient access to any fire alarm fire-plug or hydrant within the borough or who shall remove or efface any plate or

mark indicating the position of such alarm plug or hydrant shall be liable to a penalty not exceeding five pounds. A.D. 1931.
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311.—(1) Before any person shall erect on any land within the borough a retaining wall of greater height than six feet abutting on or adjacent to or within twelve feet of any street he shall submit to the Corporation plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as approved by the Corporation. Erection of retaining walls.

(2) Any person who shall erect a retaining wall contrary to the provisions of this section and any owner who after erection shall fail to put such wall in proper repair within a reasonable time after notice in writing from the Corporation requiring him so to do shall (without prejudice to any other right or remedy of the Corporation) be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

312.—(1) If any land adjoining any street is allowed to remain unfenced or any fence thereof to be or remain out of repair and such land is in the opinion of the surveyor owing to the absence or inadequate repair of any fence a source of danger to passengers or is used for any immoral or indecent purpose or for any purpose causing inconvenience or annoyance to the public then the surveyor may give to the owner or occupier of the land or if the surveyor is unable after diligent inquiry to discover the name or place of abode of such owner or occupier may affix upon such land notice requiring such owner or occupier forthwith and effectually to fence or repair the fences of such land to the satisfaction of the surveyor. Waste land adjoining streets to be fenced.

(2) If the work of fencing or repairing the fences of such land is not begun within forty-eight hours after the service of such notice as aforesaid or is not completed to the satisfaction of the surveyor as soon as the nature of the case admits it shall be lawful for the surveyor to give information thereof to any justice who may thereupon issue his summons requiring such owner or occupier or both or either of them to appear before a court of summary jurisdiction.

A.D. 1931.

(3) If it appears to the court that owing to such land not being fenced or any such fence being out of repair danger to any person is to be apprehended or such land is used for any such purpose as aforesaid the court shall make an order on such owner or occupier or both or either of them requiring him or them to cause such land to be effectually fenced or the fences thereof effectually repaired to the satisfaction of the surveyor within a period to be prescribed in such order.

(4) If any such order is not obeyed within the period prescribed therein any and every person (whether one or more) on whom such order has been made shall be liable to a penalty not exceeding forty shillings for every day during which such order has not been obeyed after the end of the period prescribed therein.

(5) The court may at any time after the end of the period prescribed in any such order make a further order authorising the surveyor to cause such land to be effectually fenced or the fences thereof to be effectually repaired as required by the first order and the person or persons on whom the first order was made shall in addition to such penalty pay all the costs charges and expenses attendant on the fencing or repairing and such costs charges and expenses shall be recoverable from such person or persons.

(6) If the owner or occupier of any such land cannot be found it shall be lawful for the court to make an order authorising the surveyor to cause forthwith such land to be effectually fenced or the fences thereof to be repaired and the costs charges and expenses thereof shall be repaid to the Corporation by such owner or occupier.

Application
of certain
provisions
of Lands
Clauses
Acts.

313.—(1) The provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase-money or compensation coming to parties having limited interests or prevented from treating or not making title shall apply to any purchase-money or compensation payable under the provisions of this Part of this Act to any such party.

(2) The provisions of the Lands Clauses Consolidation Act 1845 with respect to the entry upon lands by the promoters of the undertaking (except section 92 of the said Act) shall apply with any necessary modifications to any lands which any person may hereafter

lawfully be required to sell or exchange under or in pursuance of the foregoing provisions of this Part of this Act.

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(3) For the purposes of this Part of this Act the expression “the promoters of the undertaking” where used in the said Act of 1845 shall mean the Corporation.

314. Every person who wilfully fails to comply with or otherwise wilfully offends against any provision of any of the following sections of this Act:—

Penalties
under
certain
sections of
Part XVII.

Section 297 (Drainage of new streets);

Section 298 (Formation of new streets);

Section 299 (Continuation of existing streets to be deemed new streets);

Section 304 (Restriction on new vaults and cellars under streets);

Section 305 (As to deposits of materials and excavations in streets);

whether he be the owner agent architect builder contractor workman labourer servant or other person employed in or about any work or matter shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings Provided that if any such person has acted in relation to any such offence with the privity or consent of the owner or person causing or directing the work to be done he shall not be liable to any penalty under this section.

315.—(1) In this section “gas apparatus” means any mains pipes works or other apparatus belonging to the gas company.

As to mains
&c. of gas
company.

(2) In any case where under an adjustment made under the powers of section 291 (Adjustment of boundaries of streets) of this Act any land forming part of the site of a street (whether the footway or carriageway thereof) is to be conveyed to any owner of land adjoining the street and there is situate in or under such first-mentioned land any gas apparatus the Corporation shall before the adjustment is effected give notice in writing to the gas company of the proposed adjustment and to such owner of the existence of such gas apparatus and thereupon (notwithstanding any agreement entered into under that section but subject as hereinafter in this subsection

A.D. 1931. — provided) the gas company shall continue to have the same powers and rights in respect of such gas apparatus which remain in or under such first-mentioned land as if that land had continued to be part of the street :

Provided that—

(a) The Corporation may by such notice to the gas company and the owner may by notice in writing to the gas company given within fourteen days after receipt of any notice given to him by the Corporation under this subsection require the gas company to alter and the gas company when so required shall alter ;
or

(b) The gas company may if they notify the Corporation and the owner within fourteen days after receipt of any notice given to the gas company by the Corporation under this section of their intention so to do alter

the position of any such gas apparatus to such position in and at such depth below the footway or carriageway of the street as altered under the provisions of the said section of this Act as the Corporation may reasonably require.

(3) Whenever the Corporation in the exercise of the powers of section 295 (Power to determine width of carriageways and footways) of this Act or any other provisions of this Part of this Act shall add to the carriageway of a street any portion of the footway in or under which there is any gas apparatus the gas company may and shall if so required by the Corporation alter the position of such apparatus to such a depth below the surface of the carriageway or to such other position in the street (whether under the carriageway or footway) as the Corporation may reasonably require.

(4) Any expenses reasonably incurred by the gas company in effecting any alteration of any gas apparatus under and in accordance with the provisions of this section shall be repaid to them by the Corporation.

(5) Any difference which may arise under this section between the Corporation and the gas company shall be referred to an arbitrator to be agreed upon or failing agreement to be appointed on the application

of either party after notice in writing to the other by the President of the Institution of Civil Engineers. A.D. 1931.

316. Nothing in this Part of this Act except the following sections :— Saving for railway company in Part XVII.

- Section 296 (Power to define streets);
- Section 301 (Approval &c. of plans by committee of Corporation);
- Section 303 (Powers as to temporary repairs of private streets);
- Section 304 (Restriction on new vaults and cellars under streets);
- Section 305 (As to deposits of materials and excavations in streets);
- Section 306 (As to pavement lights);
- Section 307 (Crossings for horses or vehicles over footways);
- Section 312 (Waste land adjoining streets to be fenced);

shall extend or apply to any building (not being a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to the railway company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by that company with the authority of Parliament so long as any such building railway work or land is used or held by the company primarily for railway purposes.

PART XVIII.

BUILDINGS STRUCTURES AND HOARDINGS.

317. In this Part of this Act unless the subject or context otherwise requires— Definitions for Part XVIII.

“ Owner ” includes in the case of any building or structure in course of construction or alteration any person (not being a contractor or builder employed to construct it) by whose order or at whose cost such building or structure is being constructed or altered;

“ Building ” includes all erections or constructions of masonry brickwork or any material whatsoever and whether under or above the natural

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ground level and whether intended for human habitation or trade or any other purpose whatever but shall not include a wooden hoarding which is used solely for the purpose of billposting;

“ Dwelling-house ” means any building or part thereof used or intended constructed or adapted to be used wholly or partly for human habitation;

“ Public building ” means any building used or intended constructed or adapted to be used either regularly or occasionally as a church chapel or other place of public worship or as a college school (not being merely a dwelling-house so used) theatre public hall public concert-room public ball-room public lecture-room public exhibition-room or public place of assembly or used or intended constructed or adapted to be used either regularly or occasionally for any other public purpose;

“ Structure ” includes any building wall bridge fence railing balcony hoarding scaffold platform stack of bricks or timber pier pillar post door gate or other such erection construction or thing;

“ Ground floor ” used with reference to any building means that floor thereof of which the upper surface is nearest to the level of the street or ground adjoining the principal or only entrance to such building;

“ Ground storey ” used with reference to any building means that storey thereof which is comprised between the ground floor and the floor next above the ground floor;

“ First storey ” used with reference to any building means that storey thereof which is next above the ground storey;

“ Topmost storey ” means the uppermost storey in any building whether constructed wholly or partly in the roof or not and whether used or constructed or adapted for human habitation or not.

318.—(1) For the purposes of this Act and the Public Health Acts and any byelaws made thereunder each of the following operations shall be deemed to be the erection of a new building :—

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What to be
deemed new
buildings.

- (a) The conversion of any building which when originally erected was legally exempt from the provision of any building byelaws in force within the borough into a building which had it been originally erected in its converted form would have been within the operation of those byelaws ;
- (b) The re-erecting of any building pulled down to or below the ground storey thereof or of any building of which only the framework is left above the ground storey ;
- (c) Any addition to or external alteration of any existing building (other than a wooden hoarding which is used solely for the purpose of bill-posting) so far only as regards such addition or external alteration ;
- (d) The conversion into a dwelling-house of any building not originally constructed or theretofore lastly used for human habitation.

(2) In cases of division or conversion of a building into more than one dwelling-house every dwelling-house into which such building is divided or converted shall for the purposes of this Act and the Public Health Acts and any byelaws made thereunder be deemed to be a new building.

(3) For the purposes of this Part of this Act each of the operations specified in section 23 of the Public Health Acts Amendment Act 1907 shall be deemed to be the erection of a new building.

319. Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 in its application to the borough shall be extended so as to empower the Corporation to make byelaws with respect to—

Extension of
section 157
of Public
Health Act
1875.

- (i) the number of dwelling-houses which may be erected in one block or in one continuous row ;
- (ii) the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space ;

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- (iii) the situation construction and height of walls or fences upon or across such open space;
- (iv) the materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fire-places shall be set in new buildings or be newly set or re-set in existing buildings;
- (v) the uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting doors in connection therewith and as to the occupation of buildings when united;
- (vi) the testing of drains of new buildings;
- (vii) the provision of fixed baths in such classes of new dwelling-houses as may be prescribed in the byelaws.

Further extension of section 157 of Public Health Act 1875.

320.—(1) Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 in its application to the borough shall be read and construed as if the following sub-paragraphs were added immediately after the sub-paragraph numbered (4) in that section :—

- (5) For requiring work to be done in connection with the alteration whether in use or structure of a building or part thereof for securing stability and the prevention of fire and for purposes of health;
- (6) For securing the adequate lighting of buildings.

(2) The said section 157 shall also in its application to the borough be read and have effect as if it empowered the Corporation to require by byelaws the deposit of plans and sections by persons intending to construct reconstruct or alter the course of any drain in connection with a building.

(3) Any byelaws under the said section 157 as above extended with regard to the adequate lighting of buildings may be made so as to affect buildings erected before the times mentioned in that section.

Extension of section 23 of Public Health Act 1890.

321. Section 23 of the Public Health Acts Amendment Act 1890 (which section extends section 157 of the Public Health Act 1875) in its application to the borough shall have effect as if—

- (a) the words “and floor area” were inserted in subsection (1) thereof after the word “height”;

- (b) the power given by that subsection (1) to make byelaws with respect to secondary means of access were extended so as to enable the Corporation to require every person who shall erect fronting a street or intended street terraces or other continuous blocks of houses not giving access through their own ground to the backs of such houses to make and construct a back road and side roads at the back and at each end of such terraces or continuous blocks of houses of such widths as may be prescribed by the byelaws; A.D. 1931.
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- (c) the words "space about buildings" were inserted in subsection (2) thereof before the words "drainage of buildings" Provided that no byelaw with respect to the space about buildings shall be made so as to affect buildings erected before the times mentioned in section 157 of the Public Health Act 1875 unless such buildings or the curtilage thereof shall be altered after the making of the byelaw; and
- (d) the power given by subsection (4) thereof to make byelaws with respect to the alteration of buildings were extended so as to authorise byelaws with respect to (i) the alteration of buildings whether or not erected in accordance with byelaws and (ii) the submission of such plans and sections as can be required in relation to the erection of a new building.

322. Where the upper part of a building has been built or rebuilt above the first storey or to the extent of one-half of the height of such building between the ground floor and the ceiling of the topmost storey since the third day of September eighteen hundred and sixty it shall not be lawful to take down and rebuild the lower portion only of such building or any part thereof except with the consent of the Corporation and upon compliance with the regulations with respect to new buildings contained in any general Act or local enactment for the time being in force in the borough. Rebuilding
of old
houses.

323.—(1) No new building shall without the approval of the Corporation be erected on the side Height of
buildings.

A.D. 1931. — of any street which shall exceed in height the distance from the front of such building to the opposite side of such street nor shall the height of any building erected on the side of any street either before or after the commencement of this Act be at any time subsequently increased so as to exceed such distance without such approval as aforesaid.

In determining the height of a building the measurement shall be taken from the level of the centre of the street immediately opposite the centre of the front of the building up to the ceiling of the topmost storey if the building has a room or rooms in the roof and up to one-half of the height of the rafters if there be no room in the roof.

(2) On the date of the confirmation of any byelaws made by the Corporation under the Public Health Acts with respect to the height of buildings the provisions of this section shall become and be repealed.

Existing
courts not
to be
rebuilt.

324. No building shall be erected without the consent in writing of the Corporation in any existing court on any land on which a building shall not be standing at the commencement of this Act and when in any existing court any building shall fall or be burnt or pulled down to or below half the height of the front elevation thereof such building shall unless the Corporation otherwise consent in writing be entirely pulled down and removed and shall not without such consent be rebuilt.

If the Corporation refuse their consent to the re-erection of any such building they shall make compensation to the owner of the site of such building for any loss or damage sustained by him in consequence of the building being so pulled down removed and not rebuilt or of no building being erected as the case may be and if the amount of compensation to be made by the Corporation under this section be disputed it shall be settled by arbitration.

Special
conditions
as to public
buildings.

325. Every public building shall be provided with ample and convenient means of ventilation to be approved by the Corporation. Provided that this section shall not apply to any public mental hospital workhouse or hospital.

326.—(1) The owner of any brick-built oven to be used by any baker for the first time after the commencement of this Act and of any furnace to be used in connection with any manufacturing process for the first time after the commencement of this Act shall construct a wall of not less than nine inches in thickness between the fire of the oven or furnace and the wall of the building on which such oven or furnace abuts and such wall shall be constructed above below and around the oven or furnace to the satisfaction of the Corporation.

A.D. 1931.
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Ovens and
furnaces
to have
protecting
walls.

(2) Any oven to be used by any baker for the first time after the commencement of this Act (not being a brick-built oven) shall be effectively insulated from adjoining walls by a non-heat-conducting substance or by an intervening space to the satisfaction of the surveyor.

327. Every fireplace opening or chimney opening in a new building shall have a sufficient hearth extending throughout the length and depth of such opening and constructed in accordance with the requirements of the byelaws in that behalf for the time being in force in the borough.

Fireplaces
of buildings
to have
hearths.

328.—(1) Where on the plan of any building as submitted to and approved by the Corporation a part of such building is described or shown as or appears to be intended to be separated from the remainder of the building for the purpose of being used as a lock-up shop workshop shed or place of business and not as a dwelling-house the use of that part of the building for the purposes of human habitation shall be an offence.

Lock-up
shops and
places of
business
not to be
improperly
used for
habitation.

(2) Every owner or occupier of any such building who causes or permits any such part as aforesaid of the building to be so used shall for every such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding forty shillings.

(3) Provided that if the said part of such building has in the rear thereof and adjoining and exclusively belonging thereto such an open space as is required by any Act or byelaw for the time being in force

A.D. 1931. — with respect to buildings intended to be used as dwelling-houses and if that part of the building has undergone the structural alterations necessary in the opinion of the Corporation for converting it into a dwelling-house or if in the opinion of the Corporation no structural alterations are necessary to render the same fit for use as a dwelling-house the Corporation may on the application of the owner thereof authorise the same to be used as a dwelling-house.

(4) Every person who shall prevent any officer of the Corporation from entering during the hours mentioned in section 102 of the Public Health Act 1875 and examining any part of any building suspected of being used in contravention of this section or shall obstruct any such officer in entering during those hours or in making any such examination of any such part of a building as aforesaid shall be liable to a penalty not exceeding five pounds.

Elevation of buildings erected on front lands to require approval.

329.—(1) Where by reason of any improvement made by the Corporation within the borough any land shall become land which adjoins or abuts upon any street the following provisions shall apply:—

(i) If the owner lessee or occupier of any such land shall construct—

(a) any door or entrance in an existing building communicating with that street; or

(b) any wall or fence by the side of that street;

he shall construct the door entrance wall or fence in such position and in accordance with such elevations as may be approved by the Corporation;

(ii) If the Corporation within one month after any elevations shall have been submitted to them under this section shall have failed to notify their determination in writing to the person submitting the same the Corporation shall be deemed to have approved of the elevations.

(2) Any person who offends against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) The Corporation shall make compensation to the owner of any land for any loss or damage he may suffer by reason of the setting back or bringing forward of such wall or fence. A.D. 1931.
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330.—(1) Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 is hereby extended so as to enable the Corporation to make byelaws providing in such manner as they may think necessary that any person intending to erect a building in any street or to deal with an existing building in any street so as to involve any substantial alteration of any external wall or of the roof of that building and in this section referred to as “the owner” shall submit to the Corporation drawings of the elevations of the building and particulars of the materials with which it is to be faced and roofed (all of which drawings and particulars are in this section included in the expression “particulars”). Elevation of buildings fronting streets.

(2) For the purpose of this section a standing board of appeal of three members (in this section called “the board of appeal”) shall be constituted for the borough of whom one member shall be a fellow or associate of the Royal Institute of British Architects to be nominated by the President of that institute one member shall be a fellow or professional associate of the Chartered Surveyors’ Institution to be nominated by the President of that institution and one member shall be a justice of the peace to be nominated by the council Provided that a member of the council shall be disqualified from being a member of the board of appeal.

(3) Subject as aforesaid the members of the board of appeal shall be appointed by the council and any vacancy occurring on the board of appeal shall be filled by the council on the nomination of the person or body by whom the member causing the vacancy was nominated.

(4) The term of office of a member of the board of appeal shall not exceed five years but he shall be eligible for re-appointment on the nomination of the person or body by whom he was previously nominated.

(5) The person or body by whom any member of the board of appeal was nominated may nominate

A.D. 1931. another person to act in the place of that member during his absence through illness or other unavoidable cause.

(6) If any member of the board of appeal be absent from three consecutive meetings a vacancy shall be deemed to have occurred.

(7) The Corporation may pay the members of the board of appeal such reasonable fees and expenses as the Corporation think fit.

(8) Where any particulars are required to be submitted to the Corporation by a byelaw made under the said section 157 as extended by this section the Corporation shall within one month after the submission to them of the particulars—

(a) approve the particulars; or

(b) if they shall consider that the building or materials to which the particulars relate is or are objectionable on any of the grounds mentioned in subsection (9) hereof refer the question of the approval of the particulars to the board of appeal for their decision thereon and the reference shall be accompanied by a statement of the grounds on which the proposed building or materials is or are considered to be objectionable.

(9) The grounds on which the Corporation may under this section object to any particulars submitted to them are that the building or materials to which the particulars relate—

(i) would having regard to the general character of the existing buildings in the street or of the buildings proposed to be erected in the street seriously disfigure or deteriorate the character of the street; or

(ii) would hinder the improvement of the character of the street in any case where it is desirable that the character of the street should be improved; or

(iii) would injuriously affect the amenities of the borough.

(10) The Corporation shall forthwith send notice in writing to the owner of their approval thereof or (if

the building or materials is or are considered to be objectionable on any of the grounds mentioned in subsection (9) hereof) of the reference of the particulars to the board of appeal and the notice shall be accompanied by a statement of the grounds of objection to the building or materials. A.D. 1931.

(11) (a) The owner shall within fourteen days of his receiving notice of the reference to the board of appeal be entitled to notify the board of appeal and the town clerk that he will withdraw the particulars in which event he shall not be liable for the payment of any costs of the said reference or to send to the board of appeal a statement of his answers to the objections of the Corporation and if he does so he shall at the same time send a copy thereof to the town clerk.

(b) (i) If the particulars have not been previously withdrawn the board of appeal shall within one month after the receipt of the reference decide whether having regard to the grounds mentioned in subsection (9) hereof they approve or disapprove the particulars and their decision shall be final and conclusive Provided that the board of appeal shall not have power to determine any question of law.

(ii) If the particulars are disapproved the decision of the board of appeal shall contain a statement of the grounds on which the proposed building or materials is or are considered to be objectionable.

(iii) In arriving at their decision the board of appeal may adopt such procedure as they think fit.

(12) The decision of the board of appeal shall be in writing signed by them and a copy of the decision shall as soon as may be after the determination of the reference be sent to the Corporation and to the owner.

(13) If there is a division of opinion among the members of the board of appeal on any reference to them the matter shall be decided by a majority of votes of the members of the board of appeal but save as aforesaid the board of appeal shall act by their whole number.

(14) Where the particulars have been disapproved under this section it shall not be lawful to erect or alter the building until the particulars thereof have been approved by the Corporation Any person who acts in

A.D. 1931. — contravention of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

(15) Subject to the provisions of subsection (11) (a) of this section the costs of any reference to the board of appeal shall be paid as the board of appeal may direct. Where such costs or part thereof are payable by the owner they shall be recoverable by the Corporation and where such costs or part thereof are payable by the Corporation they shall be recoverable by the owner.

(16) The provisions of this section shall not apply to a building (not being a dwelling-house showroom or office) belonging to the gas company.

Approval
&c. of
plans by a
committee.

331. The approval or disapproval of plans sections or elevations of new buildings doors entrances walls or fences by a committee of the Corporation shall be of the same force and have the same effect as approval or disapproval by the Corporation.

Duration of
approval.

332. If any new building the plans and sections or elevations for which have been approved by the Corporation (whether before or after the commencement of this Act) shall not be commenced within two years from the date of such approval fresh notice and approval shall unless the Corporation otherwise determine be requisite as if notice and approval had never been given. Provided that this section shall not apply to plans sections or elevations which have been the subject of a special agreement between the Corporation and an owner of property.

Erection of
buildings to
greater
height than
adjoining
building.

333.—(1) If any building is at any time after the commencement of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall if required by the Corporation and if it is reasonably practicable at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised or the top of such last-mentioned building whichever may be the higher.

(2) The person erecting or raising any building as aforesaid shall also at his own expense carry out such works

as may be necessary for the prevention of dampness in the adjoining building as a result of such erection or raising.

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(3) Any person who offends against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

334.—(1) Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may order the owner at his option either to take down or to repair such building (in this section referred to as a “neglected structure”) or any part thereof or otherwise to put the same or any part thereof into a state of repair and good condition to the satisfaction of the Corporation within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

Dilapidated
and neg-
lected
buildings.

(2) If the order is not obeyed the Corporation may with all convenient speed enter upon the neglected structure and execute the order.

(3) Where the order directs the taking down of a neglected structure or any part thereof the Corporation in executing the order may remove the materials to a convenient place and (unless the expenses of the Corporation under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure (including the expenses of any works carried out by the Corporation for the protection of any adjoining building) may be deducted by the Corporation out of the proceeds of the sale and the surplus (if any) shall be paid by the Corporation on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Corporation or if the proceeds of the sale are insufficient to defray the said expenses the Corporation

A.D. 1931. — may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repair.

Means of
escape from
buildings in
case of fire.

335.—(1) Every person who shall erect a new building exceeding two storeys in height and in which the upper surface of the floor of any upper storey is above twenty feet from the street level and which—

- (a) is constructed or adapted for occupation by three or more occupiers in separate dwellings; or
- (b) is used or intended to be used as a tavern hotel hospital hostel boarding-house apartment-house common lodging-house or boarding-school and contains accommodation for more than forty persons including the persons (if any) usually resident therein; or
- (c) is used or intended to be used as to part thereof as a shop or restaurant wherein more than forty persons will ordinarily be employed and contains or is intended to contain in other part thereof sleeping accommodation for more than forty persons being persons employed in or about such shop or restaurant;

shall cause such building to be provided—

- (i) with such portable fire-fighting and portable first-aid appliances as the Corporation may require; and
- (ii) on each of the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in case of fire for the persons dwelling sleeping or employed in each such upper storey or resorting thereto as may be reasonably required by the Corporation under the circumstances;

and the owner shall not permit such building to be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) Any person aggrieved by any requirement of the Corporation under subsection (1) of this section may appeal to a court of summary jurisdiction within seven

days after the service of notice of such requirement provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk.

(3) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under subsection (1) of this section.

(4) If the owner of the building alleges that any occupier should bear or contribute to the expenses of complying with any requirement of the Corporation under this section he may apply to the county court of Sussex holden in the borough and thereupon the county court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable in all the circumstances.

(5) The owner of the building shall notwithstanding any agreement with the occupier have power to take such steps as are necessary for complying with any requirement of the Corporation under this section.

(6) The appliances and means of escape in case of fire provided in connection with any such building as aforesaid shall not be altered without the consent in writing of the Corporation and shall at all times be maintained and kept by the occupier of the building in good and efficient condition and (in the case of such means of escape) free from obstruction.

(7) This section shall not apply to premises to which section 14 (Provision of means of escape in case of fire) and section 15 (Byelaws for means of escape from fire) of the Factory and Workshop Act 1901 or any enactment amending those sections apply.

(8) Any person who offends against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

336.—(1) Every dwelling-house erected after the commencement of this Act shall be provided with such sufficient and properly ventilated pantry or other food storage accommodation as may be reasonably required by the Corporation and any owner who shall occupy or allow to be occupied any such dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Food
storage
accommo-
dation.

A.D. 1931.
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(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within seven days after the service of notice of such requirement provided he give twenty-four hours' written notice of such appeal and of the ground thereof to the town clerk.

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

(4) If the owner of the dwelling-house alleges that any occupier should bear or contribute to the expenses of complying with any requirements of the Corporation under this section he may apply to the county court of Sussex holden in the borough and thereupon the county court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable in all the circumstances.

Powers on
inspection.

337. In exercising any powers of entry upon and inspection of any building or works in course of construction the surveyor and his assistants shall have from the builder of or contractor for such building or works free of expense all reasonable use of ladders scaffolding and plant erected or in use at the time of inspection in and about such building or works Any person who shall refuse such use as aforesaid or shall obstruct the surveyor or his assistants in the use of such ladders scaffolding and plant as aforesaid shall be guilty of an offence and shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Contractors
&c. to
provide
sanitary
conveni-
ences for
workmen.

338.—(1) The contractor or builder engaged in or upon the erection of a new building or the construction or reconstruction of any works shall where practicable provide to the reasonable satisfaction of the Corporation and maintain until the completion of any such erection construction or reconstruction such water or other closets and urinals in or in connection with such building or works as may be sufficient for the accommodation of the workmen employed.

(2) Any person who offends against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

339.—(1) Whenever any structure or any part thereof or anything thereon or attached thereto or projecting therefrom or any ground is deemed by the surveyor to be in a state or position whereby danger to any person is or may be occasioned the surveyor shall give notice under his hand to the owner or occupier of such structure or ground or to both or either of them requiring such owner or occupier forthwith effectually to fence guard take down remove repair or secure the same to the satisfaction of the surveyor.

A.D. 1931.
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Dangerous
structures
and pro-
jections and
unfenced
ground.

(2) If the work of fencing guarding taking down removing repairing or securing such structure or part thereof or such thing thereon or attached thereto or projecting therefrom or such ground is not begun within forty-eight hours after the service of such notice as aforesaid or is not completed to the satisfaction of the surveyor as soon as the nature of the case admits it shall be lawful for the surveyor to give information thereof to any justice who may thereupon issue his summons requiring such owner or occupier or both or either of them to appear before a court of summary jurisdiction.

(3) If it appears to the court that immediate danger to any person from such structure or part thereof or such thing thereon or attached thereto or projecting therefrom or such ground is to be apprehended the court shall make an order authorising the surveyor to cause such structure or part thereof or thing thereon or attached thereto or projecting therefrom or such ground to be forthwith effectually fenced guarded taken down removed repaired or secured.

(4) If it appears to the court that danger to any person is to be apprehended but that such danger is not immediate the court shall make an order on such owner or occupier or both or either of them requiring him or them to cause such structure or part thereof or such thing thereon or attached thereto or projecting therefrom or such ground to be effectually fenced guarded taken down removed repaired or secured to the satisfaction of the surveyor within a period to be prescribed in such order. If such order is not obeyed within the period prescribed therein any and every person (whether one or more) on whom such order has been made shall be liable to a penalty not exceeding forty shillings for

A.D. 1931. — every day during which such order has not been obeyed after the end of the period prescribed therein.

(5) The court may at any time after the end of the period prescribed in such order make an order authorising the surveyor to cause such structure or part thereof or thing thereon or attached thereto or projecting therefrom or such ground to be effectually fenced guarded taken down removed repaired or secured as required by such order and the person or persons on whom such order has been made shall in addition to such penalty repay to the Corporation all the costs charges and expenses attendant on the fencing guarding taking down removing repairing or securing of such structure or part thereof or thing thereon or attached thereto or projecting therefrom or such ground including the expenses of any works carried out by the Corporation for the protection of any adjoining structure or ground.

(6) If the owner or occupier of any structure or ground which the surveyor has deemed to be in a dangerous state or position cannot be found or does not appear after service of notice and summons as hereinbefore provided it shall be lawful for the court to make an order authorising the surveyor to cause such structure or part thereof or thing thereon or attached thereto or projecting therefrom or such ground to be forthwith effectually fenced guarded taken down removed repaired or secured and the costs charges and expenses thereof (including the expenses of any works carried out by the Corporation for the protection of any adjoining structure or ground) shall be repaid to the Corporation by such owner or occupier as aforesaid.

(7) Where a dangerous structure is taken down or removed by the Corporation or the surveyor under the powers of this section the Corporation may sell the materials thereof or part of them and shall apply the proceeds of the sale or any part thereof in or towards payment of the costs and expenses incurred by them in relation to such structure and shall pay the surplus (if any) to the owner of such structure.

Gardens
forecourts
&c. to be
fenced off
from
streets.

340.—(1) Whenever the person erecting any new building shall be desirous of placing any steps or other permanent projections in any forecourt area or space left in front of such building the same shall be well and sufficiently fenced off from the footpath or street by a

railing or parapet or dwarf wall and palisades or otherwise
to the satisfaction of the Corporation.

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(2) If any such forecourt area or space is free from steps or other permanent projections the same or such portion thereof as the person erecting the building may not desire to dedicate to the use of the public shall either be fenced off from the footpath or street as aforesaid or be defined by a line of kerb stones or other suitable material laid flush with the surface of the footpath in order that the footpath may be free from obstruction whilst securing to the owner his rights over such land as he may not desire to dedicate.

341.—(1) If the Corporation shall by resolution determine that any stall structure or other erection on any forecourt within the borough is by reason of its character injurious to the amenities of the street in which the forecourt is situate they may by notice in writing require the owner of or person responsible for the stall structure or other erection within such period not being less than seven days as may be specified in the notice to make such alterations to the stall structure or other erection as may be necessary to prevent it from being injurious to the amenities of such street.

Provisions
as to fore-
courts.

(2) Any person who neglects or refuses to comply with the requirement of any such notice shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) (a) Any person aggrieved by any requirement of any notice of the Corporation under the provisions of this section may appeal to a court of summary jurisdiction within seven days after the service upon him of such notice by the Corporation provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk.

(b) Notice of the right to appeal shall be endorsed upon every notice served by the Corporation under this section.

342.—(1) Whenever large numbers of persons are likely to assemble on the occasion of any show entertainment public procession open-air meeting or other like occasion every structure which or any part of which is let or used or intended to be let or used for the purpose

Safety of
structures:
erected or
used on
public
occasions.

A.D. 1931. — of affording sitting or standing accommodation for a number of persons shall be safely constructed or secured to the satisfaction of the Corporation and unless the structure be so constructed or secured section 339 (Dangerous structures and projections and unfenced ground) of this Act shall be applicable to the structure and may be put in full force accordingly.

(2) The provisions of this section shall not apply to any person who is a roundabout proprietor travelling showman or stallholder not being a pedlar or hawkker.

As to
hoardings
and similar
structures.

343.—(1) (a) No fence wall hoarding or other similar structure (in this section referred to as “structure”) of a greater height than six feet six inches above the level of the ground at the nearest boundary of the street shall be erected or brought forward on any land in any street—

- (i) beyond any building line prescribed by the Corporation in respect of the land under the provisions of any Act; or
- (ii) if there be no such line beyond any line which is enforceable by the Corporation for buildings under subsection (2) of section 100 of the Housing Act 1925; or
- (iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

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

(2) (a) The Corporation may by notice in writing require the owner or occupier of any land upon which any structure exists at the commencement of this Act which would (if erected after the commencement of this Act) have contravened the provisions of subsection (1) of this section to remove or alter the structure within

such time (not being less than six days) as may be specified in the notice in such a manner as to comply with those provisions and the Corporation shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

A.D. 1931.

(b) Any person who neglects or refuses to comply with a notice from the Corporation given in pursuance of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may at their own expense take down or remove any structure erected or maintained in contravention of those provisions.

(3) The provisions of this section shall not be enforceable with regard to any structure existing at the commencement of this Act for a period of five years from such date and shall not apply to any wooden structure fence or hoarding of a moveable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair is complete.

(4) The provisions of this section shall not apply to a wall (not being a wall of a dwelling-house) constructed by or belonging to or which may hereafter be constructed by or belong to the railway company in the exercise of their statutory powers so long as such wall is used or held by the railway company for railway purposes.

344.—(1) Before placing or erecting any hoarding wall (not being a wall forming part of the structure of a permanent edifice) or fence at or within a distance of ten yards from the corner of any street the person proposing to place or erect such hoarding wall or fence shall give notice of his intention so to do to the Corporation and such notice shall be accompanied by plans and particulars of the hoarding wall or fence proposed to be so placed or erected.

As to
erection of
hoardings
&c. at street
corners.

(2) If the placing or erection of such hoarding wall or fence would constitute a danger to the traffic in the streets of the borough upon adjoining or near to which the same is proposed to be placed or erected by obstructing the view of any foot passenger or the driver of any vehicle in a street of vehicular or pedestrian traffic the Corporation

A.D. 1931. — may within one month of the receipt of the said notice prohibit such placing or erection or may allow the same subject to such conditions or modifications of the said plans and particulars as they may think fit. If within one month of the receipt of the said notice the Corporation shall not have prohibited such placing or erection or allowed the same subject to a condition or to a modification of such plans or particulars they shall be deemed to have allowed such placing or erection.

(3) Any person who places or erects any hoarding wall or fence in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and the Corporation may remove the hoarding wall or fence so placed or erected and may recover the expense incurred by them in so doing from such person.

(4) Any person deeming himself aggrieved by any prohibition condition or modification imposed or required by the Corporation under this section may within fourteen days from the date of notification thereof to him appeal to a court of summary jurisdiction.

(5) This section shall not apply to any wooden structure fence or hoarding of a moveable or temporary character erected by a builder for his use during the construction alteration or repair of any building provided that the same is taken down or removed immediately after such construction alteration or repair is complete.

(6) For the purposes of this section the corner of any street shall be deemed to be the point at which the frontage or boundary line of that street (if necessary continued in a straight line) intersects the frontage or boundary line of any other street (if necessary similarly continued).

Restrictions
on adver-
tisement
hoardings
&c.

345.—(1) For the purpose of preserving the amenities of the borough it is hereby enacted that it shall not be lawful to erect in or within twelve feet of any street in the borough any hoarding or similar structure to be used either partly or wholly for advertising purposes to a greater height than twelve feet above the level of the street without the consent of the Corporation and such consent may be given subject to such terms and conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoarding or similar structure as the Corporation may determine.

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(2) The owner or other person using any hoarding or similar structure for advertising purposes whether erected before or after the commencement of this Act shall at all times keep and maintain the same in proper and safe repair and condition and if any papers affixed for advertising purposes to such hoarding or other similar structure fall away become detached or are stripped off shall forthwith remove and clear away such papers.

(3) A person shall not be liable to any penalty in respect of an offence under subsection (2) of this section unless he shall have failed to comply with a notice in writing from the Corporation requiring him to keep or maintain a hoarding or structure of which he is the owner or user in proper and safe repair and condition or to remove and clear away paper in accordance with the provisions of subsection (2) of this section.

(4) Any person acting in contravention of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(5) Any person aggrieved by the refusal of the Corporation to grant such consent or by the conditions attached to such consent may appeal to a court of summary jurisdiction within seven days after service upon him of notice of such refusal provided he give twenty-four hours' written notice of such appeal and the grounds thereof to the town clerk.

(6) Any forty or more local government electors may if they are of opinion that any such hoarding or similar structure as is mentioned in subsection (1) of this section which has been erected by the Corporation is prejudicial to the amenities of the borough make complaint to a court of summary jurisdiction within seven days after the erection of such hoarding or similar structure provided they give twenty-four hours' written notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

346.—(1) If the Corporation shall by resolution determine that any banner streamer notice board sign or lettering (all of which are in this section included in the expression "sign-board") suspended across any street or hung over any part of a street for the purposes

Banners
signs &c.
over streets.

A.D. 1931.

of advertisement or announcement is a nuisance or objectionable by reason of its size construction or situation or an injury to the amenities of the street across or over which or any part of which it is suspended or hung they may by notice in writing require the owner of or person responsible for the suspension or hanging of such sign-board to remove it within such period not being less than seven days as may be specified in the notice.

(2) If any sign-board shall after the commencement of this Act be suspended across the carriageway of any street repairable by the inhabitants at large without the permission of the Corporation the owner or person responsible for such suspension shall be liable to a penalty not exceeding twenty shillings and shall forthwith (upon receiving notice in writing from the Corporation requiring him so to do) remove the sign-board.

(3) Any person who neglects or refuses to comply with the requirement of any such notice and any person who shall have removed any such sign-board as is referred to in any such notice (whether the removal be effected before or after the receipt of the notice) and shall after such removal suspend or hang the same or any similar sign-board without the permission in writing of the Corporation or without complying with any conditions attaching to any such permission shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings and the Corporation may themselves remove any such sign-board and any expense incurred by them in so doing may be recovered by them from such person.

(4) For a period of one year from the commencement of this Act the foregoing provisions of this section shall not apply to any such sign-board as is referred to in subsection (1) hereof which was in use on the fifteenth day of November nineteen hundred and twenty-nine.

(5) Any person aggrieved by any requirement of any notice of the Corporation or the withholding of permission by the Corporation or the conditions attached to any such permission under the provisions of this section may appeal to a court of summary jurisdiction within seven days after the service of such notice or the intimation to him of such withholding or of the attaching of such conditions provided he give twenty-four hours'

written notice of such appeal and of the grounds thereof to the town clerk. Notice of the right to appeal shall be endorsed on every notice of the Corporation under this section. A.D. 1931.
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347. Every person who wilfully fails to comply with or otherwise wilfully offends against any provision of any of the following sections of this Act :— Penalties
under
certain
sections of
Part XVIII.

- Section 322 (Rebuilding of old houses);
- Section 323 (Height of buildings);
- Section 324 (Existing courts not to be rebuilt);
- Section 325 (Special conditions as to public buildings);
- Section 326 (Ovens and furnaces to have protecting walls);
- Section 327 (Fireplaces of buildings to have hearths);
- Section 340 (Gardens forecourts &c. to be fenced off from streets);

whether he be the owner agent architect builder contractor workman labourer servant or other person employed in or about any work or matter shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings. Provided that if any such person has acted in relation to any such offence with the privity or consent of the owner or person causing or directing the work to be done he shall not be liable to any penalty under this section.

348. Nothing in this Part of this Act except the following sections :— Saving for
railway
company in
Part XVIII.

- Section 318 (What to be deemed new buildings);
- Section 322 (Rebuilding of old houses);
- Section 324 (Existing courts not to be rebuilt);
- Section 325 (Special conditions as to public buildings);
- Section 326 (Ovens and furnaces to have protecting walls);
- Section 328 (Lock-up shops and places of business not to be improperly used for habitation);

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Section 331 (Approval &c. of plans by a committee);

Section 334 (Dilapidated and neglected buildings);

Section 335 (Means of escape from buildings in case of fire);

Section 337 (Powers on inspection);

Section 339 (Dangerous structures and projections and unfenced ground);

Section 342 (Safety of structures erected or used on public occasions);

Section 343 (As to hoardings and similar structures);

Section 344 (As to erection of hoardings &c. at street corners);

Section 346 (Banners signs &c. over streets);

shall extend or apply to any building (not being a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to the railway company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by that company with the authority of Parliament so long as any such building railway work or land is used or held by the company primarily for railway purposes.

PART XIX.

SEWERS DRAINS AND SANITARY CONVENIENCES.

Separate
sewers for
sewage and
surface
water.

349.—(1) Where under the provisions of any public general or local Act the Corporation have power to require any street to be sewered by reason of such street not having theretofore been sewered to their satisfaction they may require the provision of separate sewers for the reception of surface water and of sewage respectively Provided that the cost of providing in pursuance of this section separate surface water sewers in a street already sewered shall be borne by the Corporation.

(2) The Corporation may also from time to time by resolution declare that any sewer or sewers for the time

being belonging to them shall be appropriated and used for surface water only or for sewage only. A.D. 1931.

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

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

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

(6) Any contracts or agreements entered into by the Corporation with any person and any undertakings given to or by the Corporation prior to the commencement of this Act which would have been valid under the provisions of this section if made after the commencement thereof are hereby confirmed.

350.—(1) No person shall sweep or cast or permit to flow into any sewer or drain or into any street from which there is a communication with any sewer or drain or over any grating or opening communicating with any sewer or drain any soil earth rubbish or filth or any matter or substance which would interfere with the free flow of the sewage or which would be injurious to the construction of the sewer or drain or produce corrosion or decay in the materials thereof or generate noxious or offensive gases. Refuse and injurious matters not to pass into sewers.

(2) Any person who offends against the provisions of this section shall for every such offence be liable to a penalty not exceeding five pounds.

A.D. 1931.

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Recon-
struction of
drains.

351.—(1) It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Corporation except in accordance with the provisions of the byelaws and regulations relating to the drainage of new buildings for the time being in force within the borough.

(2) Any person who offends against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five shillings.

Combined
drains.

352.—(1) If it appears to the Corporation that two or more houses within the borough may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred feet of any part of the premises the Corporation may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Corporation if they so decide or by the owner or owners in such manner as the Corporation shall direct and the costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Corporation shall determine and if such drain is constructed by the Corporation such costs and expenses may be recovered by the Corporation from such owners subject to a right of appeal under subsection (4) of this section.

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

(3) Provided that the Corporation shall not except by agreement with the owners exercise the powers conferred by this section in respect of any house for the drainage of which plans shall have been previously approved by them.

(4) Any person aggrieved by the amount of any costs and expenses proposed to be recovered by the Corporation under this section or the amount to be borne and paid by him may appeal to a court of summary jurisdiction provided that such appeal be made within two months from the date of the service of notice by the Corporation intimating the amount payable or their apportionment thereof.

353.—(1) Where two or more houses or premises within the borough are connected with a single private drain which conveys their drainage into a public sewer or into a cesspool or other receptacle for drainage the Corporation shall have all the powers conferred by section 41 (Examination of drains privies &c. on complaint of nuisance) of the Public Health Act 1875 and the Corporation may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owners of the houses in such proportions as shall be settled by the surveyor or (in case of dispute) by arbitration under the Public Health Act 1875 or by a court of summary jurisdiction.

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—
Houses
connected
with single
private
drain.

(2) For the purposes of this section the expression “drain” includes a drain used for the drainage of more than one building whether owned or occupied by the same person or not.

354.—(1) If it appears to the medical officer or sanitary inspector that any drain watercloset or soil-pipe within the borough is stopped up or otherwise defective the medical officer or sanitary inspector shall give notice to the owner or occupier of the premises to remedy such defect and if the work necessary to remedy such defect is not commenced within twenty-four hours from the service of such notice and completed as speedily as the circumstances of the case will admit the Corporation may carry out the work and may subject as hereinafter provided recover the expenses incurred in that behalf from such owner or occupier.

As to
defective
drains &c.

(2) On any proceedings under this section the court may inquire whether any requirement contained in any notice given under this section or work done by the Corporation was reasonable and whether the expenses incurred by the Corporation in doing such work or any part thereof ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such expenses or their apportionment as appears to the court to be just and equitable in the circumstances.

355.—(1) No cesspool shall be made or continued on any premises if there is a sewer belonging to the Corporation within one hundred feet of any part of such premises fit to receive the drainage thereof except when

Cesspools.

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— in the opinion of the Corporation the making or continuance of such cesspool shall be unavoidable and when any cesspool shall be allowed to be made it shall be constructed in such situation and in such manner as the Corporation shall direct.

(2) Any person who contrary to the provisions of this section shall make a new cesspool or shall continue an existing cesspool for two months after notice in writing from the Corporation to discontinue it shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) Nothing in this section shall limit the powers of the Corporation under section 31 (Byelaws for preventing contamination of water) of this Act or affect the operation of any byelaws made under that section or under the Act of 1924 or any provisions of Part III of this Act relating to such powers of the Corporation and byelaws.

Stack pipes
not to be
connected
with sewers
or drains.

356.—(1) No stack pipe shall without the consent of the Corporation be connected with a sewer or with a drain leading into or connected with a sewer.

(2) Any person who fails to comply with or offends against this section shall be liable to a penalty not exceeding five pounds.

Water
supply to
closets.

357.—(1) Every watercloset shall have a good supply of water laid on and an efficient flushing apparatus attached thereto and shall have an opening as near to the top as practicable communicating directly with the external air or shall be otherwise furnished with sufficient means of ventilation.

(2) The pipes immediately supplying water to a watercloset and the flushing apparatus attached thereto shall be so arranged that water for any other purpose than flushing the closet cannot be drawn therefrom.

(3) Any owner of any building who fails to provide efficient flushing apparatus or means of ventilation for any watercloset in or connected with such building in accordance with the provisions of this section and any occupier of any such building who fails to keep a good supply of water to any such watercloset in accordance with the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

358.—(1) If a drain sanitary convenience soil-pipe or cesspool is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person by whose direction such construction or repair was undertaken or executed shall unless he shows that such nuisance or injury or danger to health could not have been avoided by the exercise of reasonable care be liable to a penalty not exceeding twenty pounds Provided that such person shall not be liable to a penalty under this subsection unless the Corporation shall have given him notice to execute within a reasonable time such works as may be necessary to remove such nuisance or injury or danger to health and he shall have failed to comply with such notice.

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—
Improper
construction
or repair of
drain or
sanitary
convenience

(2) Where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person (being his agent servant or workman) whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if the person charged proves to the satisfaction of the court that he has used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

359. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Corporation it shall be lawful for the Corporation if in their opinion such drain can be sufficiently repaired at a cost not exceeding twenty pounds to serve a notice on the owner or owners of such drain requiring him or them to repair the same to their satisfaction within a reasonable time and in default of compliance with such notice the Corporation may cause the drain to be repaired and the expenses of such repairs may be recovered by them from the owner or owners of such drain in such proportions as the surveyor shall determine :

As to
repair of
drains.

Provided that where such expenses do not exceed twenty shillings the Corporation may remit the payment of the same by the owner or owners (if they think fit).

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Further
provisions
as to
sanitary
conveni-
ences.

360.—(1) The owner of two or more sanitary conveniences provided for or in connection with two or more separate dwelling-houses and used in common by the occupiers of such dwelling-houses shall so far as reasonably practicable allot such sanitary conveniences to the occupiers of particular dwelling-houses so as to insure that the same are allocated proportionately (as nearly as may be) amongst such dwelling-houses.

(2) The owner of any such sanitary conveniences shall cause to be affixed to the door or walls of each such sanitary convenience a notice identifying the dwelling-house the occupiers of which are entitled to use such sanitary convenience.

(3) Any owner who shall fail to comply with the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

Closet
accommo-
dation in
houses
occupied by
more than
one family.

361. Section 36 (Power of local authority to enforce provision of privy accommodation for houses) of the Public Health Act 1875 shall with the necessary modifications apply to a part of a house occupied by a separate family as it applies to the whole of a house.

Byelaws as
to water-
closets.

362. The Corporation may make byelaws for preventing the improper use of waterclosets and the blocking of the pipes therefrom.

Power to
erect and
charge for
public
closets &c.

363. The Corporation may on any land belonging to or held on lease by them erect waterclosets urinals and lavatories for the use of the public and may charge a reasonable sum for the use of such waterclosets and lavatories and the Corporation may make byelaws for the management of such waterclosets urinals and lavatories and for regulating the conduct of the persons resorting to or using them.

Power to
supply
houses or
courts with
sanitary
conveni-
ences.

364.—(1) The Corporation for the purpose of supplying a court or place with sanitary conveniences may from time to time purchase by agreement any building and remove the same and execute all consequent structural and other works and the owner or owners of the houses in the court or place benefited thereby shall be liable to pay the cost of the purchase of such building and the other expenses incurred by the Corporation in the execution of this section and the amount

thereof shall be apportioned among those owners by the surveyor in proportion to the rateable value of the property held by them in such court or place and the amount apportioned to each owner shall be payable by and recoverable from him.

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(2) Before exercising the powers conferred upon them by subsection (1) of this section the Corporation shall give notice of their intention to every owner upon whom it is proposed to make an apportionment in pursuance of that subsection and any such owner may within fourteen days from the receipt of such notice object in writing to the exercise by the Corporation of such power.

(3) The Corporation shall consider any such objection and shall give notice of their decision to the person by whom the objection was made and if such person is aggrieved by such decision he may within fourteen days after receiving notice thereof appeal to a court of summary jurisdiction.

(4) Any owner aggrieved by the amount of the expenses incurred by the Corporation in the execution of subsection (1) of this section or the apportionment thereof may within fourteen days from the receipt of a demand for payment of his proportion of such expenses appeal to a court of summary jurisdiction to determine the amount or apportionment thereof as the case may be. Provided that no appeal under this subsection shall lie if and so far as it raises any question which might have been raised by way of objection under subsection (2) of this section.

365. If any person cause any drain or sanitary convenience to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging or altering the course of the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds :

Wilful
damage to
sanitary
conveni-
ences &c.

Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises or other person aggrieved by any such act may have to

A.D. 1931. — recover compensation in respect of any damage suffered by him by reason of such act.

Further saving for railway company.

366. Nothing in section 353 (Houses connected with single private drain) section 354 (As to defective drains &c.) section 359 (As to repair of drains) and section 362 (Byelaws as to waterclosets) of this Act shall apply to any drain closet or sanitary convenience belonging to the railway company which is used in connection with any land or building not being a dwelling-house.

PART XX.

INFECTIOUS DISEASE AND SANITARY MATTERS.

Definitions for Part XX.

367.—(1) In this Part of this Act unless the subject or context otherwise requires—

“Sunday school” means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether on a Sunday or not;

“Dairy” and “dairyman” have the same respective meanings as in the Infectious Disease (Prevention) Act 1890.

(2) For the purposes of section 368 (Parents to notify infectious disease) section 369 (Power to close Sunday schools and exclude children from entertainments) and section 370 (Restriction on attendance of children at Sunday schools and places of assembly when infectious disease prevails) of this Act the expression “infectious disease” includes measles german measles whooping cough chicken pox scabies ringworm and influenza in addition to the diseases referred to in section 6 (Interpretation) of this Act.

Parents to notify infectious disease.

368.—(1) Any person being a parent or having the care or charge of a child attending at a school in the borough who is aware of or has reason to suspect the occurrence of any infectious disease in any person residing with such parent or other person and who fails forthwith to notify such occurrence to the head teacher principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings.

In any proceeding under this subsection a certificate purporting to be under the hand of the head teacher

principal or superintendent of the school at which the child named in the certificate is in attendance stating that he has or has not received any notification as required under this section shall be evidence of the facts stated in such certificate unless the defendant shall require that the person by whom the certificate has been signed shall be called as a witness.

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(2) For the purpose of this section the expression "school" shall include a Sunday school.

369.—(1) If the Corporation or any committee of the council acting on the advice of the medical officer with the view of preventing the spread of infectious disease require the closing of any Sunday school or any department thereof within the borough or the exclusion of certain children therefrom for a specified time or the exclusion of children from places of public entertainment or assembly for a specified time such requirement shall be at once complied with.

Power to close Sunday schools and exclude children from entertainments.

(2) Any person responsible for the conduct or management of any Sunday school or any department thereof or place of public entertainment or assembly wilfully failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding five pounds.

370.—(1) No person of or exceeding the age of sixteen years and having the custody charge or care of a child—

Restriction on attendance of children at Sunday schools and places of assembly when infectious disease prevails.

- (i) who is or has been attending any school or any part thereof within the borough which for the time being is closed by order of the Corporation or of the education committee of the council with the view of preventing the spread of infectious disease; or
- (ii) who is suffering from an infectious disease; or
- (iii) who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or school medical officer;

shall permit such child to attend any Sunday school or place of public entertainment or assembly in the borough without having procured from the medical

A.D. 1931. — officer or school medical officer a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or place of public entertainment or assembly without undue risk of communicating disease to others.

(2) Any person who offends against the provisions of this section shall be liable to a penalty not exceeding forty shillings.

Informa-
tion to be
furnished in
case of
infectious
disease.

371.—(1) The occupier of any building which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness give such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

(2) Any occupier who refuses to give such information or knowingly gives false information shall be liable to a penalty not exceeding forty shillings.

(3) For the purposes of this section the expression “occupier” shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

Removal of
infirm and
diseased
persons in
certain
cases.

372.—(1) If the medical officer shall certify in writing that any person in the borough—

(a) is aged or infirm or physically incapacitated and resides in premises which are insanitary owing to any neglect on the part of the occupier thereof or under insanitary conditions; or

(b) is suffering from any grave chronic disease;

and that such person is unable to devote to himself or to receive from persons with whom he resides proper care and attention and that thorough inquiry and consideration have shown the necessity in the interests of the health of such person and for preventing injury to the health of or serious nuisance to other persons that he should be removed from the premises in which he is residing the medical officer may make application to a court of summary jurisdiction and the court upon oral proof of the allegations in the certificate and subject

to examination of such person by a registered medical practitioner to be nominated by them (if they think fit) may make an order for the removal of such person to a suitable hospital infirmary or other institution or other suitable place provided within the borough or within a convenient distance of the borough and for the detention and maintenance of such person therein for such period (not exceeding three months) as may be determined by the order or such further period or periods (each not exceeding three months) as may be determined by any further order or orders made under and in accordance with the provisions of this section :

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Provided that not less than three clear days before making any application under this subsection for the removal of any person to an institution or place outside the borough and not provided by the Corporation the medical officer shall give to the council of the county or county borough to whom the institution or place belongs (in this section referred to as "the appropriate authority") notice in writing of his intention so to do.

(2) The medical officer shall give to any person proposed to be removed under the provisions of this section or to some person being in charge of such person 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) The cost of the removal of any person to a hospital infirmary or other institution or place as aforesaid and of his detention and maintenance therein in pursuance of an order made under this section shall be borne by the Corporation and during any period for which a person is so detained the Corporation may and if so required by the court shall make towards the maintenance of any dependants of that person such contributions as the Corporation think fit or as may be directed by the court :

Provided that if the application asks for the removal of the person to an institution or place outside the borough and not provided by the Corporation the appropriate authority shall be entitled to appear and be heard on the application and any matters relating thereto and may in the exercise of their powers under any scheme made under Part I of the Local Government Act 1929 assume such obligations with regard to the maintenance of the

A.D. 1931. — said person and his dependants as may be agreed between the appropriate authority and the Corporation.

(4) An order under this section may be addressed to such officer of the Corporation or to such constable as the court making the order may think expedient and any person who wilfully disobeys or obstructs the execution of the order shall be liable to a penalty not exceeding ten pounds.

(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 court by or on behalf of the person in respect of whom the order was made for the rescission of the order and the court may make a rescission order accordingly if having regard to the circumstances they are 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) Nothing in this section or in any order made thereunder shall authorise the removal of any person to or the detention of any person in any poor law institution outside the borough and not provided by the Corporation except with the consent in writing of the appropriate authority or shall affect or interfere with the exercise or discharge by the appropriate authority of any of their powers or duties.

(7) The powers of this section shall not be put into operation by the medical officer unless he is authorised by a resolution of the Corporation so to do either generally or in any particular case in which those powers are proposed to be exercised.

Entry into premises in case of dangerous infectious disease.

373.—(1) If the medical officer has reasonable cause to believe that in any premises there is a person who is suffering or who has recently suffered from a dangerous infectious disease he may on obtaining a warrant from a justice of the peace which such justice is hereby authorised to grant enter such premises and examine any person found therein with a view to ascertaining whether he is suffering or has recently suffered from such disease:

Provided that the medical officer shall not under the powers of this section— A.D. 1931.

- (a) enter any premises except between the hours of seven in the morning and ten in the evening;
or
- (b) examine a person who is already under the treatment of a medical practitioner except with the consent of the latter.

(2) For the purposes of this section the expression “dangerous infectious disease” has the same meaning as in section 60 of the Public Health Act 1925.

(3) Any person who obstructs the medical officer in the exercise of his power under this section shall in addition to any other punishment to which he may be subject be liable to a penalty not exceeding five pounds.

374. The Corporation may provide or contract with any person or persons to provide nurses for attendance on any person suffering from any infectious disease within the borough or upon the members of the family of any person so suffering and may charge a reasonable sum for the services of any nurse provided by them. Provision of nurses in case of infectious disease.

375. The Corporation may provide and supply (with or without charge therefor) to any medical practitioner antidotes and remedies against infectious disease. Corporation may supply antidotes against infectious disease.

376.—(1) Where the Corporation are of opinion on the certificate of the medical officer or of any other legally qualified medical practitioner that the cleansing and disinfecting of any dwelling-house and of any articles therein likely to communicate any infectious disease or to retain infection would tend to prevent or to check infectious disease and that such cleansing and disinfection would more effectually be carried out by the Corporation than by the owner or occupier of such dwelling-house the Corporation without requiring such owner or occupier to carry out such cleansing and disinfection as aforesaid may if they think fit but at their own cost themselves cleanse and disinfect such dwelling-house and any such articles and may for that purpose remove any such articles and shall make compensation to such owner or occupier for all property or articles destroyed or injured by the exercise of the provisions of this section. Further powers with respect to prevention of infection.

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(2) Any person who shall obstruct any duly authorised officer of the Corporation in carrying out the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Prohibition on infected person carrying on business.

377. No person suffering from an infectious disease shall pick fruit intended for consumption within the borough or engage in any trade or business connected with food intended for consumption within the borough or carry on any trade or business in such a manner as to be likely to spread infectious disease within the borough and if he does so he shall be liable to a penalty not exceeding twenty shillings.

Dairymen to furnish lists of customers in certain cases.

378.—(1) Whenever it shall be certified to the Corporation by the medical officer or other legally qualified medical practitioner that the spread of infectious disease is in the opinion of such medical officer or medical practitioner attributable to the milk supplied by any dairyman the Corporation may require such dairyman to furnish to them within a time to be fixed by them a full and complete list of the names and addresses of all his customers within such part of the borough as the Corporation may reasonably require and such dairyman shall furnish such list accordingly and the Corporation shall pay to him for every such list at the rate of sixpence for every twenty-five names contained therein.

(2) If any dairyman shall suffer any loss directly and solely attributable to the use made by the Corporation of anything contained in such list the Corporation shall make compensation to him for such loss.

(3) Any person who wilfully or knowingly offends against the provisions of this section shall for each such offence be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five shillings.

Medical officer may require dairymen to furnish list of sources of their supply of milk.

379.—(1) If the medical officer shall have reasonable cause to believe that any person in the borough is suffering from infectious disease attributable to milk supplied within the borough he may by notice in writing require every person supplying milk to the person so suffering or to the house of which he is an inmate to furnish him with a list of all the farms dairies or

places from which a supply of milk is or has during the last six weeks been derived by the person so supplying.

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(2) Any such person who fails to comply with such request shall for each such offence be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

380.—(1) When any public conveyance has been used for the conveyance of a person suffering from an infectious disease or the conveyance of the corpse of a person who has died from any such disease and the owner of such public conveyance has not made provision for the immediate disinfection thereof the conveyance may be taken possession of and immediately disinfected by any officer of the Corporation and the expense thereby incurred may be recovered from the owner (if such conveyance was so used with the knowledge of the owner) or (if not) from the person hiring or using such conveyance.

Disinfection of conveyances used for carrying corpses.

(2) In this section “public conveyance” means any public service vehicle omnibus hackney carriage fly or other vehicle let or used for the conveyance of passengers for hire within the borough whether such vehicle be licensed by the Corporation or not and whether it be the property of a person residing or a company having offices within the borough or elsewhere.

381.—(1) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van shed or similar structure used for human habitation) within the borough would tend to prevent or check tuberculosis the town clerk shall give notice in writing to the owner or occupier of such building that the building or any part thereof will be cleansed and disinfected by and at the cost of the Corporation unless the owner or occupier of the building informs the Corporation within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within a time to be fixed in the notice.

Disinfection in case of tuberculosis.

(b) If within twenty-four hours from the receipt of such notice the owner or occupier of the building

A.D. 1931. — has not informed the Corporation as aforesaid or if having so informed the Corporation as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer. Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers and at the cost of the Corporation under the superintendence of the medical officer.

(c) For the purpose of carrying into effect the provisions of this subsection the Corporation may by any officer who shall be authorised in that behalf in writing under the hand of the medical officer and who shall produce his authority enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

(d) Every person who wilfully obstructs any duly authorised officer of the Corporation in carrying out the provisions of this subsection shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(2) (a) The medical officer if generally empowered by the Corporation in that behalf may by notice in writing require the owner or person in possession of any household or other articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung or other forms of tuberculosis with discharges to cause such articles books things bedding or clothing to be delivered to an officer of the Corporation for removal for the purpose of disinfection and any person who fails to comply with such requirement shall be liable to a penalty not exceeding five pounds.

(b) Such articles books things bedding and clothing shall be disinfected by the Corporation and returned to the person from whom they were taken free of charge.

(3) If any person sustains any damage by reason of the negligent exercise by the Corporation of any

of the powers of subsections (1) and (2) of this section in relation to any matter as to which he is not himself in default compensation shall be made to such person by the Corporation and the amount of compensation shall be recoverable in and in the case of dispute may be settled by a court of summary jurisdiction.

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382. When the medical officer certifies in writing that any dwelling-house is in an insanitary condition and that the occupier thereof is unable through infirmity or mental incapacity to remedy such condition and that his health is thereby endangered a court of summary jurisdiction may on the application of the Corporation (who shall give to the occupier seven days' notice of their intention to make such application) make an order for the removal of such occupier to an institution or other dwelling for such period as the court may by such order direct as being necessary to enable the Corporation to cleanse and disinfect the dwelling-house and the Corporation may carry out the removal and such cleansing and disinfection of the dwelling-house as may be necessary.

Cleansing of dwelling-houses in certain cases.

383.—(1) No house or part of a house within the borough shall be exempt from the provisions with respect to common lodging-houses of the Public Health Acts or of this section or any byelaws made under the next succeeding section on the ground that accommodation in such house or part of a house is let for a longer period or longer periods than one day or is not let for a less period than one week.

As to common lodging-houses.

(2) (a) The Corporation may without prejudice to their powers under the Public Health Acts refuse to register or to renew the registration of any house as a common lodging-house unless they are satisfied—

(i) that the premises are suitably equipped for use and occupation as a common lodging-house; and

(ii) that the use of the premises as a common lodging-house is not likely to occasion inconvenience or annoyance to the inhabitants or persons in the neighbourhood.

(b) If the Corporation refuse to grant or renew registration under this subsection they shall if required by the applicant deliver to him a statement in writing

A.D. 1931. of the ground or grounds on which registration is refused.

(c) If the registration or renewal of registration be refused any person aggrieved by such refusal may appeal to a court of summary jurisdiction provided that the appeal be made within fourteen days from the date of the refusal and that not less than twenty-four hours' notice of the appeal be sent to the Corporation.

(d) If the registration or renewal of registration be refused on the ground that the premises are not suitable or suitably equipped for the purposes of a common lodging-house the court shall have power to appoint a person being a properly qualified surveyor or architect to examine and report to them on the condition of such premises and their suitability for the purposes of a common lodging-house and the expenses of any such examination and report shall be paid in such manner and by such parties to the appeal as the court may direct.

(e) On any such appeal the court may after considering any representations made by the Corporation either by order confirm the refusal or direct the Corporation to grant registration and the Corporation shall comply with any such direction.

(3) Notwithstanding anything in the Public Health Acts the registration of a common lodging-house whether registered before or after the commencement of this Act shall remain in force only for such time not exceeding one year as may be fixed by the Corporation but may be renewed from time to time by the Corporation.

(4) Notice shall be given to the Corporation of the death of any common lodging-house keeper forthwith after the death shall have occurred and the right by section 77 of the Public Health Act 1875 conferred on the widow or any member of the family of a common lodging-house keeper to keep such common lodging-house open and to receive lodgers therein for four weeks after such death without registration shall not be exerciseable unless such notice shall have been duly given.

384. Section 80 (Byelaws to be made by local authority) of the Public Health Act 1875 shall operate so as to include the making by the Corporation of byelaws as regards the maintenance in good condition and free from obstructions of all precautions and means of escape in case of fire which may be provided in or in connection with a common lodging-house and for requiring the exhibition or placing in a conspicuous part of any room in a common lodging-house of a copy of any byelaws applicable thereto and of a placard setting forth the cubical contents and the accommodation thereof.

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Byelaws as to common lodging-houses.

385. Within one month after the commencement of this Act the Corporation shall give notice of the provisions of the two last preceding sections to the keeper of every registered common lodging-house in the borough.

Notice to keepers of common lodging-houses.

386.—(1) If the owner of any dwelling-house or premises occupied therewith in the borough represents to the Corporation that the occupier of such dwelling-house or premises habitually maintains the same in a filthy condition any officer of the Corporation duly authorised in that behalf may enter upon such dwelling-house or premises and inspect the same and if the Corporation or a committee of the council are satisfied of the truth of the representation of such owner the occupier shall be liable on the complaint of the medical officer to a court of summary jurisdiction to be ordered to quit the dwelling-house or premises within such time as may be specified in the order.

As to filthy premises.

(2) Any such order may be enforced in the manner provided by section 34 (Summary order to do act other than a payment of money) of the Summary Jurisdiction Act 1879.

(3) Any expenses incurred by the Corporation under this section and not paid by the occupier shall be recoverable from the owner of the dwelling-house or premises.

387.—(1) No building existing at the commencement of this Act and not then occupied as a dwelling-house shall be so occupied unless and until a drain or drains for the drainage of the building has or have been

As to drainage of and water supply to dwelling-houses.

A.D. 1931. — constructed to the satisfaction of the Corporation Any person who shall occupy or allow to be occupied any building in contravention of the provisions of this subsection shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(2) The owner of any dwelling-house or tenement which is not provided with a proper and sufficient water supply within such dwelling-house or tenement who shall occupy or allow to be occupied such dwelling-house or tenement shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings unless the means of affording such a supply of water are not available and cannot be made available at a reasonable cost :

Provided that the owner of any dwelling-house or tenement erected before the commencement of this Act shall not be liable to the penalties provided by this subsection unless the Corporation shall have given to such owner one month's notice in writing requiring him to provide such dwelling-house or tenement with a proper and sufficient water supply within such dwelling-house or tenement.

Cleansing of
cisterns.

388. The Corporation may make byelaws for securing the cleanliness and freedom from pollution of tanks cisterns and other receptacles for storing water and used or likely to be used by man for drinking or domestic purposes or for manufacturing drink for the use of man.

Regulation
dustbins.

389.—(1) The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop within the borough to provide portable covered galvanised iron dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such dustbins shall be of such size and construction as may be approved by the Corporation.

(2) Every owner or occupier having provided any receptacle pursuant to this section shall maintain the same in good order and condition.

(3) The foregoing provisions of this section shall not apply to any covered ashtubs or other receptacles for refuse in use at the commencement of this Act so

long as the same are of suitable material size and construction and in proper order and condition. A.D. 1931.

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

(5) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation under subsection (1) of this section or who fails to comply with his obligation under subsection (2) of this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings and any person contravening the provisions of subsection (4) of this section shall be liable to a penalty not exceeding ten shillings and to a daily penalty not exceeding ten shillings.

(6) Nothing in this section shall apply to any warehouse belonging to the railway company from which the Corporation do not remove the refuse.

390.—(1) The entrance to any court or place not being a highway repairable by the inhabitants at large shall not at any time be closed or narrowed or built over or the height or headway thereof lowered without in each case the consent of the Corporation in writing. Entrance to courts &c. not to be closed without consent of Corporation.

(2) Every person who offends against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

391.—(1) It shall not be lawful to raise fill or embank any ground within the borough with any offensive or unwholesome matter. Penalty on filling up or embanking ground with offensive matter.

(2) Any person who does or causes to be done any act in contravention of this section shall for every such offence be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day after conviction upon which such offensive or unwholesome matter continues unremoved.

392.—(1) Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of the application of section 3 of the Public Provisions] as to tents vans &c.

A.D. 1931. Health (Buildings in Streets) Act 1888 to the borough
— be deemed to be a house or building within the meaning
of those words where they first occur in that section.

(2) It shall not be lawful without the written consent of the Corporation to place any tent van shed or similar structure used for human habitation so as to stand upon any square court alley or passage to which the public have access or which is required by law to be kept free from obstructions.

(3) Any person who offends against the provisions of subsection (2) of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Prohibition
of tents
vans &c.

393.—(1) (a) No tent van shed or similar structure used or intended to be used for human habitation shall be placed or kept on any land in the borough without the previous approval of the Corporation.

(b) It shall not be lawful for any person without the previous consent of the Corporation to let or permit to be used any land in the borough for occupation by any tent van shed or similar structure used or intended to be used for human habitation unless and until such land is provided with sufficient roads and sewers and furnished with a separate supply of water to the satisfaction of the Corporation.

(2) Any person aggrieved by the withholding by the Corporation of any approval or consent under the provisions of this section may within twenty-one days from the date of the decision of the Corporation appeal to a court of summary jurisdiction.

(3) This section shall not apply to (i) a tent van shed or similar structure unless it is used or intended to be used by the occupier as a sole or principal means of habitation for an unbroken period of at least three months or (ii) any person dwelling in a tent or van or other similar structure who is a roundabout proprietor travelling showman or stallholder travelling with a travelling show not being a pedlar or hawker.

(4) Any person who offends against the provisions of this section shall be liable to a penalty not exceeding

five pounds and to a daily penalty not exceeding twenty shillings. A.D. 1931.

394. Section 62 (Local authority may require houses to be supplied with water in certain cases) of the Public Health Act 1875 shall be read and have effect as if the words "or the medical officer of health" were inserted therein after the words "the surveyor."

Amendment
of section 62
of Public
Health Act
1875.

395.—(1) In any case where premises are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and by section 44 of the Public Health Act 1925 and in the opinion of the Corporation it is inexpedient in the interests of public health or having regard to any change since the date of the establishment of such offensive trade in the character of the neighbourhood in which such premises are situate that such trade should be carried on in those premises the owner or occupier of the premises may be required after six months' notice in writing by the Corporation under the hand of the town clerk to cease to use the premises for the carrying on of such offensive trade :

Discon-
tinuance of
offensive
trade.

Provided that the formation or expression by the Corporation of an opinion under this subsection shall be deemed to be a determination of the Corporation within the meaning of section 555 (Appeals to court of quarter sessions) of this Act and that the provisions of the said section of this Act shall accordingly apply with respect to such opinion as well as to any requirement by the Corporation under this subsection.

(2) Any person who fails or neglects to comply with any requirement of the Corporation under the provisions of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) If the Corporation require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person compensation for any loss sustained by him in consequence of the action of the Corporation. Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Corporation shall have been

A.D. 1931. — given for a period only unless the Corporation shall have required that the user of those premises for the carrying on of an offensive trade shall cease before the expiration of such period.

Byelaws as to refuse.

396. The power of the Corporation to make byelaws under section 26 of the Public Health Acts Amendment Act 1890 shall extend to refuse which is not faecal or offensive or noxious matter or liquid.

Byelaws as to stables.

397. The Corporation may make byelaws for securing the proper ventilation and lighting of any existing stable (whether it is used as such at the commencement of this Act or not) and for the prevention of insanitary conditions (a) in or about or arising out of any such stable, or (b) in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected after the commencement of this Act.

PART XXI.

HUMAN FOOD.

Byelaws as to transport of food.

398.—(1) The Corporation may make byelaws for promoting and securing sanitary and cleanly conditions in the transport or exposure for sale in the open air of any article intended to be sold for food.

(2) At least one month before applying to the Minister for confirmation of any byelaws made under this section applicable to the transport by the railway company to or from any station or depot of the railway company of any article intended for food the Corporation shall give notice to the company of the Corporation's intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws and the company shall be entitled to make representations to the Minister with regard thereto.

Registration of ice-cream and potted and preserved food manufacturers and premises.

399.—(1) (a) No person shall carry on the business of a manufacturer or vendor of or dealer in ice-cream or of a manufacturer of preserved meat within the borough unless he be registered by the Corporation.

(b) No premises shall be used for the manufacture for sale or sale of ice-cream or for the preparation or

manufacture of preserved meat unless such premises are registered by the Corporation.

A.D. 1931.

(c) Any person who offends against the provisions of this subsection shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(2) (a) The Corporation may refuse to register any such person or premises or (after giving one month's notice in writing to the person registered or in whose name any such premises are registered) revoke the registration of any such person or premises as regards any person on the ground that the public health is or is likely to be endangered by any act or default of the person who is registered or who seeks to be registered as a manufacturer or vendor of or dealer in ice-cream or as a manufacturer of preserved meat in relation to the quality storage or distribution of the ice-cream or preserved meat and as regards any premises on the ground that the premises are not suitable to be used for the purposes aforesaid :

Provided that before refusing or revoking such registration the Corporation shall serve upon the applicant for registration or the person registered or in whose name such premises are registered a notice to appear before them not less than seven days after the date of the notice to show cause why the Corporation should not for reasons to be specified in the notice refuse to register or revoke the registration of the person or premises.

(b) If the Corporation should refuse to register or should revoke the registration of any such person or premises they shall deliver to the person applying for such registration or the person registered or in whose name the premises are registered a statement in writing of the ground or grounds on which such refusal or revocation is based. Notice of the right to appeal next hereinafter mentioned shall be endorsed on every such notice.

(c) Any person aggrieved by any such refusal or revocation may appeal to a court of summary jurisdiction provided that such appeal be made within fourteen days from the date of a refusal to register or of the notice of revocation.

A.D. 1931.
—

(d) Any person so appealing shall give written notice of such appeal and of the grounds thereof to the town clerk before lodging his appeal.

(e) On any such appeal the court may by order confirm the refusal or revocation or direct the Corporation to register the person or premises or to retain them on the register and the Corporation shall comply with any such direction.

(3) In this section—

The expression “ice-cream” includes any other similar commodity and the expression “preserved meat” includes sausages and any potted pressed pickled or preserved meat fish or other food.

(4) The provisions of this section shall not in any way affect the operation of the Factory and Workshop Act 1901.

(5) The provisions of this section shall not apply to any premises used as a club hotel or restaurant or as railway refreshment rooms or as a theatre music-hall or other similar place of entertainment.

For regulat-
ing
manufac-
ture and
sale of ice-
cream &c.

400.—(1) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity who omits on the occurrence of any infectious disease amongst the persons employed in his business or residing in any premises which are used by him for the manufacture of ice-cream or other similar commodity to give notice thereof to the medical officer shall be liable to a penalty not exceeding forty shillings.

(2) If any persons so employed or resident are suffering from any infectious disease the medical officer or the sanitary inspector or any other officer who is duly authorised by the Corporation in that behalf may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in any of the premises and the Corporation shall compensate the owner of the ice-cream or similar commodity or materials so destroyed. Provided that no compensation shall be payable in respect of any ice-cream or similar commodity or materials for the manufacture of the same manufactured or brought upon the said premises after such

seizure and while any such person is suffering from infectious disease. A.D. 1931.

(3) In this section the expression "infectious disease" includes acute diarrhoea and acute sore throat.

(4) The medical officer and the sanitary inspector and any other officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of inspection of the materials or commodities or articles of food in the premises of any manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity and of any cart barrow or other vehicle or stand pail container or receptacle in from or on which the same are offered for sale as an officer of the Corporation would have under section 72 (Precautions against contamination of food intended for sale) of the Public Health Act 1925 in the cases therein mentioned. Any person who refuses inspection of the materials or commodities or articles of food in any such premises or obstructs such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding five pounds.

401. Section 72 of the Public Health Act 1925 (except paragraphs (d) and (e) of subsection (2) of that section) shall apply so far as applicable to a yard in which food is prepared for sale or in which any food other than food contained in receptacles so closed as to exclude all risk of contamination is sold or is stored or kept with a view to future sale and to which yard the Factory and Workshop Act 1901 as amended by any subsequent enactment or any regulation made under the Public Health (Regulations as to Food) Act 1907 does not apply. Extension of powers of section 72 of Public Health Act 1925.

402. Sections 116 to 118 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the medical officer or the sanitary inspector to inspect examine and search any cart or other vehicle or any basket sack bag or parcel (whether open or closed) in which he has reason to suspect that there is any animal or any of the articles referred to in the said sections intended for sale or in the course of delivery after sale for food and the provisions of such sections shall apply accordingly. Provided that nothing in this section Further powers in relation to unsound food.

A.D. 1931. shall authorise the inspection examination or search
— of any cart or other vehicle belonging to the railway
company and used by them for the purposes of their
traffic or of any basket sack bag or parcel in the
possession of that company as carriers thereof.

Byelaws as
to inspec-
tion of meat.

403.—(1) If and when the Corporation shall have
put into force a system of marking meat under the
powers of Part III of the Public Health (Meat) Regu-
lations 1924 the Corporation may make byelaws for
preventing meat or any part of the carcase of an animal
brought into the borough and intended for food from
being offered for sale or sold or deposited for sale or for
preparation for sale until after inspection by an officer
of the Corporation.

(2) No byelaw made by the Corporation under
subsection (1) of this section shall apply to meat or any
part of a carcase to which the Public Health (Imported
Food) Regulations 1925 apply or which has been inspected
and passed as fit for food by the medical officer of health
of the district in which the animal has been slaughtered
or by a duly qualified inspector being an official of or
authorised to act on behalf of the sanitary authority of
such district but the Corporation shall be entitled to
require reasonable proof that the meat has been inspected
and passed as aforesaid.

(3) With a view to facilitating the carrying into
effect of any byelaws made in pursuance of this section
an officer of the Corporation may with the consent of
the local authority concerned enter any slaughter-house
which is situate outside the borough but within a circle
having a radius of ten miles from the town hall for
the purpose of inspecting any carcase or any part thereof
intended for sale or consumption in the borough.

(4) Before making any such byelaws the Corporation
shall give not less than one month's notice to the county
council the Brighton and Hove Butchers Association
and to the Sussex branch of the National Farmers
Union of their intention to make such byelaws which
notice shall be accompanied by a copy of the draft
byelaws and shall confer with the said association and
branch thereon before they submit such byelaws to the
Minister for confirmation and such association and branch.

shall be entitled to make representations to the Minister with regard thereto. A.D. 1931.

(5) Nothing in this section shall affect the operation of the Diseases of Animals Acts 1894 to 1927 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

404.—(1) Every medical practitioner attending on a person who is or is suspected to be suffering from food poisoning shall forthwith on becoming aware that such person is or is suspected to be so suffering send to the medical officer a notification of the case stating the name of the person and the place at which the person is. Medical practitioners to notify cases of food poisoning.

(2) The Corporation shall pay to every medical practitioner for each notification duly sent by him in accordance with this section a fee of two shillings and sixpence if the case occurs in his private practice and of one shilling if the case occurs in his practice of medical officer of any public body or institution.

(3) Every person required by this section to give a notification who fails to give the same in accordance with this section shall be liable to a penalty not exceeding forty shillings.

405.—(1) If the medical officer shall certify that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state and that he is employed in the cooking preparation or handling of food (other than milk to which the Public Health (Prevention of Tuberculosis) Regulations 1925 apply) intended for consumption by persons other than himself or members of his household and that his continuance in such employment would in the judgment of the medical officer be detrimental to the public health the Corporation may request such person to discontinue his employment and on such request being made the Corporation may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage. Power to prohibit persons suffering from tuberculosis from handling &c. food.

(2) If any such person shall fail to comply with such request the Corporation may apply to a court of summary jurisdiction for an order requiring him to discontinue his employment and the court shall have

A.D. 1931. — power to make such an order if after consideration of all the circumstances it thinks fit to do so and may direct that such compensation as it deems equitable shall be paid by the Corporation to such person.

(3) If such person fails to comply with any such order he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

As to street vendors of food.

406. Every dealer in any article intended for food vending his wares from any cart barrow or other vehicle or stand shall have his name and address legibly painted or inscribed or displayed on such cart barrow vehicle or stand and any person who shall fail to comply with this section shall be liable to a penalty not exceeding forty shillings Provided that no person shall be liable to a penalty under the provisions of this section if he has been convicted for the same offence under the provisions of section 6 of the Milk and Dairies (Consolidation) Act 1915 or any regulations made under the Public Health (Regulations as to Food) Act 1907.

Penalty on original vendor of unsound food.

407.—(1) Where it is shown that any animal or article liable to be seized under sections 116 to 119 of the Public Health Act 1875 as extended by section 28 of the Public Health Acts Amendment Act 1890 or under any enactment relating to the borough and found in the possession of any person was sold to him by another person for food (the proof that the same was not sold for food resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in the last-mentioned section unless he proves that at the time he sold the animal or article he did not know and had no reason to believe that it was in such condition.

(2) Where any animal or article of food has been condemned by a justice under the said section 117 as extended by the said section 28 and this section the person to whom the same belongs or did belong at the time of deposit of such animal or article for

the purpose of sale or of preparation for sale as well as the person in those sections mentioned shall also be punishable as mentioned in the said section 117 unless he proves that at the time of such deposit he did not know and had no reason to believe that the said animal or article was in such a condition as to be liable to be so condemned.

A.D. 1931.

(3) Before any animal or article liable to be condemned under the said section 117 as extended by the said section 28 and this section is dealt with by a justice the medical officer or the sanitary inspector shall inform the person in whose custody or possession the same was at the time when it was inspected by the medical officer or sanitary inspector of the intention of the medical officer or sanitary inspector to have the same dealt with by a justice and any person who may be liable in respect of such animal or article to prosecution under the aforesaid provisions shall be entitled to attend the proceedings before the justice and to be heard with his witnesses upon the application for the condemnation of any such animal or article.

PART XXII.

HACKNEY CARRIAGES PLEASURE BOATS BEACH AND BATHING.

408.—(1) The provisions of the Town Police Clauses Act 1847 of section 171 of the Public Health Act 1875 and of this Part of this Act with respect to the drivers of hackney carriages shall extend and apply to persons drawing or propelling any wheeled carriage licensed to stand or ply for hire in any street within the borough as though such persons were the drivers of hackney carriages.

Application
of Town
Police
Clauses Act
1847 and
section 171
of Public
Health Act
1875.

(2) A licence granted to the driver or conductor of a hackney carriage shall not extend to authorise the holder thereof to act as driver or conductor of any class or description of carriage other than that specified in the licence and any person so acting shall be deemed to be acting without having obtained a licence.

A.D. 1931.

Definitions
for
Part XXII.**409.** In this Part of this Act—

“Hackney carriage” has the same meaning as in the Town Police Clauses Act 1847 but does not include a public service vehicle or omnibus;

“Omnibus” has the same meaning as in the Town Police Clauses Act 1889 but does not include a public service vehicle.

Provisions
as to
hackney
carriages.

410.—(1) The driver of any licensed hackney carriage shall if required carry any person hiring such hackney carriage to any distance not exceeding five miles from the town hall.

(2) All statutory provisions (including the provisions of this Part of this Act) and all byelaws relating to hackney carriages and drivers and conductors thereof which now or shall hereafter be in force within the borough shall in their application to any hackney carriage hired within the borough have effect within a distance not exceeding five miles from the town hall.

(3) Any offence against any of such statutory provisions or byelaws (whether committed within the borough or not) may be brought before and may be determined by a court of summary jurisdiction sitting in and for the borough.

Further
byelaws
as to
hackney
carriages.

411.—(1) The power to make byelaws conferred on the Corporation by section 68 of the Town Police Clauses Act 1847 shall be extended so as to include power to make byelaws for all or any of the following purposes :—

- (a) For the examination and inspection of hackney carriages at such times and places as may be prescribed in the byelaws;
- (b) For the cessation of user of a hackney carriage which at any time fails in any way to comply with the requirements of the byelaws respecting the fitness of hackney carriages for public hire;
- (c) For the supplying by the owner of every hackney carriage to the inspector of hackney carriages or any police constable on request

being made by him of the name and abode of any person who was authorised to drive such carriage at any specified time within seven days previous to the request being made.

A.D. 1931.

(2) This section shall not apply to any vehicle belonging to or used by the railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises or to the driver or conductor of such vehicle.

412. The provisions of the Town Police Clauses Act 1847 shall extend to empower the Corporation to make byelaws for declaring that to the extent determined by such byelaws those provisions and the byelaws of the Corporation in force with respect to hackney carriages except so much of such byelaws as relate to the fixing of fares shall apply to every horse-drawn or motor vehicle standing or plying for hire notwithstanding that such vehicle stands or plies for hire on private premises only. Provided that this section shall not apply to any such vehicle while standing or plying for hire at any railway station or railway premises or to any vehicle which is kept and used ordinarily for the purpose of being let on hire by the hour or the day or for longer periods of hire or for journeys under special contract or to any public service vehicle or omnibus.

Provisions as to certain vehicles let for hire.

413.—(1) The Corporation may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage regularly plying for hire within the borough to be tested and inspected and also to be re-tested and re-inspected at such reasonable intervals of time as the Corporation may prescribe and no such taximeter or other similar apparatus shall be used or be continued in use unless the same be certified to register correctly. The expenses of such testing and certificate not exceeding five shillings in any one year shall be borne by the owner of the hackney carriage.

Inspection and certification of taximeters.

(2) The Corporation shall issue a certificate in respect of any taximeter found by them to register correctly and the certificate shall be dated with the date upon which the taximeter was last tested and inspected.

A.D. 1931.

(3) Any person using a taximeter or other similar apparatus which is not so certified or failing to submit the same for testing and inspection at such reasonable intervals of time as aforesaid shall be liable to a penalty not exceeding forty shillings.

Power to
grant
occasional
licences.

414. An occasional licence for a hackney carriage to ply for hire may be granted by the Corporation to be in force for such day or days or other periods less than one year as may be specified in the licence.

As to
licensing of
boatmen.

415.—(1) The Corporation in granting licences to boatmen or persons assisting in the charge or navigation of pleasure boats and pleasure vessels under section 94 of the Public Health Acts Amendment Act 1907 may license such boatmen or persons as first class watermen second class watermen or third class watermen.

(2) A person shall not be qualified to be licensed as a first class waterman unless he shall have obtained from the chief constable a certificate in writing that he is well qualified to manage control and carry out running repairs to a licensed motor boat.

(3) A person shall not be qualified to be licensed as a second class waterman unless he shall have obtained from the chief constable a certificate in writing that he is well qualified to sail and conduct a licensed sailing boat.

(4) A person shall not be qualified to be licensed as a third class waterman unless he shall have obtained from the chief constable a certificate in writing that he is sufficiently qualified to assist a first class waterman or a second class waterman in navigating a licensed motor boat or sailing boat and to take charge of a licensed rowing boat.

(5) Nothing in this section shall interfere with the right of the Corporation to refuse to license any person under the said section 94 whether such person may be qualified to be licensed as a first class waterman as a second class waterman or as a third class waterman or not or impose upon the Corporation any obligation to license a person as a waterman of any particular class in which he may be qualified to be licensed.

(6) No person shall act as a boatman of pleasure boats and pleasure vessels licensed by the Corporation

or assist in the charge or navigation of any such boat or vessel within the distance of three miles seaward from low-water mark of ordinary spring tides unless he is licensed under the said section 94 nor at any time during the suspension of his licence Any person who offends against the provisions of this subsection shall be liable to a penalty not exceeding forty shillings and any such offence may be inquired into and dealt with as if it had been committed within the borough.

A.D. 1931.

416.—(1) No pleasure boat licensed to carry more than eight persons shall be permitted by the owner thereof to go to sea unless at least two licensed watermen shall accompany the boat.

Certain boats to be accompanied by watermen.

(2) In the case of a motor boat two of such watermen shall be first class watermen and in the case of a sailing boat one of such watermen shall be a second class waterman.

(3) Any person who offends against the provisions of this section shall be liable to a penalty not exceeding forty shillings.

417.—(1) The Corporation for securing safety in navigation or for the prevention of noise or of danger obstruction or annoyance to persons boating or bathing or using the beach and foreshore for either of those purposes or otherwise may make byelaws—

Byelaws as to boats.

(a) Regulating the construction and equipment of boats propelled by internal combustion engines;

(b) Prohibiting regulating or controlling the use of boats propelled otherwise than by hand within such areas as may be prescribed by such byelaws;

(c) Prohibiting regulating or controlling the keeping or landing of boats on such parts of the beach and foreshore as shall be specified in such byelaws;

(d) Requiring boats of any specified class or description to be kept on such parts of the beach and foreshore as may be specified in such byelaws.

(2) The Corporation may charge for any licence or permission granted by them to keep a boat on any part of the beach or foreshore owned by them such sum (not exceeding one pound for each such licence or permission)

A.D. 1931. as they may think fit and such sum may be recovered summarily as a civil debt.

(3) No byelaw made under this section shall affect any right or privilege of owners of boats engaged in the fishing industry which may exist at the time of the making of such byelaw and no byelaw made under paragraph (a) of subsection (1) of this section shall apply to—

- (i) any motor boat for which a passenger certificate has been issued by the Board of Trade; or
- (ii) any boat (not being a boat required to be licensed by the Corporation) which is ordinarily kept outside the borough.

Power to license bathing machines and proprietors thereof.

418.—(1) (a) The Corporation may grant licences for such number of bathing machines as they may think fit.

(b) No person shall let any bathing machine unless he is licensed by the Corporation to do so.

(2) The Corporation may annex to any such licence such conditions as to the employment of boats boatmen and attendants for the purpose of ensuring the safety of bathers as the Corporation may think fit and as to the qualifications of such boatmen and attendants Any person who or any of whose boatmen attendants or servants shall commit a breach of any condition so annexed shall be liable to a penalty not exceeding five pounds.

(3) Any such licence shall have effect for such period not exceeding one year as the Corporation may determine.

(4) The Corporation may charge a fee not exceeding two shillings and sixpence for every such licence.

(5) The person having control of every bathing machine licensed as aforesaid shall affix to or mark upon and keep affixed to or marked upon the same such number or other identification mark as the Corporation may require Any person who offends against the provisions of this subsection shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

(6) Any person who shall let or attempt to let any bathing machine for which a licence shall not be in force

or without being licensed by the Corporation to do so shall be liable to a penalty not exceeding forty shillings. A.D. 1931. —

419. Section 69 of the Town Police Clauses Act 1847 shall in its application to the borough have effect as if the following paragraphs were added at the end thereof:— Byelaws
as to
bathing
machines.

For regulating the manner in which the persons in charge of such bathing machines shall conduct themselves in their employment;

For regulating the hours during which the persons in charge of such bathing machines may exercise their calling;

For regulating the manner in which such bathing machines shall be furnished provided kept and numbered or marked;

For punishing the misconduct or misbehaviour of persons in charge of such bathing machines.

420.—(1) The powers of the Corporation to make byelaws and impose penalties for the breach thereof with respect to bathing machines and bathing and with respect to boats let on hire or used for the purpose of rowing or sailing for pleasure (whether such boats are required to be licensed by the Corporation or not) shall extend and be applicable for a distance of three miles seaward from low-water mark. As to
byelaws
with respect
to bathing
and boats.

(2) All breaches of such byelaws committed within the said distance seaward from low-water mark may be inquired into and dealt with as if they had been committed within the borough.

421.—(1) The Corporation may make regulations (in lieu of byelaws) for the several purposes hereinafter mentioned:— Power to
make regu-
lations for
certain
purposes.

For fixing rates of hire of pleasure boats and vessels licensed by the Corporation;

For fixing the stands of bathing machines;

For regulating the charges to be made for bathing machines;

For fixing the stands of hackney carriages;

For fixing the rates or fares as well for time as distance to be paid for hackney carriages and for securing the due publication of such fares.

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(2) Any person who offends against any of such regulations shall be liable to a penalty not exceeding five pounds.

(3) Notice of the making of such regulations shall be published twice in some newspaper circulating in the borough and the regulations shall not come into force until seven days after the date whereon the notice shall have been published for the second time or if an appeal is made until the appeal is disposed of.

(4) Any person aggrieved by any of such regulations may appeal to the Minister prior to such regulations coming into force and shall at the same time give to the Corporation notice in writing of the appeal and of the grounds thereof.

(5) The Minister shall consider any appeal duly made to him and may make such order in the matter as he thinks fit and his decision shall be final.

(6) Section 24 of the Municipal Corporations Act 1882 which relates to the proof of byelaws shall extend to regulations made under this section by the Corporation as that section 24 extends to byelaws made by the Corporation.

Saving for
rights of
owner of
soil.

422. Nothing in this Part of this Act or in any byelaw or regulation to be made by the Corporation thereunder shall extend to authorise or empower the standing or using of any bathing machine upon any part of the beach or foreshore adjoining the borough or to authorise or empower the Corporation to dig away disturb or remove the soil sand chalk or other materials of the cliff or the rock stones beach or sand on the sea-shore without the consent of any person who by reason of property in the soil or otherwise may legally be entitled to prohibit or prevent the same.

Suspension
of licences
and penalty.

423.—(1) If—

(a) any licensed driver or conductor of any omnibus wagonette or hackney carriage; or

(b) any person licensed to let bathing machines;

is on account of conviction of any offence not a proper person to continue to be licensed or if any such driver conductor or person has in the exercise of his calling been convicted of any misconduct or of any contravention

of this Act or any other Act or any byelaw in force within the borough or has been guilty of any contravention of any condition annexed to any licence under this or any other Act in force within the borough which should have been observed by him the Corporation may after giving such driver conductor or person the opportunity of being heard in person or by his representative suspend his licence for such period as they may think proper or revoke his licence.

A.D. 1931.

(2) If any such driver conductor or person feels himself aggrieved by any such suspension or revocation he may appeal to a court of summary jurisdiction.

(3) Every driver or conductor acting as such and every person who lets or attempts to let any bathing machine after any such suspension or revocation shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings.

424. For the purposes of this Part of this Act and of section 69 of the Town Police Clauses Act 1847 and section 92 of the Public Health Acts Amendment Act 1907 in their application within the borough the expression "bathing machine" shall include any tent van hut shed or other erection of whatsoever nature (whether moveable or collapsable or not) intended to be let for hire for any period (whether long or short) to bathers.

Meaning of
"bathing
machine."

425.—(1) All existing capstans shall continue vested in the Corporation.

Capstans

(2) The Corporation may from time to time remove such capstans and erect new capstans at convenient places on the sea-beach.

(3) The Corporation may repair and maintain the existing capstans and the capstans hereafter erected.

(4) If any capstan belonging to or erected by a person other than the Corporation shall be removed the value thereof shall be paid to the owner by the Corporation and shall be ascertained in case of dispute by two surveyors one to be appointed by each party or if they shall disagree by a third surveyor to be appointed by them.

(5) The costs of any reference to such surveyors shall be paid by the Corporation.

A.D. 1931.

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As to boats
and vessels.

426.—(1) The Corporation may remove or cause to be removed all boats and vessels which may at any time be placed upon any highway in the borough or so as to obstruct access to the sea-beach without being liable to any damages in respect thereof or occasioned thereby.

(2) During violent or stormy weather no boat or vessel shall be so removed from any highway until a proper place or places shall have been provided for the accommodation of such boats and vessels as hereinafter mentioned unless the boat or vessel shall obstruct access along the highway.

(3) The Corporation may provide places for the accommodation of such boats and vessels.

(4) If any boat or vessel shall be placed so as to obstruct access along any highway or to the sea-beach the owner of the boat or vessel or the person or persons so offending in respect thereof shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding forty shillings.

(5) The Corporation may detain and keep any boat or vessel removed under the provisions of subsection (1) of this section and also the furniture tackle and apparel of and the cargo goods chattels and effects in such boat or vessel until payment be made of all expenses incurred by the Corporation of or connected with the removal and detention of such boat or vessel.

(6) All expenses referred to in subsection (5) of this section may be recovered by the Corporation from the owner of the boat or vessel. Provided that the Corporation may if they think fit after giving seven days' previous notice to the owner of the boat or vessel and shall if so required by the owner of the boat or vessel cause the boat or vessel and such furniture tackle apparel cargo goods chattels and effects as aforesaid or any part of the same respectively to be sold in such manner as they may think fit and out of the proceeds of sale may reimburse themselves for any such expenses as aforesaid and shall hold the surplus (if any) of those proceeds in trust for the person entitled thereto and if such proceeds shall be insufficient to reimburse the Corporation such expenses the deficiency may be

recovered by the Corporation from the owner of the boat or vessel. A.D. 1931.

(7) If the owner of the boat or vessel is unknown and cannot after diligent inquiry be found the Corporation may apply to a court of summary jurisdiction for an order empowering them to sell any such boat or vessel and the court may make such order accordingly and may thereby authorise the Corporation to reimburse themselves out of the proceeds of sale for the expenses of removal and for the costs of applying for and obtaining the order and of the sale and may give directions as to the disposal by the Corporation of the surplus (if any) of such proceeds of sale.

PART XXIII.

POLICE.

427. The powers conferred by section 21 of the Town Police Clauses Act 1847 shall extend to enable the Corporation within the borough on days appointed for ceremonies public processions rejoicings fairs exhibitions carnivals races sports illuminations or similar occasions to direct the passage and stoppage of vehicles along or in particular streets to direct particular routes to be taken for particular descriptions of traffic and to prohibit the passage or stoppage of particular vehicles through or in certain streets at certain hours. Power to make regulations as to traffic on carnival &c. days.

428. The Corporation may delegate their powers under section 21 of the Town Police Clauses Act 1847 as extended by the last preceding section of this Act to a committee consisting of not less than five members of the council and any orders made or directions given by such committee under the said section as so extended shall have the same force and effect as if made or given by the Corporation. As to street traffic.

429.—(1) It shall not be lawful in any street in the borough to use any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Corporation which consent may be for such time and contain such terms and conditions as the Corporation think fit. Restriction on advertising vehicles.

(2) Any person aggrieved by the refusal of the Corporation to grant such consent or to the time for which or the terms and conditions on which the consent is

A.D. 1931. — given may appeal to a court of summary jurisdiction held in and for the borough after the expiration of two clear days after such refusal provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk.

(3) Any person who acts in contravention of any of the provisions of this section or who violates any terms or conditions of any consent given in pursuance of the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Notice of processions to be given.

430.—(1) Any person or persons intending to organise or form a public or ceremonial procession or a circus procession or procession of wild animals through the streets of the borough (other than a public or ceremonial procession which is regularly held through such streets) shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the Corporation by leaving such notice at the head police office twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets.

(2) If any such procession passes through the streets of the borough without such notice having been previously given or otherwise than in accordance with such notice the person or persons organising or conducting such procession or any or either of them shall be liable to a penalty not exceeding five pounds each.

Byelaws as to leading or driving cattle.

431. The powers conferred on the Corporation by section 23 of the Municipal Corporations Act 1882 to make byelaws for the good rule and government of the borough shall be deemed to include the power to make byelaws in accordance with the provisions of that section for prohibiting animals from being led or driven along such streets in the borough as may be specified in such byelaws and for prescribing the hours during which and the manner according to which animals may be led or driven along any streets in the borough :

Provided that the route or routes prohibited by any such byelaws shall not be such as would prevent the passage of cattle by a reasonably short and convenient route between any market or licensed or registered

slaughter-house and any railway station in the borough or any place beyond the borough when such animals are merely passing between such market or slaughter-house and railway station or other place as aforesaid :

A.D. 1931.

Provided also that any such byelaw shall not prevent the owner of any animal driving the animal to his own premises.

432. In the application to any land forming part of a street in the borough of section 68 of the Public Health Act 1925 the word "byelaws" shall be substituted for the word "regulations."

Modification of section 68 of Public Health Act 1925.

433. The Corporation may make byelaws prohibiting or restricting the use by persons riding bicycles tricycles or other similar vehicles on any footpaths specified or defined in such byelaws.

Byelaws as to bicycles &c. on certain footpaths.

434. Every person who shall on Sundays in any street or public place within the borough call or shout or ring any bell or use any noisy instrument for the purpose of selling or advertising any newspaper journal or serial shall for every such offence be liable to a penalty not exceeding forty shillings.

Penalty for crying newspapers.

435.—(1) The Corporation may cause any park-keeper or officer or servant appointed by them and may (at the request of the committee of any enclosed place as defined in Part XV of this Act) cause any officer of such committee to make such declaration as is by law required to be made by constables of the borough and the men making such declaration (if in uniform or provided with a warrant which they shall show if required) shall if they are park-keepers officers or servants appointed by the Corporation have within any park and if they are officers of the committee of any enclosed place have within that enclosed place the same powers authorities and privileges and be liable to the same responsibilities and (subject to the directions of the Corporation) perform the same duties as constables appointed under the Municipal Corporations Acts.

Park-keepers and others may be appointed constables.

(2) Nothing in this section shall be deemed to render applicable to any such person the provisions of the Police Pensions Act 1921 or any other enactments relating to pensions gratuities and allowances in respect of police service.

A.D. 1931.
Power of
constables
to enforce
byelaws as
to parks &c.

436. Every police constable shall have the same power of enforcing byelaws made by the Corporation under the Public Health Acts or this Act relating to any park or place of public resort or recreation under the control of the Corporation as is given to the servants of the Corporation by the byelaws for the time being in force under the provisions of the said Acts Provided that nothing in this section shall extend affect or interfere with the area of jurisdiction of any police force.

As to parks
&c. outside
borough.

437. Any park recreation ground or pleasure ground which has been or shall be provided or controlled by the Corporation outside the borough shall be deemed to be within the borough for the purposes of any statutory provision as to the control regulation or management of parks recreation grounds or pleasure grounds which would have applied or been applicable thereto if the same had been situate within the borough and for the purposes of prosecuting offences under and recovering penalties for the breach of any byelaw applicable thereto Provided that nothing in this section shall extend affect or interfere with the area of jurisdiction of any justices or any court of competent jurisdiction or any police force.

PART XXIV.

EMPLOYMENT AGENCIES.

Definition of
"employment
agency."

438. In this Part of this Act the expression "employment agency" means any agency or registry in the borough carried on or represented as being or intended to be carried on (whether for the purpose of gain or reward or not) for or in connection with the employment of persons in any capacity Provided that the following shall not be deemed to be employment agencies within the meaning of this Part of this Act :—

- (a) Any employment agency conducted by or under the direction and supervision of the Ministry of Labour under the Labour Exchanges Act 1909 or any other Act of Parliament; or
- (b) Any juvenile employment bureau conducted by the local education authority under the Education Act 1921; or

- (c) Any employment agency which is carried on exclusively for the purpose of obtaining employment for (i) persons formerly members of His Majesty's naval military or air forces or (ii) persons released from a prison or Borstal institution or from a reformatory or industrial school and which is certified at the date when this Part of this Act shall come into force and from time to time thereafter by the Admiralty or the Army Council or the Air Council or the Secretary of State (as the case may be) to be properly conducted; or
- (d) Any duly constituted religious or charitable society or body operating throughout Great Britain to the main objects of which the provision of situations or employment is merely subsidiary Any question whether a society or body is a society or body within the meaning of this paragraph shall be determined by the Charity Commissioners.

439. No person shall carry on an employment agency without a licence from the Corporation authorising him so to do Provided that a person who was carrying on an employment agency at the commencement of this Act may continue to carry it on without such a licence until the expiration of six months from the commencement of this Act or the date of any refusal by the Corporation under this Part of this Act to grant a licence for that employment agency whichever shall be the earlier.

Employment agencies to be licensed.

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

Applications for licences.

- (a) His full name;
- (b) His age and nationality;
- (c) His private address or if the application is made by or on behalf of a company society association or body the registered or principal office (if any) of such company society association or body and so far as may reasonably be required the names and private addresses

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of the persons directly or indirectly responsible for the management of such company society association or body;

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

(2) Every application for a licence to carry on an employment agency in existence at the commencement of this Act shall be made within one month after the commencement of this Act.

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

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

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

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

Grant of
licences.

441.—(1) The Corporation shall as soon as reasonably practicable after the receipt of an application under the last preceding section (and not later if the application is made under subsection (2) of that section than the expiration of six months from the commencement of this Act) grant or renew a licence to the applicant to carry on an employment agency of the description and in the name and at the address specified in the application. Provided that the Corporation may

refuse to grant or renew a licence or may revoke a licence granted— A.D. 1931.

- (i) To any person under the age of twenty-one years; or
- (ii) To any person who may be an unsuitable person to hold such licence; or
- (iii) In respect of any premises which are unsuitable for the purposes of an employment agency; or
- (iv) In respect of any employment agency which has been or is being improperly conducted.

(2) The Corporation shall not either refuse to renew or revoke any such licence unless they shall have given to the person applying for such renewal or holding the licence proposed to be revoked not less than seven days' previous notice in writing that objection has been or will be taken to such renewal or that a revocation is proposed and unless if the person makes a request in writing within three days after the receipt of such notice to be heard against such refusal or revocation they shall have afforded to him an opportunity of being heard.

(3) Every such licence shall (unless revoked) be valid for a period of one year except that a licence granted or renewed otherwise than at any annual meeting fixed by the Corporation for the purpose of considering applications under this Part of this Act shall only be valid until the thirty-first day of March next after the date of such grant or renewal.

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

(5) Any person aggrieved by such refusal or revocation may appeal to a court of summary jurisdiction within fourteen days from the date of such refusal or revocation and notice in writing of the appeal shall be sent to the Corporation within twenty-four hours after the entry of the appeal.

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(6) On any such appeal the court may after considering any representations made by the Corporation by order either confirm the refusal or revocation or allow the appeal and may direct the Corporation to grant or renew a licence and the Corporation shall comply with any such direction.

Byelaws
as to em-
ployment
agencies.

442. The Corporation may make byelaws—

- (1) For requiring any person holding a licence under this Part of this Act to keep (at his option) either books cards or forms showing the business conducted by him so far as it relates to his employment agency;
- (2) For prescribing entries to be made in connection with such business in such books or on such cards or forms;
- (3) For the prevention of fraud and immorality in the conduct of employment agencies; and
- (4) For regulating any premises used for the purposes of or in connection with employment agencies.

Byelaws to
be exhibited
in licensed
premises.

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

Powers of
entry and
inspection
by Corpora-
tion.

444. Any officer of or other person duly authorised by the Corporation in that behalf may (i) enter the premises specified in any licence or application under this Part of this Act or any premises which are used or which such officer or person has reasonable cause to believe are used for the purposes of or in connection with an employment agency and (ii) inspect such premises and the books cards or forms kept in connection with the employment agency carried on at those premises.

Penalties.

445.—(1) Every person who—

- (i) carries on within the borough an employment agency without a licence under this Part of this Act (except as mentioned in the proviso to section 439 (Employment agencies

A.D. 1931.

to be licensed) of this Act) or otherwise than in accordance with the terms and conditions of such a licence or obtains a licence or the renewal of a licence by wilful misrepresentation or by wilfully omitting to give any particulars which are required by this Part of this Act to be given; or

- (ii) refuses to permit any officer or person duly authorised by the Corporation to enter or inspect any such premises as are referred to in section 444 (Powers of entry and inspection by Corporation) of this Act or the books cards or forms kept in connection with the employment agency carried on therein or obstructs any such officer or person in the execution of this Part of this Act; or
- (iii) acts in contravention of any byelaw made under this Part of this Act or of any of the provisions of this Part of this Act for the contravention of which no penalty is by this section specifically provided;

shall (subject to the provisions of subsection (2) of this section) be liable in respect of an offence under paragraph (i) of this subsection to a penalty not exceeding fifty pounds and to a daily penalty not exceeding twenty pounds and in respect of an offence under paragraph (ii) or paragraph (iii) of this subsection to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and in case of any conviction for an offence under this Part of this Act the court may (in lieu of or in addition to imposing a penalty) make an order revoking the licence (if any).

(2) No person who shall have appealed to a court of summary jurisdiction or a court of quarter sessions in accordance with the provisions of this Act against a refusal by the Corporation to grant a licence to any person making application under subsection (2) of section 440 (Applications for licences) of this Act or to renew a licence or against any revocation under this section of a licence shall be liable to any proceedings under this section for the offence of carrying on an employment agency without a licence under this Part

A.D. 1931. of this Act until such appeal shall have been heard
and determined or shall have been abandoned.

Directors of
companies
to be liable
for penalties
under
Part XXIV.

446. Where any company within the meaning of the Companies Act 1929 commits any offence for which a penalty is provided by this Part of this Act proceedings may be taken in respect of such offence against all or any of the directors and managers of such Company as well as or instead of against the company and every such director and manager shall be liable on conviction to the like penalty as if he or they were the person or persons committing the offence unless he proves to the satisfaction of the court—

- (1) That the act which constituted the offence took place without his knowledge consent or connivance; and
- (2) That he was not guilty of any negligence in regard to securing the proper execution of this Part of this Act.

Notice of
Part XXIV.

447. The Corporation shall prior to the first day of April nineteen hundred and thirty-two cause public notice to be given in two or more newspapers circulating in the borough of the effect of this Part of this Act and that it will come into force on that date.

PART XXV.

BORROWING POWERS MORTGAGES BONDS STOCK.

Borrowing Powers.

Definitions
for
Part XXV.

448.—(1) In this Part of this Act unless the subject or context otherwise requires—

“Security of the Corporation” means (subject to subsection (2) hereof) any mortgage bond debenture annuity stock or other security granted issued or created by the Corporation;

“Bond” means a Corporation bond issued under the powers of section 460 (Power to borrow by issue of bonds) of this Act;

“Par” in relation to stock means the rate of one hundred pounds sterling for a nominal amount of one hundred pounds stock;

“Stock regulations” means regulations made under section 52 of the Public Health Acts Amendment Act 1890; A.D. 1931.
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“The registrar” means the person or bank appointed by the Corporation under section 477 (Appointment of registrar of stock) of this Act;

“The stock register” means the register to be kept by the Corporation or the registrar under section 478 (Stock register) of this Act;

“Stock certificate” means a certificate of the proprietorship of stock;

“The stock transfer books” means the books to be kept by the Corporation or the registrar under section 481 (Transfer in books) of this Act;

“The loans fund” means the Brighton Loans Fund to be established under section 465 (Establishment of loans fund) of this Act;

“Sinking fund” does not include the loans fund or any stock redemption fund formed or to be formed in pursuance of stock regulations.

(2) Except as mentioned in section 507 (Limited application of Part XXV to stock issued under stock regulations) of this Act stock to which stock regulations apply shall not (notwithstanding anything in this Act) be deemed for the purpose of this Part of this Act to be included in the expression “security of the Corporation” or in the term “stock” where used in this Part of this Act Provided that nothing in this subsection shall affect the operation of section 508 (As to payments into and application of interest on stock redemption fund) of this Act.

449.—(1) (a) All statutory borrowing powers under any enactment repealed by this Act which have been exercised before the commencement of this Act and all existing securities of the Corporation granted issued or created thereunder shall be deemed to have been exercised granted issued or created under this Act and the provisions of this Act shall (except where expressly stated to apply only to borrowing powers to be exercised or securities

Existing borrowing powers continued.

[Ch. cix.] *Brighton Corporation* [21 & 22 GEO. 5.]
Act, 1931.

A.D. 1931. — to be granted issued or created after the commencement of this Act) apply thereto notwithstanding anything in any Act Order deed mortgage or other document to the contrary.

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

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

(b) In order to secure the repayment of any money borrowed under any of the statutory borrowing powers referred to in this subsection and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation.

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

New
borrowing
powers.

450.—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes set forth in the first column of the following 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):—

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1	2	3
Purpose.	Amount.	Period for repayment.
(a) The construction of the new water-works.	£33,360	Thirty years from the date or dates of borrowing.
(b) The purchase of the sea-beach and other lands and easements.	The sum requisite.	Sixty years from the date or dates of borrowing.
(c) The payment of the costs charges and expenses referred to in section 577 (Costs of Act) of this Act.	The sum requisite.	Five years from the commencement of this Act.

(2) (a) The Corporation may also borrow—

- (i) with the consent of the Minister of Transport such further money as may be necessary for any of the purposes of Part IV (Tramways and public service vehicles) of this Act or of the tramways undertaking;
- (ii) with the consent of the Electricity Commissioners such further money as may be necessary for any of the purposes of Part V (Electricity) and Part VI (Generating and main transmission works) of this Act or of the electricity undertaking;
- (iii) with the consent of the Minister of Health such further money as may be necessary for any of the purposes of this Act other than those of Part IV Part V and Part VI or for any of the purposes of the several undertakings of the Corporation other than the tramways undertaking and the electricity undertaking.

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister or commissioners with whose consent it is borrowed.

(3) In order to secure the repayment of any money borrowed under this section and the payment of interest

[Ch. cix.] *Brighton Corporation* [21 & 22 GEO. 5.]
Act, 1931.

A.D. 1931. thereon the Corporation may mortgage or charge the revenues of the Corporation.

Deferment
of payment
to sinking
&c. funds
in certain
cases.

451. Notwithstanding anything in this Act or in stock regulations it shall not be obligatory on the Corporation to commence any repayment by instalments or to set apart or appropriate any money to or for a sinking fund loans fund or stock redemption fund in the case of money borrowed for the purposes of section 170 (Power to make subway under Shoreham Harbour) of this Act and for lands and easements required in connection therewith until the expiration of one year after the completion of the works for which such money is borrowed or until the expiration of two years from the borrowing thereof whichever period shall be the earlier.

Mode of
raising
money.

452. The Corporation may raise all or any moneys which they are authorised to borrow under this Act either—

by mortgage; or

by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875; or

by the issue of bonds subject to the provisions of this Part of this Act relating to bonds; or

by the creation and issue of stock subject to the provisions of this Part of this Act relating to stock;

or partly by one of those methods and partly by another or others of them:

Provided that section 494 (As to ranking of securities of Corporation) section 455 (Sinking fund) and section 493 (Return to Minister of Health with respect to repayment of debt) of this Act shall respectively apply to moneys borrowed under the Local Loans Act 1875 and to sinking funds for the repayment of moneys so borrowed instead of the provisions of sections 8 15 and 16 of that Act.

Application
of money
borrowed.

453. All money borrowed by the Corporation under the powers of this Act shall be applied only to purposes for which the Corporation are authorised to borrow and to which capital is properly applicable.

454. The Corporation shall pay off all money borrowed by them under the powers of this Act (other than money borrowed by the issue of stock) 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.

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Mode of
payment off
of money
borrowed.

455.—(1) If the Corporation determine to repay by means of a sinking fund any money borrowed by virtue of any statutory borrowing power (other than money borrowed by the issue of stock) such sinking fund shall be formed and maintained by payment out of the general rate fund to the sinking fund throughout the prescribed period of either—

Sinking
fund.

(a) Such equal annual sums as will together amount to the money for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a “non-accumulating sinking fund”; or

(b) (i) Such equal annual sums as will with accumulations at a rate not exceeding three and a half per centum per annum or such higher rate as the Minister may from time to time approve be sufficient to pay off within the prescribed period the money for the repayment of which such sinking fund is formed and (ii) such annual sums as are equivalent to interest on the amount which should from time to time be standing to the credit of the sinking fund at the rate per centum per annum on which the annual payments to the fund under paragraph (i) hereof are based. A sinking fund so formed is hereinafter called an “accumulating sinking fund.”

(2) Every sum paid to a sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed or otherwise in any manner authorised by this Act be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

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(3) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the sinking fund is formed. Provided that if it is an accumulating sinking fund the Corporation shall nevertheless continue to pay into the fund each year during the residue of the prescribed period the sums which would have been required to be paid under the provisions of sub-paragraph (ii) of paragraph (b) of subsection (1) of this section if such sinking fund or part thereof had not been so applied.

(4) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this section shall be paid by the Corporation out of the general rate fund in addition to the payments provided for by this section and charged to that fund.

(5) If it appears to the Corporation at any time that the amount in any sinking fund with the future payments thereto in accordance with the provisions of subsections (1) and (3) of this section will not be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose and if it appears to the Minister that any such increase is necessary the Corporation shall increase the payments to such extent as the Minister may direct.

(6) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(7) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of subsections (1) and (3) of this section will in the opinion of the Minister be more than sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed the Corporation may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed.

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(8) If the amount in any sinking fund at any time together with (if an accumulating sinking fund) the payments thereto by way of interest under paragraph (b) (ii) of subsection (1) and under subsection (3) of this section will in the opinion of the Minister be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed the Corporation may with the consent of the Minister discontinue the payment of the equal annual sums to such sinking fund until the Minister shall otherwise direct.

(9) Any surplus of any sinking fund remaining after the discharge of the whole of the money for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Minister may determine.

(10) The foregoing provisions of this section shall also apply with respect to any sinking fund formed by the Corporation for the repayment of any money borrowed before the commencement of this Act under any statutory borrowing power and the Corporation shall make such adjustments of any existing sinking funds and of their books and accounts relating thereto as they may think proper. Provided that nothing in this subsection shall authorise the Corporation to apply or use any existing sinking fund or any part thereof in any manner other than a manner in which they are authorised by this Act to apply or use sinking funds.

456.—(1) The Corporation shall have power—

Power to
re-borrow.

(a) To borrow for the purpose of paying off any money previously borrowed under any statutory borrowing power which is intended forthwith to be repaid; or

(b) To borrow in order to replace money which during the previous twelve months has been temporarily applied from other funds of the Corporation in repaying money previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed money.

(2) Any money borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that

A.D. 1931. — portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the money borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or to the loans fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed money.

(4) The Corporation shall not have power to borrow in order to replace any money previously borrowed which has been repaid—

- (a) By instalments or annual payments; or
- (b) By means of a sinking fund or the loans fund; or
- (c) Out of money derived from the sale of land; or
- (d) Out of any capital money properly applicable to the purpose of the repayment other than money borrowed for that purpose.

Mortgages.

Power to use one form of mortgage for all purposes.

457.—(1) Whenever the Corporation determine to raise by mortgage any money which they have power to borrow under any statutory borrowing power they may grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the corporate seal of the Corporation and may be made in the form contained in the Ninth Schedule or to the like effect.

(3) Nothing in this section shall alter or affect the obligations of the Corporation to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods and by the means within and by which they would have been repayable respectively if this section had not been enacted.

(4) Nothing in this section shall alter or affect the obligations of the Corporation to provide for the payment of interest on the sums secured by mortgages granted under this section.

(5) There shall be kept at the office of the Corporation a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed. Every such register shall be open to inspection by any mortgagee or other person entitled to any mortgage granted under this section during office hours at the said office without fee or reward and the town clerk or other the person having the custody of the register refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(6) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate rights and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Ninth Schedule or to the like effect and shall not contain any recital trust power or proviso whatsoever.

(7) There shall be kept at the office of the Corporation a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the deed shall be produced to the town clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

(8) On the registration of any deed of transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate rights and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

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(9) If the town clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

Provisions
of Public
Health Act
as to mort-
gages to
apply.

458. Subject to the provisions of the immediately preceding section of this Act the provisions of sections 236, 237, 238 and 239 of the Public Health Act 1875 with respect to mortgages to be executed by a local authority shall apply in the case of all mortgages granted by the Corporation under this Act as if they were with necessary modifications re-enacted in this Act :

Provided always that the respective mortgagees shall be entitled one with another to their respective proportions of the funds rates and revenues comprised in their mortgages respectively according to the respective sums in such mortgages mentioned to be advanced by such mortgagees respectively and to be repaid the sum so advanced with interest without any preference one above another by reason of the priority of advancing such moneys or the dates of any such mortgages respectively.

Appoint-
ment of
receiver by
mortgagees.

459.—(1) Any mortgagee of the Corporation by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver. The amount of arrears of principal due to such mortgagee or in the case of a joint application by two or more mortgagees to such mortgagees collectively to authorise the appointment of a receiver shall be not less than ten thousand pounds in the whole.

(2) The application for the appointment of a receiver shall be made to the High Court.

Bonds.

Power to
borrow by
issue of
bonds.

460.—(1) Whenever the Corporation determine to raise by the issue of bonds any money which they have power to borrow under any statutory borrowing power they may issue bonds to be called “Brighton Corporation bonds.”

(2) The provisions set out in the Tenth Schedule shall have effect with regard to bonds.

(3) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899 as amended by section 10 of the Finance Act 1907.

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(4) The provisions of section 115 of the Stamp Act 1891 (which relates to composition for stamp duty) shall with the necessary adaptations apply to bonds as if those bonds were stock or funded debt within the meaning of that section.

461.—(1) If at any time any interest due on any bonds remains unpaid for two months after demand in writing the persons entitled thereto may apply to the High Court for the appointment of a receiver and the court may if it thinks fit appoint a receiver on such terms as it thinks fit.

Appoint-
ment of
receiver by
bond-
holders.

(2) The receiver shall have the like power of collecting receiving recovering and applying moneys and of assessing making and recovering all rates for the purpose of obtaining the same as the Corporation or any other officer thereof would or might have and such other powers and duties as the court thinks fit and shall apply all moneys so collected and received after paying all such costs as the court may direct for the purposes of this Act.

Stock.

462.—(1) Whenever the Corporation determine to raise by the creation and issue of stock any money which they have power to borrow under any statutory borrowing power they may by resolution of the council create and issue stock within the limits of the power at such price to bear such half-yearly or other dividends and to be so transferable (that is to say in books or by deed) as the Corporation by the resolution direct.

Creation of
stock.

(2) Any resolution creating stock shall provide that the stock so created shall be redeemable by the Corporation at par and at such time and in such manner as the Corporation by that resolution declare.

(3) Each resolution for creation of stock shall specify that the stock thereby created is redeemable.

(4) Stock so created shall be designated by the Corporation as “Brighton Corporation four and a half per centum (or such other rate of dividend per centum as

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(5) After the expiration of such a period from the creation of any class of stock under subsection (2) of this section as the Corporation shall by resolution creating that class declare all stock comprised therein shall be redeemable at par at the option of the Corporation and within such a period (not exceeding sixty years from the first creation of that class of stock) as the Corporation shall by such resolution declare the whole of the stock comprised therein shall be redeemed or purchased and extinguished.

Borrowing power to be exercisable for actual sum raisable.

463. Each statutory borrowing power of the Corporation shall be construed to authorise the Corporation to create and issue stock from time to time to such nominal amounts as in the aggregate will as nearly as can be reasonably calculated by the Corporation according to the price of issue produce the actual amount of money for the time being lawfully raisable by the Corporation under that power or some portion of that actual amount or (as the case may be) the actual amount of money properly payable by the Corporation as consideration on payment off or redemption by the Corporation of any security of the Corporation.

Borrowing for expenses of issue.

464. The expenses incurred by the Corporation in or about the creation and issue of any portion of stock so far as those expenses are in the judgment of the Corporation properly chargeable to capital shall be deemed money raisable under the statutory borrowing power in exercise whereof that portion of stock is issued.

Establishment of loans fund.

465.—(1) For payment of dividends on and for redemption and extinction or purchase and extinction of all stock there shall be established and formed a fund to be called the Brighton loans fund.

(2) All moneys which at the commencement of this Act are standing to the credit of any loans fund formed in connection with stock issued under the powers of the former Acts and Orders shall be transferred to the loans fund and the sums so transferred shall be taken into account in calculating future payments to the loans fund.

466. In each year the Corporation shall pay into the loans fund out of the general rate fund or general rate a sum or sums equal to the aggregate amount of all dividends payable in that year on the several portions of stock issued in exercise of the respective statutory borrowing powers of the Corporation and remaining outstanding.

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Contributions to loans fund for dividends.

467.—(1) In each year the Corporation shall pay into the loans fund out of the general rate fund or general rate a sum or sums equal to the aggregate amount of all sums payable in that year for redemption and extinction or purchase and extinction of the several portions of stock issued in exercise of the respective statutory borrowing powers of the Corporation and remaining outstanding :

Contributions to loans fund for extinction of stock.

Provided that where any stock issued after the commencement of this Act has been issued at a price lower than par so much of the stock as represents the difference between the price of the stock as issued and its nominal value shall for the purposes of this section be treated as a loan authorised by a statutory borrowing power and repayable on or before the date at which the stock is first redeemable at par at the option of the Corporation.

(2) The amounts paid into the loans fund in any year in accordance with this section shall be—

(i) Such amounts as with accumulations at a rate not exceeding the rate of three and a half per centum per annum or such higher rate as the Minister may from time to time approve be from time to time calculated to be sufficient to purchase at par the portion of stock towards the purchase and extinction whereof those contributions are payable within the prescribed period; and

(ii) Such annual sums as are equivalent to interest on the amount which should from time to time be in the loans fund in respect of such stock at the rate per centum per annum on which the annual payments to the loans fund under paragraph (i) hereof are based.

(3) If the Corporation create and issue stock for the purpose of defraying the expenses of the creation and

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(4) If the Corporation desire to accelerate the repayment of any loan represented by stock they may increase the amount of the contributions applicable to the redemption of that stock for such time as they may think fit.

(5) The Corporation shall invest in statutory securities the sums paid into the loans fund in accordance with this section unless those sums are applied in any manner authorised by this Act.

(6) If the extinction of any portion of stock or any part thereof is accelerated by the application to such extinction of any part of the loans fund then the Corporation shall nevertheless continue to pay into the loans fund each year during the residue of the prescribed period the sums which would have been required to be paid under the provisions of paragraph (ii) of subsection (2) of this section if such part of the loans fund had not been so applied as aforesaid :

Provided that if any amount of stock extinguished by application of part of the loans fund is purchased by the Corporation at a rate exceeding par the sums to be paid into the loans fund under the foregoing provisions of this subsection shall be calculated as if that amount of stock had been purchased at par but the Corporation shall either pay into the loans fund during the year in which the purchase is made an additional sum equal in amount to the sum paid in excess of par for the purchase of stock in that year or shall during that year and each succeeding year until the expiration of the period allowed for the continuance of the loan represented by the stock so extinguished pay into the loans fund such additional sum as the Minister shall approve.

Raising of
contribu-
tions to
loans fund.

468. The Corporation shall from time to time in order to provide the amounts of the several contributions to the loans fund under the two preceding sections do all such acts exercise all such powers collect all such money and make and levy all such rates as they lawfully can or ought to do exercise collect make and levy for the purposes of or in relation to the respective statutory

borrowing powers in exercise whereof the several portions of stock are issued. A.D. 1931.

469.—(1) The Corporation shall pay into the loans fund and shall carry to the proper separate account forming part of the general account of the loans fund all such money being capital or in the nature of capital and not being otherwise wholly or in part appropriated or made applicable by law or by valid contract as shall from time to time arise from any sale lease or other disposition of land or other property of the Corporation if purchased out of money raised or represented by stock. Payment of sale money &c. to loans fund.

(2) The Corporation before making any payment into the loans fund under this section may deduct from the money to which this section applies any costs and expenses properly incurred by the Corporation in or about any sale lease or other disposition.

470.—(1) The Corporation shall from time to time apply the loans fund first in paying the dividends on all stock and next in redeeming stock according to the terms of issue and purchasing stock for extinction. Application and use of loans fund.

(2) When the Corporation are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising the statutory borrowing power by the creation and issue of additional stock exercise the statutory borrowing power wholly or partially by using for such purpose any money for the time being forming part of the loans fund and not required for the payment of dividends on stock.

(3) The Corporation when exercising the power conferred on them by subsection (2) of this section shall—

(a) Withdraw from the loans fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the use of money forming part of the loans fund and determine from which account in the loans fund having amounts to its credit that sum shall be deemed to be withdrawn;

(b) Transfer stock equivalent at par or at such other value as the Minister may direct to the sum withdrawn from the loans fund from the last named account to the account in respect of which the statutory borrowing power is exercised.

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(4) The provisions of this Part of this Act shall apply (a) to the money used from the loans fund as aforesaid as though that money had been raised by the issue of further stock and (b) to the stock transferred as aforesaid as though it were originally issued stock.

(5) If the Corporation in pursuance of subsections (2) and (3) of this section use any money forming part of the loans fund and transfer stock in respect thereof the loan in respect of which the money was paid into the loans fund shall to the amount of the stock transferred be deemed to have been paid off as if that amount of stock had been redeemed or purchased and extinguished out of the loans fund.

(6) The Corporation shall supply the Minister with such information as he may require in consequence of the exercise by the Corporation of the powers of this section.

Extinction
of stock
redeemed or
purchased.

471. All stock redeemed by the Corporation or purchased by the Corporation for extinction shall be forthwith cancelled by the Corporation and on such cancellation the stock and all dividends thereon (not already accrued) shall be and are by virtue of this Act extinguished.

Account of
loans fund.

472.—(1) As parts of the general account of the loans fund the Corporation shall keep separate accounts relative to—

(a) Each undertaking or purpose for or in respect of which any statutory borrowing power is exercised by them by the issue of stock; and

(b) Each statutory borrowing power so exercised.

(2) Those separate accounts shall distinguish and show—

(c) The portions of stock for the time being unextinguished and chargeable to each undertaking or purpose and respectively attributable to the exercise of the several statutory borrowing powers (if more than one) relating to that undertaking or purpose; and

(d) The amounts of those several portions of stock redeemed or purchased by means of the loans fund and cancelled and extinguished.

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(3) Those separate accounts shall further distinguish and show in relation to each undertaking or purpose—

(e) All money being capital or in the nature of capital and in the judgment of the Corporation properly attributable to that undertaking or purpose and the securities on which that money or any part thereof is from time to time invested; and

(f) All money from time to time paid into the loans fund out of the general rate fund or general rate on account of the interest and annual proceeds of the last-mentioned money and securities; and

(g) All money and securities transferred to the loans fund as having formed part of a sinking fund; and

(h) All money from time to time paid into the loans fund out of the general rate fund or general rate on account of the interest and annual proceeds of the money and securities mentioned in paragraph (g) hereof or of securities wherein the money paid under this paragraph is from time to time invested; and

(i) All money paid into the loans fund as contributions from the general rate fund or general rate in respect of dividends on the several portions of stock chargeable to that undertaking or purpose; and

(j) All money paid into the loans fund as contributions from the general rate fund or general rate in respect of redemption and extinction or purchase and extinction of those several portions of stock:

473.—(1) Where any security of the Corporation granted issued or created by the Corporation before or after the commencement of this Act under any statutory borrowing power is outstanding or payable and the Corporation have power with the consent of the holder of that security or otherwise to pay off the amount thereby secured or represented or to redeem the security they may pay off or redeem the security accordingly with money raised by stock or they may with the consent of the holder thereof issue stock in substitution for the security.

Stock may be issued in substitution for or redemption of existing securities.

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(2) The Corporation may in every such case make such reasonable payment as they may think fit to the holder of any security for his consent or for otherwise compensating him for the payment off or redemption of or substitution for his security and any such payment may be either in money or stock or partly in one and partly in the other.

(3) The Corporation may create and issue stock to such amount as may be requisite for the purposes of this section and that stock shall be deemed to be created and issued and any money raised thereby shall be deemed to be raised by virtue of the statutory borrowing power under which the security was granted or created and any money so raised shall be applied in payment off or redemption of the security.

(4) In every such case of payment off redemption or substitution the Corporation shall pay and transfer into the loans fund the whole or a proportionate part (as the case may require) of any money and securities forming part of any sinking fund or stock redemption fund formed in pursuance of stock regulations applicable to the discharge of the security.

(5) Where the holder of the security is one of the persons described in section 7 of the Lands Clauses Consolidation Act 1845 and by that Act enabled to sell land thereunder that person may consent to payment off or redemption of or substitution for the money secured or represented by that security and may accept money for giving that consent as if the person so consenting were the absolute owner of that security and that person is hereby indemnified for so doing and his receipt shall be a good discharge for the same.

(6) Money received by the holder of any security as authorised by this section and stock issued to him in substitution for any security shall be subject to the same trusts powers testamentary and other dispositions provisions and incumbrances as the money secured or represented by the security was subject to immediately before the payment off redemption or substitution and every testamentary or other disposition shall take effect with reference to the whole or a proportionate part of the money or stock received or substituted as the case may be.

474. On the issue of any portion of stock the statutory borrowing power in exercise whereof that stock is issued shall be affected as follows :—

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Extinction
or suspen-
sion of
borrowing
power.

- (a) If the stock is issued for the whole term limited for the continuance of any loan or for the continuance of payment of or in respect of any security of the Corporation granted or created by the Corporation under that statutory borrowing power then that power to the extent of the money raised by that stock shall be and the same is by virtue of this Act extinguished; but
- (b) If the stock is issued for part only of that term then so much of the money raised by that stock as has not been paid off out of the loans fund may be re-borrowed by the Corporation for the residue of that term or any part thereof and so from time to time.

475. If after the raising of any money by stock it shall be found that any part of that money is not required for the purpose to which it is applicable under section 453 (Application of money borrowed) of this Act the Corporation shall pay the money not so required into the loans fund.

Application
of money
raised by
stock.

476. The Corporation may from time to time invest temporarily in statutory securities (other than stock certificates to bearer) money raised by stock and not for the time being applied to or required for the undertaking or purpose for which it is raised and shall from time to time pay the interest and annual proceeds of those securities into the general rate fund.

Temporary
investment
of money
from stock.

477.—(1) The Corporation may if they think fit and on and subject to such terms and instructions not inconsistent with any provision of this Part of this Act as they think expedient appoint and keep appointed an officer of the Corporation or other person or the Bank of England or any other bank or a banker as registrar for all or any of the purposes of the provisions relating to stock in this Part of this Act.

Appoint-
ment of
registrar of
stock.

(2) The Corporation in relation to the provisions of this Part of this Act and the registrar shall respectively be deemed a banker within the Bankers' Books Evidence Act 1879.

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Stock
register.

478.—(1) The Corporation or the registrar shall keep books in which shall be entered the names and addresses of holders from time to time of stock and the amounts held by them.

(2) The stock register shall be prima facie evidence of any matter entered therein in accordance with this Part of this Act and of the title of the persons entered therein as holders of stock.

Certificates
of pro-
prietorship
of stock.

479.—(1) On demand of a holder of stock the Corporation may if they think fit give to him a certificate of the proprietorship thereof under their common seal specifying the amount of stock to which he is entitled.

(2) A stock certificate shall be prima facie evidence of the title of the person therein named his executors administrators successors or assigns to the stock therein specified but the want of a stock certificate if such want be accounted for to the satisfaction of the Corporation shall not prevent the holder of stock from disposing of and transferring the same.

(3) If a stock certificate is worn out or damaged the Corporation on production thereof may cancel it and give a similar stock certificate to the party in whom the property in the stock certificate and in the stock therein specified is then vested.

(4) If a stock certificate is lost or destroyed the Corporation on proof thereof to their satisfaction and if they so require on receiving an indemnity against all claims in respect thereof may give a similar stock certificate to the party entitled to the certificate lost or destroyed.

(5) An entry of the issue of a stock certificate or a substituted certificate as the case may be shall be made in the stock register.

Power to
transfer
stock.

480.—(1) Subject to the provisions of the next two succeeding sections of this Act every holder of stock may transfer all or any part of his stock in books or by deed but no mode of transferring stock other than in books or by deed shall be good in law.

(2) Unless the Corporation have compounded for stamp duty all stock issued by the Corporation shall notwithstanding anything in any resolution of the council be transferable by deed and not in books.

481.—(1) If the Corporation have compounded for stamp duty and the resolution for creation of any portion of stock makes the same transferable in books and not by deed the provisions of this section shall apply and have effect but not otherwise.

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Transfer in
books.

(2) The Corporation or the registrar shall keep books wherein transfers of stock so transferable shall be entered.

(3) Every such entry shall be in proper words for the purpose of transfer and shall be signed by the party making the transfer or if he is absent by his agent thereunto lawfully authorised in writing under his hand attested by a witness.

(4) The Corporation or the registrar may if they think fit require that the agent be so authorised by power of attorney under the hand and seal of the party making the transfer attested by one or more credible witnesses.

482.—(1) All stock which is not transferable in books under the immediately preceding section shall be transferable by deed only and the provisions of this section shall apply and have effect.

Transfer by
deed.

(2) Unless the Corporation have compounded for stamp duty every deed of transfer shall be duly stamped and the consideration shall be truly stated therein.

(3) The deed of transfer shall relate only to the transfer and shall not contain any recital trust power or proviso whatsoever.

(4) The deed of transfer when duly executed and (if necessary) stamped shall be delivered to and kept by the Corporation or the registrar and the Corporation or the registrar shall enter a memorial thereof in a book to be called the register of transfers of stock and shall endorse on the deed of transfer a notice of that entry.

(5) The Corporation or the registrar shall on demand and on delivery up of the old stock certificate or on proof satisfactory to the Corporation of its absence deliver a new stock certificate to the purchaser or shall at the option of the purchaser make an endorsement of the transfer on the existing stock certificate which endorsement being signed by direction of the Corporation or by the registrar shall be equivalent to a new stock certificate.

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(6) Until the deed of transfer has been so delivered to the Corporation or the registrar the Corporation or the registrar shall not be affected thereby and the purchaser of the stock shall not be entitled to receive any dividend thereon.

Payment of
dividends.

483. The Corporation may pay by the registrar the dividends on stock.

Provisions
respecting
stock certifi-
cates with
coupons to
bearer.

484.—(1) On demand of a stockholder the Corporation or the registrar with the approval of the Corporation may issue to the stockholder a stock certificate to bearer that is to say a certificate of title to his stock or any part thereof entitling the bearer to the stock therein specified and transferable by delivery with coupons entitling the bearer of the coupons to the dividends on the stock but so that no such certificate or coupons shall give a title to dividends beyond the time limited for redemption of the stock.

(2) A stock certificate to bearer shall not be issued in respect of any sum of stock other than ten pounds or a multiple of ten pounds.

(3) Where a stock certificate to bearer is outstanding the stock represented thereby shall cease to be transferable in books or by deed under and according to the provisions of this Act.

(4) The bearer of a stock certificate to bearer may on delivery up to the Corporation or the registrar of the certificate and of all unpaid coupons belonging thereto require to be entered in the stock register as the holder of the stock described in the certificate under which he derives title and thereupon the stock shall be re-entered in the register as transferable and shall become and again be transferable in the stock transfer books or by deed as the case may require and shall as regards the mode of payment of the dividends thereon be in the like condition as if no stock certificate to bearer had been issued in respect thereof.

(5) The coupons issued with a stock certificate to bearer shall comprise the dividends to be paid in respect of the stock therein specified for such period as the Corporation approve.

(6) At the end of that period fresh coupons may be issued for such further period as the Corporation approve

and so for successive periods during the continuance in force of the stock certificate but the Corporation or the registrar may in lieu of issuing fresh coupons in respect of any stock certificate give in exchange a fresh stock certificate with coupons. A.D. 1931.
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(7) Payment to the bearer of a coupon of the amount expressed therein shall be a full discharge to the Corporation and to the registrar from all liability in respect of that coupon and the dividend represented thereby.

(8) Where any bank are the registrar coupons shall be payable at the head office of such bank at the expiration of three clear days from the day of presentation and at any branch of such bank at the expiration of five clear days from the day of presentation.

(9) If a stock certificate to bearer or coupon is worn out or damaged the Corporation or the registrar on production and delivery up thereof may cancel it and issue a new certificate or coupon.

(10) If a stock certificate to bearer or coupon is lost or destroyed the Corporation or the registrar may issue a new certificate or coupon on receiving indemnity to the satisfaction of the Corporation against the claims of all persons deriving title under the certificate or coupon lost or destroyed.

(11) All coupons issued under this section in respect of any stock certificate to bearer shall for the purposes of the Acts relating to stamp duties be deemed to have been attached to and issued with such stock certificate.

(12) Stock specified in a stock certificate to bearer shall be charged on the same revenues and be subject to the same powers of redemption (if any) and other powers and (save as regards the mode of transfer and of payment of dividends thereon and save so far as a stock certificate to bearer is a negotiable instrument) shall be subject to the same incidents in all respects as if that stock had continued to be registered in the stock register as transferable in books or by deed.

485.—(1) Stock shall be personal property.

Nature of
stock.

(2) Stock shall not be liable to foreign attachment by the custom of London or otherwise.

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Appoint-
ment of
receiver by
stock-
holders.

486.—(1) If at any time the Corporation for two months after demand in writing fail to pay any dividend due on any stock the person entitled thereto may apply to the High Court for a receiver and the court may if it thinks fit appoint a receiver on such terms as it thinks fit.

(2) The receiver shall have the like power of collecting receiving recovering and applying all money which ought to be paid under this Part of this Act into the loans fund and of assessing making and recovering all rates for the purpose of obtaining the same as the Corporation or any officer thereof would or might have and such other powers and such duties as the court thinks fit and shall apply all money so collected after payment of expenses and costs as the court directs for purposes of this Part of this Act.

(3) The court may at any time discharge the receiver and shall have full jurisdiction over him and all persons interested in his acts.

Unclaimed
dividends.

487.—(1) If at any time any dividend on any stock is unclaimed at the time for payment thereof the dividend shall nevertheless on demand at any subsequent time whatsoever be paid to the person showing his right thereto but without interest in the meantime.

(2) If any dividend remains unclaimed for five years from the time for payment thereof the Corporation or the registrar shall cause notice thereof to be sent by post in a registered letter addressed to the stockholder named in the stock register by the description and at the address therein appearing and so at the expiration of three other successive periods of five years.

(3) At the end of every successive period of five years from the date of the first payment of dividend on any stock the Corporation or the registrar shall publish an advertisement in a newspaper circulating in the borough stating what if any dividends on stock other than those falling due at the then last half-yearly or other day of payment are then unclaimed and the names and addresses appearing in the stock register of the holders of the stock on which the dividends are unclaimed.

(4) At the end of every successive period of ten years from the date of the first payment of dividend on any stock the Corporation unless it has been otherwise agreed between them and the registrar may require the registrar to repay to them all dividends unclaimed during that period and then in his hands and the Corporation shall pay those dividends into the general rate fund without prejudice nevertheless to the rights of any person to the dividends.

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488.—(1) If at the end of the period within which the stock becomes redeemable the Corporation by reason of the holder of any such stock not being forthcoming or by reason of any doubt as to the ownership of any such stock shall not be able to redeem and cancel such stock the Corporation may invest in statutory securities a sum equal to the nominal value of all such stock as cannot be redeemed by reason as aforesaid such sum to be dealt with as hereinafter prescribed and thereupon such stock shall be deemed to have been redeemed.

Unclaimed
stock.

(2) Any sums invested by the Corporation as aforesaid shall unless sold for the purpose of satisfying any claim in respect of the stock represented by those sums be kept invested in statutory securities for a period of ten years after which time the Corporation may appropriate the said sums and any accumulations thereon for such purposes as the Minister may approve without prejudice nevertheless to the rights of any person to the said sums or any part thereof.

489. Notwithstanding anything in this Part of this Act the council may revoke at any time in whole or in part any resolution for creation of stock theretofore passed by the council if and as far as the resolution has not been acted on by the issue of stock thereunder.

Saving for
power of
revocation.

490. If any bank are the registrar they may with the sanction of the Corporation issue any forms that may be required for carrying into effect the provisions of this Part of this Act and may make any regulations that are not inconsistent with this Act relative to the following things and any such regulations for the time being in force shall be duly observed :—

Regulations
by bank.

(a) The period for which coupons are to be given ;

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- (b) The mode in which the bank are to act in issuing stock certificates to bearer or entering in the transfer books the bearers of stock certificates to bearer;
- (c) The mode of proving the title of or identifying any person applying for a stock receipt or stock certificate or stock certificate to bearer;
- (d) With respect to anything necessary for carrying into effect the provisions of this Part of this Act which relate to or affect the bank.

Forms.

491. The forms set forth in Part I of the Eleventh Schedule may be used for the purposes therein indicated and the same or forms to the like effect with such variations or additions as circumstances require shall be effectual for those purposes.

Fees.

492. Fees not exceeding those specified in Part II of the Eleventh Schedule may be taken by or on behalf of the Corporation in the cases therein mentioned.

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

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

(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 or other the chief accounting officer of the Corporation and shall be sent within one month after the making of the request and if the town clerk fails to make such return he 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 Corporation 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 or any stock redemption fund formed under stock regulations or the loans 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 applied any portion of any such 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 Corporation shall notify the Minister as soon as the order is complied with.

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(4) The town clerk shall cease to be under obligation to make any return required by article 44 of the Stock Regulations 1891.

494. Subject to any priority existing at the commencement of this Act all securities of and loans to the Corporation whether granted created issued or made before or after the commencement of this Act and the dividends and interest thereon shall be charged indifferently on all the revenues of the Corporation and shall rank equally one with the other without any priority whatsoever.

As to ranking of securities of Corporation.

495. A person lending money to the Corporation under any statutory borrowing power shall not be bound to inquire as to the observance by the Corporation 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 of any part thereof.

Protection of lender from inquiry.

496. Neither the Corporation nor as regards stock the registrar shall be bound to see to the execution of any trust whether express implied or constructive to which any security of the Corporation may be subject but the receipt of the person in whose name any security of the Corporation stands in the register relating thereto shall be a sufficient discharge to the Corporation and to the registrar as regards stock in respect thereof notwithstanding any trusts to which

Corporation not to regard trusts or bound to see to application of moneys.

A.D. 1931. — such security may be subject and whether or not the Corporation or the registrar have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such security or any part thereof or interest therein not entered in their register and neither the Corporation nor the registrar shall 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.

Interest on securities held jointly.

497.—(1) Where more persons than one are registered as joint holders of any security of the Corporation any one of them may give an effectual receipt for any interest or dividend thereon unless notice to the contrary has been given to the treasurer or other the chief accounting officer of the Corporation or in the case of stock to the registrar by any other of them.

(2) Where any such security is standing in the name of an infant or person of unsound mind jointly with any person not under legal disability a letter of attorney for receipt of the interest or dividend on the security shall be sufficient authority in that behalf if given under the hand or seal of the person not under disability attested by two or more credible witnesses but the Corporation or the registrar as regards stock may before acting on the letter of attorney (if they or he think fit) require proof to their or his satisfaction of the alleged infancy or unsoundness of mind by a statutory declaration of one or more competent persons.

Dividends to executors &c.

498. Neither the Corporation nor as regards stock the registrar shall be required to pay to any executors or administrators any interest or dividend on any security of the Corporation held by their testator or intestate until the probate of the will or the letters of administration has or have been left with the Corporation or as regards stock with the registrar for registration.

Dividend warrants by post.

499.—(1) The Corporation or the registrar in the case of stock may give notice to any person being registered as a holder of any security of the Corporation that they intend or he intends to send interest or dividends to that person by post if he does not object and if such person does not within fourteen days from the receipt

of such notice give notice to the Corporation or to the registrar (as the case may require) of such objection the Corporation or the registrar may from time to time send letters containing orders for the payment of interest or dividend warrants to the address of such person appearing in the register. Provided that if such person gives notice to the Corporation or the registrar (as the case may require) that he desires such orders or warrants to be sent to any person at a given address the Corporation or the registrar may from time to time send letters containing the same to such other person at such address.

(2) Where more persons than one are registered as joint holders of any security of the Corporation any one of them may for the purpose of this section be regarded as the holder of the security unless contrary notice has been given to the Corporation or to the registrar in the case of stock by any other of them.

(3) The posting by the Corporation or the registrar of a letter containing an order for the payment of interest or a dividend warrant in pursuance of this section shall as regards the liability of the Corporation or the registrar be equivalent to the delivery of the order or warrant to the registered holder of the security.

(4) Every order or warrant so sent by post shall be deemed to be a cheque and the Corporation and the registrar shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

500. If any money is payable to the holder of any security of the Corporation and the holder is a minor idiot or lunatic the receipt of the guardian or the committee or receiver of his estate shall be a sufficient discharge to the Corporation.

Receipt in
case of
persons not
sui juris.

501.—(1) The interest of a holder of any security of the Corporation in the security shall on the death of the holder be transferable by his executors or administrators notwithstanding any specific bequest thereof.

Trans-
mission of
securities.

(2) Where two or more persons are registered as owners of any security of the Corporation they shall be deemed to be joint owners with right of survivorship between them.

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(3) The Corporation or the registrar as regards stock shall not be required to allow any executors or administrators to transfer any security of the Corporation until the probate of the will of or the letters of administration of the estate of the deceased has or have been left with the Corporation or the registrar for registration and may require all the executors who have proved the will or all the administrators to join in the transfer.

(4) If the interest in any security of the Corporation has become transmitted by any lawful means other than a transfer or the death of a holder thereof satisfactory evidence of the transmission shall if required be furnished to the Corporation or to the registrar in the case of stock by a statutory declaration of one or more competent persons or in such other manner as the Corporation or the registrar require.

(5) The declaration shall state the manner in which and the party to whom the security has been transmitted and shall be left with the Corporation or (in the case of stock) with the registrar.

(6) If the transmission is in consequence of the marriage of a female holder the declaration shall if the Corporation or the registrar so require set forth a copy of the register of the marriage of the holder and declare the identity of the married person with the holder.

(7) The name of the person entitled under the transmission shall be entered in the register of the security.

(8) Until such evidence has been furnished the Corporation or the registrar shall not be affected by the transmission and no person claiming by virtue thereof shall be entitled to receive any dividend on the security.

(9) In this section the term "transmission" includes any case of apparent transmission in consequence of the change of name of the holder of the security although the actual ownership of the security may remain unaltered.

Evidence of
transfer or
trans-
mission of
securities.

502. It shall not be obligatory on the Corporation or the registrar to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any security of the Corporation (except securities issued under the

Local Loans Act 1875) except upon the production to and temporary deposit with the town clerk or in the case of stock with the registrar of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

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503.—(1) The Corporation or the registrar as regards stock before allowing any transfer of any security of the Corporation or before paying any interest or dividend on any such security may if the circumstances appear to them or him to make it expedient require evidence of the title of any person claiming a right to make the transfer or to receive the interest or dividend.

Evidence of title.

(2) That evidence shall be a statutory declaration of one or more competent persons or of such other nature as the Corporation or in the case of stock the registrar with the approval of the Corporation may require.

504.—(1) The Corporation or the registrar with the approval of the Corporation as regards stock may close the register of transfers of any class of securities of the Corporation (including the stock transfer books) on any day not more than thirty days next before the date on which any interest or dividends on the class of securities to which such register relates are payable but so that the register be not at any time kept closed for more than twenty-one days.

Closing of transfer books.

(2) The persons who on such closing day are entered in the register as holders of any securities of the class of which the register of transfers is so closed shall as between them and the transferees of those securities be entitled to the interest or dividends next payable thereon.

505. The approval of the Corporation required by this Part of this Act or by stock regulations to be given to any act of the registrar or of any registrar appointed under stock regulations may be a general approval applying to all or any cases in which such approval is or may from time to time be required.

Approval of Corporation may be general.

A.D. 1931.

—
Saving for
power to
sell lands
&c.

506.—(1) Nothing in this Part of this Act shall affect any power or duty of the Corporation to sell lease or otherwise dispose of any land or property of the Corporation or to apply any purchase money or other money arising thereby in discharge of any charge on that land or property or the revenues thereof or affect any claim of any person under such charge.

(2) The said land or property shall in the hands of the purchaser or other person taking the same under the sale lease or other disposition be by virtue of this Act absolutely freed from any charge of the principal or interest on any securities of the Corporation and he shall not be concerned to see to the application of the purchase money or other money or be answerable for any loss or misapplication thereof.

Limited
applica-
tion of
Part XXV
to stock
issued
under stock
regulations.

507.—(1) The under-mentioned sections of this Act—

Section 463 (Borrowing power to be exerciseable for actual sum raisable);

Section 473 (Stock may be issued in substitution for or redemption of existing securities);

Section 494 (As to ranking of securities of Corporation);

Section 500 (Receipt in case of persons not sui juris);

shall have effect as though stock to which stock regulations apply were included in the expression “security of the Corporation” but not in the term “stock.”

(2) The under-mentioned sections of this Act—

Section 496 (Corporation not to regard trusts or bound to see to application of moneys);

Section 499 (Dividend warrants by post);

Section 502 (Evidence of transfer or transmission of securities);

shall have effect as though stock to which stock regulations apply were included in the expression “security of the Corporation” and also in the term “stock” and as though the expression “the registrar” in those sections meant with reference to any such stock as aforesaid the registrar appointed under the stock regulations.

508. Notwithstanding anything contained in any other Act or in stock regulations— A.D. 1931.

(1) All sums to be paid into any dividends fund formed for the payment of dividends on stock issued or to be issued under stock regulations or into any redemption or other fund formed or to be formed for the redemption or purchase and extinction of any such stock shall be paid out of the general rate fund: As to payments into and application of interest on stock redemption fund.

(2) All interest and other annual proceeds from time to time received by the Corporation on the investments forming part of any such redemption or other fund shall be carried to and form part of the general rate fund but the Corporation shall in each year pay into such fund an amount not less than such sum as is equivalent to interest on the amount which should from time to time be in such fund at the rate per centum per annum on which the annual payments to such fund are based.

509. Any order of the Minister under this Part of this Act may contain such directions as the Minister thinks necessary or proper for giving effect thereto and shall be enforceable by writ of mandamus to be obtained by the Minister out of the High Court and may be from time to time cancelled or varied by the Minister as the circumstances may require but the Minister shall not make any such order without first hearing the Corporation if desirous of being heard. Orders of Minister of Health.

PART XXVI.

OTHER FINANCIAL PROVISIONS.

510.—(1) Notwithstanding anything contained in this Act or in the Public Health Acts Amendment Act 1890 or in any other Act or Order the Corporation may (if they think fit) establish a fund to be called “the consolidated loans fund” to which shall be paid as and when they are received— Consolidated loans fund.

(a) All moneys borrowed by the Corporation whether by the issue of mortgages bonds stock or other security together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;

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- (b) All moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose;
- (c) The appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt;
- (d) A sum equal to the interest and other annual proceeds received by the Corporation in respect of or on investments forming part of the consolidated loans fund and carried to the general rate fund and a sum or sums which together with such first-mentioned sum will be equal to the aggregate amount of all dividends and interest payable in each year on bonds stock mortgages or other securities issued in exercise of any statutory borrowing power and remaining outstanding; and
- (e) Such sums as are necessary to meet the financing and other revenue expenses connected with the management of the consolidated loans fund and separate accounts shall be kept of these sums and their application:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys borrowed or received except such moneys as have been borrowed from the Public Works Loan Commissioners and of all sums provided by the Corporation as aforesaid before the date on which the consolidated loans fund is established.

(2) The Corporation may pay into the consolidated loans fund any moneys forming part of any reserve renewals depreciation contingent insurance superannuation or other similar fund (in this section referred to as "the lending fund") and not for the time being required and such moneys shall be deemed to be moneys borrowed by the Corporation within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

- (a) The moneys so used shall be repaid to the lending fund as and when required for meeting

the obligations for which the said fund was established; and A.D. 1931.

(b) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the average rate of interest payable by the Corporation on their current borrowings.

(3) The moneys of the consolidated loans fund shall be used or applied by the Corporation—

(a) in the redemption of mortgages bonds stock or any other securities issued by the Corporation the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Corporation;

(b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation; and

(c) in the payment of dividends and interest on the bonds stock mortgages or other securities issued in exercise of any statutory borrowing power and remaining outstanding:

And the moneys of the consolidated loans fund not used or applied in these ways may be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection.

(4) Save as in this section expressly provided all the obligations of the Corporation to the holders of mortgages bonds stock or other securities of the Corporation shall continue in force.

(5) The powers conferred by this section shall not be put into operation by the Corporation except in accordance with a scheme to be approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

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—
Insurance
fund.

511.—(1) The Corporation may (if they think fit) establish a fund to be called the “insurance fund” with a view of providing a sum of money which shall be available for making good all losses damages costs and expenses to which the Corporation 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 in respect of buildings works premises and the contents thereof and other property whether belonging or on loan to or under the care custody or control of the Corporation;
- (ii) Risk of accident and claims by third parties in respect of any vehicles whether belonging to or hired by or under the control of the Corporation and whether drawn or propelled by man or horse or mechanical or other means or power;
- (iii) Risk of explosion in respect of boilers;
- (iv) Risks under the common law the Employers’ Liability Act 1880 the Workmen’s Compensation Act 1925 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 Corporation or to third parties;
- (v) Risks of injury to school-children through accident caused by the negligence of a teacher attendant or other person or defect in any school premises of or leased to the Corporation;
- (vi) Risks of mechanical or electrical breakdown at or in connection with any of the electricity works of the Corporation;
- (vii) Risks of loss due to infidelity of officials of the Corporation;
- (viii) Any other risks against which in the absence of such an insurance fund the Corporation would ordinarily insure.

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices of good repute against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide.

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(3) In each year after the establishment of the insurance fund the Corporation shall pay into that fund either—

- (a) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the Corporation fully insured in some insurance office of good repute against the several risks for which the insurance fund is intended to provide; or
- (b) if the Corporation partly insure in some insurance office of good repute against the whole or any part of the several risks for which the insurance fund is intended to provide such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

(4) When the insurance fund shall amount to the prescribed amount as hereinafter defined the Corporation may if they think fit discontinue the yearly payments to the fund but if the fund is at any time reduced below the prescribed amount the Corporation shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the prescribed amount.

(5) The Corporation shall provide the yearly payments aforesaid by contributions from the general rate 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 Corporation which if the risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance.

(6) (a) 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 fund shall (unless applied in any manner authorised by this Act) be invested in statutory securities.

(b) In addition to the sum required to be paid into the insurance fund by subsection (3) of this section the Corporation shall in every year so long as the fund is

A.D. 1931. less than the prescribed amount pay into that fund out of the general rate fund an amount equal to the interest and other annual proceeds received by the Corporation in respect of or on investments forming part of the insurance fund and carried to the general rate fund.

(c) If and so long as the insurance fund amounts to the prescribed amount the interest and other annual proceeds received by the Corporation in respect of or on investments forming part of the insurance fund and carried to the general rate fund may be apportioned in the accounts of the Corporation between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

(7) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Corporation in consequence of risks for which it is intended to provide 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 Corporation may with the sanction of the Minister and on the security of the revenues of the Corporation 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 rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings or departments of the Corporation and in such proportions as the Minister may direct having regard to the risks through which such deficiencies arise.

(8) In this section "the prescribed amount" means such sum as may from time to time be prescribed by the Corporation.

Use of
moneys
forming
part of
sinking and
other funds.

512. Notwithstanding anything in this Act the Corporation may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part but not for the time being required for the purposes of any fund accumulated for the redemption

of debt or as a reserve renewals depreciation contingent
accident insurance superannuation or other similar fund
(in this section referred to as "the lending fund") subject
to the following conditions :—

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- (1) The moneys so used shall be repaid out of the general rate or the general rate fund to the lending fund within the period and by the methods within and by which a loan raised under the statutory borrowing power would be repayable. Provided that the Corporation shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding (as the case may be) as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the general rate or the general rate fund or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power :
- (2) In the accounts of the general rate fund an amount equal to interest calculated at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power on any moneys so used and for the time being not repaid shall be credited to the lending fund and debited to the undertaking or purpose with reference to which the moneys are so used :
- (3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

This section shall not apply to any matter to which section 470 (Application and use of loans fund) of this Act applies.

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Accounts.

513.—(1) The Corporation shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings of the Corporation for the time being (each of which is in this section separately referred to as the “undertaking”) on the one side all receipts in respect of the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts representing—

- (a) The working and establishment expenses and cost of maintenance of the undertaking;
- (b) The interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking;
- (c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;
- (d) All other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) Any money expended out of the general rate fund on any of the purposes mentioned in subsection (1) of the next succeeding section of this Act.

(2) The Corporation shall show in their accounts relating to any undertaking or purpose all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose.

(3) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

Application
of revenue
of under-
takings.

514.—(1) If in any year the moneys received by the Corporation on account of the revenue of any undertaking of the Corporation for the time being exceed the

moneys expended by the Corporation in respect of that undertaking in respect of the expenses mentioned in paragraphs (a) (b) (c) and (d) of subsection (1) of the last preceding section of this Act the Corporation may in that year (if they think fit) apply out of the general rate fund a sum equal to the amount of such excess in any of the following ways:—

- (a) In reduction of capital moneys borrowed for the purposes of the undertaking;
- (b) Subject in the case of the electricity undertaking to the consent of the Electricity Commissioners and in the case of the water undertaking to the consent of the Minister in the construction renewal extension and improvement of the works and conveniences for the purposes of the undertaking;
- (c) In providing a reserve fund in respect of each of the undertakings by setting aside such an amount as they may from time to time think reasonable (not exceeding in any one year in the case of the water undertaking a sum equivalent to ten shillings per hundred pounds upon the aggregate capital expenditure of the Corporation in respect of that undertaking) and (unless the amounts so set aside are applied under the provisions of section 512 (Use of moneys forming part of sinking and other funds) of this Act) investing the same in statutory securities until the fund so formed amounts in the case of the electricity undertaking to a sum equal to one-tenth of the aggregate capital expenditure of the Corporation on that undertaking and in the case of other undertakings to the maximum reserve fund for the time being prescribed by the Corporation but not exceeding in the case of the water undertaking a sum equal to one-twentieth of the aggregate capital expenditure of the Corporation upon that undertaking;
- (d) In the case of the revenue of the tramways undertaking in providing an accident fund in connection with that undertaking by setting aside such sums as they may from time to time think reasonable and (unless the sums so set

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—

aside are applied under the provisions of section 512 (Use of moneys forming part of sinking and other funds) of this Act) investing those sums in statutory securities. The fund so formed shall be applicable to answer any claim demand or liability made against or incurred by the Corporation in respect of any accident occurring in the execution of any of the powers of the Corporation in connection with the tramways undertaking.

(2) Any reserve or renewals or contingency or depreciation fund which has been formed for the purposes of any undertaking of the Corporation and which is in existence at the commencement of this Act shall be deemed to be part of a reserve fund formed under paragraph (c) of subsection (1) of this section and the accident fund established by the Corporation under section 53 of the Act of 1912 as existing at the commencement of this Act shall be deemed to have been formed under paragraph (d) of that subsection.

(3) The Corporation shall in every year so long as any reserve fund formed under this section is less than the maximum prescribed by or under this section pay into that fund out of the general rate fund an amount equal to the interest and other annual proceeds received by the Corporation in respect of or on investments forming part of the reserve fund and carried to the general rate fund.

(4) Any reserve fund formed under this section shall be applicable to answer any deficiency at any time happening in the income of the Corporation from the undertaking in respect of which it is formed or to meet any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking or (except in the case of the electricity undertaking) for payment of the cost of renewing improving or extending any part of the works forming part thereof or (except in the case of the electricity undertaking) otherwise for the benefit of that undertaking and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(5) Resort may be had to a reserve fund formed under the foregoing provisions of this section although

such fund may not at the time have reached or may have been reduced below the prescribed maximum. A.D. 1931.

515.—(1) Subject to the provisions of this section the provisions of the Municipal Corporations Acts relating to the keeping and audit of accounts and the accounts kept of sums of money received and paid under those Acts shall extend and apply to the keeping and audit of the accounts and to the accounts kept of sums of money received and paid under this Act. Audit and auditors.

(2) The Corporation may from time to time appoint and pay one or more members of the Institute of Chartered Accountants or of the Society of Incorporated Accountants and Auditors or of the London Association of Accountants Limited or of the Corporation of Accountants Limited to act as auditor or auditors of the accounts of the Corporation in such manner as the Corporation direct in lieu of the auditors appointed under the Municipal Corporations Acts Any auditor or auditors appointed by the Corporation under the provisions of this subsection and for the time being holding office is or are in this section referred to as "the appointed auditor."

(3) If and while the Corporation exercise the powers of subsection (2) of this section section 25 (Borough auditors) of the Municipal Corporations Act 1882 shall not apply within the borough.

(4) Every appointment of an auditor or auditors under this section shall be in writing under the seal of the Corporation and may be for such term and subject to such conditions as the Corporation may think fit.

(5) Subsection (1) of section 27 of the Municipal Corporations Act 1882 shall apply and have effect as if the appointed auditor had been referred to therein instead of the borough auditors and in addition the appointed auditor shall be entitled to require from any officer of the Corporation all such papers books accounts vouchers sanctions for loans information and explanations as may be necessary for the performance of his duties.

(6) The appointed auditor shall include in or append to any certificate given by him with reference to the accounts of the Corporation such observations and recommendations (if any) as he may deem necessary or

A.D. 1931. — expedient with respect to the accounts and any matter arising thereout or in connection therewith.

Subscrip-
tions to
local
govern-
ment
associations
and other
expenses

516. The Corporation may pay out of the general rate fund as expenses incurred by them under the Municipal Corporations Act 1882—

(a) Reasonable subscriptions whether annually or otherwise to the funds of any association of municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation not exceeding in any case four at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings ;

(b) The reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough.

Power to
apply
moneys
under trust
of William
Edmund
Davies.

517. The trust fund held by the council under the codicil to the will of William Edmund Davies referred to in the preamble of the Preston Park Act 1883 and under the deed of arrangement and compromise dated the twenty-fourth day of June eighteen hundred and eighty and the deed annexed thereto dated the thirteenth day of June eighteen hundred and eighty-one referred to in the said preamble and the income of that fund shall be deemed and taken to be a fund at the disposal of the Corporation applicable to the following purposes in addition to the purposes to which the fund was applicable immediately before the passing of the Preston Park Act 1883 :—

(a) The payment of the cost of purchasing managing laying out and improving such portion of the lands which under any of the former Acts and Orders were known as or deemed to be part of the East Brighton Estate as

A.D. 1931.

may be or may have been laid out or appropriated for the purpose of a public park pleasure ground or recreation ground or public walk;

- (b) Any payment to any sinking fund or the payment of any instalments of any loan in respect of moneys borrowed or to be borrowed by the Corporation for the purposes of the purchase of such portion of the said lands;
- (c) The payment of the cost of purchasing enclosing laying out and improving Preston Park and of executing work for the preservation of that park; and
- (d) The payment off of any moneys borrowed by the Corporation for the purchase and laying out of Preston Park as a public recreation ground whether by instalments of principal or of principal and interest or by means of a sinking fund.

518.—(1) For the purposes of determining the rateable value of any hereditament within the borough which belongs to class (3) specified in the first column of the table contained in Part II of the Second Schedule to the Rating and Valuation Act 1925 and is not a hereditament to which section 68 (Relief from rates in respect of industrial and freight transport hereditaments) of the Local Government Act 1929 applies a deduction shall be made from the net annual value of the hereditament of thirty per centum.

As to
rateable
value of
special
properties.

(2) For the purposes of determining the rateable value of any hereditament within the borough which belongs to the said class (3) and is also a hereditament to which the said section 68 applies that section shall have effect as if the words “the like deduction as would have been made under the said provisions” at the end of the proviso to subsection (1) of that section meant a deduction of thirty per centum.

(3) The Ascertainment of Rateable Values (No. 2) Order 1927 is hereby revoked so far as it relates to the borough.

519.—(1) The total amount in the pound of the general rate or rates to be made and levied by the Corporation upon any rateable hereditament (other

Differential
rates.

A.D. 1931.

than a hereditament to which the immediately preceding section of this Act applies) situate in the part of the borough which comprises an area described in column 1 of the following table shall in each of the years specified in column 2 of that table be less than the total amount in the pound of the general rate or rates to be made and levied by the Corporation in the same year upon any hereditament (other than as aforesaid) within the part of the borough which comprises the former parish of Brighton by the sum stated under the year in question opposite to the description of the area :—

Column 1. Description of areas.	Column 2. Year commencing the 1st day of April.							
	1932.	1933.	1934.	1935.	1936.	1937.	1938.	1939.
That part of the borough which immediately prior to the 1st day of April 1928 formed the parish of Prestcn.	<i>s. d.</i> 1 00	<i>s. d.</i> 0 10	<i>s. d.</i> 0 80	<i>s. d.</i> 0 60	<i>s. d.</i> 0 40	<i>s. d.</i> 0 2	<i>s. d.</i> Nil	<i>s. d.</i> Nil
Those parts of the borough which immediately prior to the 1st day of April 1928 formed part of the parish of Patcham part of the parish of West Blatchington and the parish of Ovingdean.	2 01	9 1	6 1	3 1	0 0	9 0	6 0	3
That part of the borough which immediately prior to the 1st day of April 1928 formed part of the parish of Falmer.	1 61	3 1	0 0	9 0	6 0	3	Nil	Nil
That part of the borough which immediately prior to the 1st day of April 1928 formed the parish of Rott- ingdean.	0 10	0 8	0 6	0 4	0 2	Nil	Nil	Nil
That part of the borough which immediately prior to the 1st day of April 1928 formed part of the borough of Hove.	1 00	9 0	6 0	3	Nil	Nil	Nil	Nil

(2) In this section the expression "the former parish of Brighton" means the parish of Brighton as it existed immediately prior to the first day of April nineteen hundred and twenty-eight.

520.—(1) The Corporation may appoint rate collectors for the borough and any other officers necessary for the discharge of or to assist in the discharge of the duties of rate collector and may determine and specify the duties to be by him or them executed and performed and fix the remuneration to be paid to him or them and on revocation of the appointment of any such officer so to be appointed or on the retirement by agreement with the Corporation of any officer taken over by the Corporation under the provisions of section 64 of the Act of 1901 the Corporation may in their discretion compensate such officer for loss of office.

A.D. 1931.
—
Appoint-
ment of
collectors of
rates &c.

(2) The repeal by this Act of section 64 of the Act of 1901 shall not affect any rights which the Corporation or any person may have by virtue of subsections (3) (5) and (6) of that section and such rights shall continue and may be enforced as fully and effectually as if this Act had not been passed.

521. All rates rents and charges which may be demanded or collected by the Corporation shall if not paid at the time and place of demand be paid at the town hall or such other place as the Corporation shall from time to time appoint. If the Corporation appoint any such other place for payment of any such rates rents or charges notice of the place so appointed shall be given on every demand note for the rates rents or charges payable thereat.

Place of
payment of
rates.

522.—(1) Except as by this Act otherwise expressly provided all money received by the Corporation whether on capital or revenue account (including all money received by the Corporation on account of the revenue of any undertaking of the Corporation for the time being and interest and other annual proceeds from time to time received by the Corporation on the investments forming part of any fund accumulated for the redemption of debt or as a reserve renewals depreciation contingent super-annuation accident insurance loans consolidated loans or other similar fund) shall be carried to and form part of the general rate fund and all payments and expenses made and incurred by the Corporation in respect of any such undertaking or in carrying into execution the powers and provisions of this or any other Act and not otherwise provided for shall be paid out of that fund or the general rate.

Receipts
and
expenses.

A.D. 1931.

(2) Nothing in this section shall authorise the Corporation to apply capital money to any purpose other than a purpose to which capital money is properly applicable.

PART XXVII.

MISCELLANEOUS.

Power to
provide
lamp-posts
and light
borough.

523.—(1) The Corporation may provide lamp-irons or lamp-posts to be set up or fixed into upon or against the ground adjoining or the walls palisades or iron rails or any other part of any house tenement or building already built or building or which shall at any time hereafter be built within the borough or in such other manner and at such distances as they shall think proper and convenient and may also cause lamps of such sizes and sorts to be provided and fixed to in or upon such lamp-irons or lamp-posts and may alter take down or remove any of the existing or any future lamp irons posts or lamps which shall or may be set up or fixed for the purposes aforesaid.

(2) Section 20 of the Gasworks Clauses Act 1847 as incorporated with the Electric Lighting Act 1882 shall in its application to any pipe pillar or lamp belonging to or under the control of the Corporation have effect as if the words "not exceeding five pounds" were omitted therefrom and if any such pipe pillar or lamp be broken thrown down or damaged by any vehicle the Corporation may under the said section 20 as so amended recover satisfaction for the damage so done against either the driver or the owner of the vehicle as the Corporation may elect. Provided that if the vehicle was being driven without the authority of the owner the owner may (if the Corporation proceed against him under the provisions of this subsection) upon complaint duly laid by him cause the driver of the vehicle to be brought before the court at the time appointed for hearing the complaint and if the owner proves to the satisfaction of the court that the vehicle was being driven without his authority the court may make such order upon the driver of the vehicle as they could have made if such driver had been the person with regard to whom complaint was made by the Corporation.

(3) No lamp-irons or lamp-posts shall be set up or fixed into upon or against any ground or building belonging to the gas company without the previous consent in writing of that company. A.D. 1931.
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(4) No lamp-irons or lamp-posts shall be set up or fixed into upon or against any ground buildings bridge or work of the railway company without the previous consent in writing of that company but such consent shall not be unreasonably withheld and if any difference shall arise between the railway company and the Corporation as to whether any consent of the railway company under this section has been unreasonably withheld the difference shall be determined by an arbitrator to be agreed or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers.

524. Every person who wilfully takes from any fountain or trough provided by the Corporation under section 14 of the Public Health Act 1925 any water for use elsewhere than at the fountain or trough or for any purpose other than drinking or the watering of horses or cattle shall be liable for every such offence to a penalty not exceeding five pounds. Penalty for misuse of water supplied at fountain or trough.

525. The Corporation may—

- (i) erect or fix and maintain police telephone call boxes in such positions in any street park or public place within the borough as they think fit; and Police telephone call boxes and fire alarms.
- (ii) with the consent of the highway authority (which consent may be given subject to such terms and conditions as to that authority may seem fit) and with the consent and at the cost of the local authority (which cost the local authority are hereby authorised to incur) erect or fix street fire alarms in such positions as may be agreed in any street park or public place in the borough or district of any local authority with whom the Corporation have entered into an agreement for the use of their fire brigade :

Provided that the Corporation shall not under the powers of this section except with the consent in writing

[Ch. cix.] *Brighton Corporation* [21 & 22 GEO. 5.]
Act, 1931.

A.D. 1931. — of the railway company erect or fix any call box or fire alarm—

- (a) in or upon any bridge carrying a street over a railway of the railway company or the approaches thereto or under any bridge carrying a railway of the railway company over a street; or
- (b) in any street belonging to and repairable by the railway company and forming the approach to any station or depot of the railway company; or
- (c) so as to obstruct the access to or exit from any station or depot of the railway company.

Existing traffic signs.

526.—(1) Notwithstanding anything in the Road Traffic Act 1930 the Corporation shall be deemed always to have had power to erect and may maintain the signs for regulating the movement of traffic or indicating the route to be followed by traffic which had been erected by them before and were existing on the seventeenth day of July nineteen hundred and thirty-one in King's Road Preston Circus Seven Dials and the Old Steine.

(2) Any person driving or propelling any vehicle who fails to conform to the indication given by any of the said signs shall be liable to the penalties to which he would have been liable if he had been guilty of an offence under section 49 (Penalties for neglect of traffic directions) of the Road Traffic Act 1930.

Power to expend money on lectures.

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

Further power to expend money on advertising borough and power to establish information bureaux.

528.—(1) If in any year the profits received by the Corporation from the sources mentioned in section 2 of the Health Resorts and Watering Places Act 1921 as amended by this Act are less than the amount which would be produced by a rate of one penny and one-third in the pound the Corporation may expend for the purposes of that Act out of the general rate or general rate fund (in addition to those profits) a sum equal to

the difference between the profits so received and the said amount. A.D. 1931.

(2) The Corporation may establish and maintain an information bureau or information bureaux in the borough or in London for the purpose of supplying such information with regard to the borough as may be desired by visitors or intending visitors to the borough and others or may subscribe towards the establishment of any such bureau and may employ and pay such number of clerks assistants and servants as they may think fit for the purpose and may if they think fit make charges for the use of such bureau or bureaux or for information supplied by means thereof Any expenditure incurred by the Corporation under this subsection shall (after deduction of any receipts thereunder) form part of the expenditure of the Corporation for the purposes of the Health Resorts and Watering Places Act 1921 as amended by this Act.

529.—(1) Subject to the provisions of this section the Corporation may accept hold and administer any gift of property whether real or personal for any public purpose connected with the borough and may execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section and where the purposes of the gift are purposes for which the Corporation are empowered to expend money out of the general rate fund or the general rate they may subject to any condition or restriction attaching to such power expend money out of the general rate fund or the general rate in the execution of such works in relation to the subject matter of the trust.

Acceptance
of gifts by
Corporation.

(2) This section shall not extend to property (other than advowsons) relating to affairs of the church within the meaning of the Local Government Act 1894 or to an ecclesiastical charity within the meaning of that Act.

(3) The Corporation shall keep separate accounts of their income and expenditure under this section.

530. Notwithstanding anything in section 113 of the Highway Act 1835 the provisions of the Highway Acts 1835 to 1885 as amended by subsequent Acts shall apply to the borough as if the roads therein had not on

Application
of Highway
Acts to
borough.

A.D. 1931. — the thirty-first day of August 1835 been repairable under or by virtue of the provisions of the Act of 1825.

Under-
takings
to bind
successive
owners.

531.—(1) Every undertaking or agreement under seal expressed to be made in pursuance of this section and given by or to the Corporation to or by any owner of property on the passing of plans or otherwise in connection with the property of such owner and registered as hereinafter provided shall be binding upon the owner of the property for the time being and all persons claiming through or under him and upon the Corporation and such owner shall be entitled to require from the Corporation a copy of such undertaking or agreement.

(2) Every such undertaking or agreement shall for the purposes of Part VI of the Land Charges Act 1925 (as amended by the Law of Property (Amendment) Act 1926) be deemed to be a local land charge and shall be registered by the proper officer accordingly and the provisions of the said Acts and the rules made or to be made thereunder and in force for the time being shall apply thereto.

(3) Where at the time of such undertaking or agreement being given the legal estate in the property to which the undertaking or agreement relates is not vested in the owner thereof as defined by this section that undertaking or agreement shall not be binding upon the person in whom the legal estate in such property is at that date vested or upon his successors in title unless such person joins in the undertaking or agreement nor shall any undertaking or agreement relating to property to which the owner is entitled for a term of years only be binding upon any person for the time being entitled to such property in reversion immediate or otherwise unless such person joins in such undertaking or agreement.

(4) In this section the expression "owner" means the person for the time being receiving the rack-rent of the property in respect of which such undertaking or agreement is given whether on his own account or as trustee for any other person or who would so receive the same if the property were let at a rack-rent.

Stopping up
of certain
highways.

532.—(1) When a new road in lieu thereof has been completed and opened for public use the Corporation

may stop up so much of the existing main road from Brighton to Newhaven as is situate between a point about two hundred and seventy-two yards westwards and a point about two hundred and fifteen yards eastwards of Greenway Road.

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(2) When the Corporation shall have become the owners in possession of the land on each side of the unnamed road about fifty feet in length in the borough situate between St. James's Street and Steine Street they may stop up the said unnamed road.

(3) On the stopping up of any road under the provisions of this section all public and private rights of way and all other rights in over or affecting the road shall be by virtue of this Act extinguished and the site and soil thereof shall vest in the Corporation freed and discharged from all such rights. Provided that the Corporation shall make full compensation to all persons interested in any private rights of way which become extinguished by virtue of this section.

(4) Notwithstanding the stopping up of any road or portion of road under this section the Postmaster-General shall continue to have the same powers and rights in regard to any telegraphic line which remains in under along or across the site of the road or portion of road as if the same had continued to be part of the road or portion of road (as the case may be). Provided that if it becomes necessary in the opinion either of the Postmaster-General or of the Corporation to alter any such telegraphic line the following provisions shall apply :—

- (i) If the Postmaster-General desires to alter the telegraphic line he may at his own expense if the line is under the portion of road referred to in subsection (1) of this section and at the expense of the Corporation if the line is under the road referred to in subsection (2) of this section remove the line and substitute a telegraphic line in such other place as the Postmaster-General may require :
- (ii) If the Corporation desire to alter the telegraphic line the enactments of section 7 of the Telegraph Act 1878 shall thereupon apply in all respects as though the Corporation were undertakers within the meaning of that Act.

A.D. 1931.

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Power to
close
Madeira
Drive and
Madeira
Terraces on
special
occasions.

533. The Corporation may from time to time permit the use of the whole or any part of the Madeira Drive or Madeira Terraces for any special purpose tending to promote the amusement or enjoyment of the inhabitants of or visitors to the borough and at such times may close the whole or any part of Madeira Drive or Madeira Terraces against the public and may demand and take or permit to be demanded or taken such reasonable sums for the exclusive occupation of Madeira Drive or Madeira Terraces or any portion thereof or for the admission of persons vehicles goods and things to Madeira Drive or Madeira Terraces or any portion thereof as they may think fit and may exclude therefrom all persons vehicles goods and things unless payment be made of the reasonable sums demanded. Provided that the Corporation shall not in any one year close Madeira Drive or Madeira Terraces or any part thereof under the powers of this section for any period exceeding in the whole twenty-eight days. Provided also that the Corporation shall not close any part of Madeira Drive against any person bona fide going to or from any house or premises abutting on Madeira Drive or demand any sum for the admission of any such person to Madeira Drive or for any vehicle goods or things lawfully driven or taken by any such person to or from any such house or premises.

Ejection of
steam and
waste gas to
annoyance
of public.

534.—(1) All steam or waste gas ejected from any stationary engine or the boiler or condensers thereof and all condensing water above a temperature of one hundred and ten degrees Fahrenheit so ejected and all spent and ejected steam arising or produced in any trade business or manufacture shall be so discharged as not to be an annoyance to the public.

(2) Any person who shall cause or permit steam or waste gas to be ejected or discharged contrary to the provisions of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(3) The provisions of this section shall not apply to a railway locomotive.

Silencers for
internal
combustion
engines.

535.—(1) Every person who uses a stationary internal combustion engine shall provide and use an effective silencer on the exhaust of such engine and shall

at all times at his own expense keep such silencer in proper repair. A.D. 1931.

(2) The Corporation shall have access to and be at liberty to take off remove test inspect and replace any such silencer at all reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Corporation if the silencer be found in proper order but otherwise at the expense of the person aforesaid Provided that this subsection shall not apply to any stationary internal combustion engine belonging to the railway company and used by them for the purposes of their railway undertaking or belonging to the gas company and used by them for the purposes of their gas undertaking.

(3) Any person who shall use a stationary engine or permit the same to be used contrary to the provisions of this section after having received reasonable notice in writing from the Corporation to the effect that he is or has been so using such engine or permitting the same to be used shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

536.—(1) A noise nuisance shall be liable to be dealt with in accordance with the provisions relating to nuisances of the Public Health Act 1875 : Noise nuisance.

Provided that no complaint shall be made to a justice under section 105 of the said Act unless it is signed by not less than three householders or occupiers of premises within hearing of the noise nuisance complained of.

(2) For the purpose of this section a noise nuisance shall be deemed to exist where any person makes or continues or causes to be made or continued any excessive or unreasonable or unnecessary noise and where such noise (a) is injurious or dangerous to health and (b) is capable of being prevented or mitigated having due regard to all the circumstances of the case :

Provided that if a noise is occasioned in the course of any trade business or occupation it shall be a good defence that the best practicable means of preventing or mitigating it having regard to the cost have been adopted.

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—

(3) Nothing in this section shall apply to the railway company or their servants exercising statutory powers.

Removal of
sand &c.
from
seashore.

537.—(1) Without prejudice to the provisions of section 584 (Crown rights) of this Act any person other than a grantee from the Crown who at any time digs carries away or removes any sand marl gravel shingle rock or other material from the seashore or beach (above or below high-water mark) or from any sea defence work or embankment esplanade footway or carriageway upon which such sand marl gravel shingle rock or other material has been thrown by the sea within or fronting on the borough or within the limits of any district within which the Corporation are for the time being maintaining works of sea defence under statutory authority without having first obtained the permission in writing of the Corporation or who having obtained such permission digs carries away or removes any sand marl gravel shingle rock or other material from any part of the seashore or from any sea defence work or embankment esplanade footway or carriageway as aforesaid or in any quantity or manner other than the part quantity or manner permitted shall for every such offence be liable to a penalty not exceeding twenty pounds.

(2) The byelaw numbered 2 in the series of byelaws for securing good rule and government and for the prevention of nuisances on the sea-beach and foreshore in the borough made by the Corporation on the twenty-eighth day of July eighteen hundred and seventy-five is hereby revoked.

Regulation
of petro-
leum filling
stations.

538.—(1) Section 11 (Byelaws as to petroleum filling stations) of the Petroleum (Consolidation) Act 1928 in its application to the borough shall be extended so as to empower the Corporation to make byelaws in accordance therewith for the purpose of preserving for the enjoyment of the public or residents the amenities of any street.

(2) After the commencement of this Act no petroleum filling station shall without the consent of the Corporation be erected on any land in the borough so as to be adjacent to any street or so that any carriageway forming part of the station communicates directly with any street but the Corporation shall not refuse to give such consent as aforesaid except for the purpose of preventing obstruction to traffic.

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(3) Any person aggrieved by the refusal of the Corporation to give their consent under subsection (2) of this section may within fourteen days after the refusal has been communicated to him appeal to a court of summary jurisdiction provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk. Notice of the right to appeal shall be endorsed on every communication of the refusal of the Corporation to give their consent.

(4) If any person erects or permits to be erected any petroleum filling station in contravention of the provisions of subsection (2) of this section he shall without prejudice to any other proceedings which may be taken against him be guilty of an offence and shall be liable on summary conviction thereof to a penalty not exceeding five pounds and any person so convicted shall within such time as the court may allow do all such things as may be necessary to remove any petroleum filling station erected in contravention of this section and if he fails to do so he shall be deemed to commit a continuing offence and shall be liable on summary conviction thereof to a daily penalty not exceeding forty shillings.

(5) In this section the expression "petroleum filling station" has the same meaning as in the Petroleum (Consolidation) Act 1928.

539.—(1) Subject to the provisions of subsection (2) of this section the powers duties and liabilities of a parish council transferred to or conferred on the Corporation by the order of the Local Government Board under section 33 of the Local Government Act 1894 dated the twenty-eighth day of February nineteen hundred and one in relation to matters in the said order specified (so far as such powers duties and liabilities are still in force or still have effect) shall be deemed to have been transferred to or conferred on the Corporation in respect of the borough and of the parish of Brighton as existing at the commencement of this Act and the said order shall have effect accordingly.

Order under
section 33 of
Act of 1894.

(2) The powers duties and liabilities of a parish council under section 14 of the Local Government Act 1894 conferred on the Corporation by the above-mentioned order shall be deemed to have been conferred

A.D. 1931. — on the Corporation in respect of the parishes of Brighton and Preston as they existed immediately before the first day of April nineteen hundred and twenty-eight and as if those parishes had not been altered by the Act of 1927 and the order shall have effect accordingly.

(3) An order may be made by the Minister under section 33 of the Local Government Act 1894 with respect to any charity held wholly or partly for the benefit of the inhabitants of any parish or portion of parish as existing immediately before the said first day of April and included by the Act of 1927 in the parish of Brighton.

(4) Any powers which the inhabitants in vestry assembled of any part of the borough may have at the commencement of this Act to appoint a vestry clerk shall cease to have effect.

Parish of
Brighton
and
parochial
matters.

540.—(1) Any land which in pursuance of subsection (2) of section 10 (Boundary of borough and borough map) of this Act is from time to time deemed to be part of the borough and to cease to be part of the transferred area shall at the same time become part of the parish of Brighton so that the boundary between the parish of Brighton and the parish of Hove shall always be coincident with the boundary between the borough and the borough of Hove.

(2) All business transacted by the council under or in exercise of any right custom privilege or power attached to or exercisable by them in lieu of the parishioners ratepayers or inhabitants in vestry assembled of the parish of Brighton in relation to the parochial affairs of that parish may be transacted at the town hall or such other place in the borough as the council shall from time to time appoint.

Power to
charge^r
supervision
in addition
to costs.

541. Whenever under any public general Act from time to time in force in the borough or under any local enactment the Corporation either on the application or in consequence of the default of the owner or occupier of any premises execute any work the cost of which is payable by such owner or occupier the Corporation may if they think fit (in addition to the actual costs of such works) charge and recover in respect of plans sections measuring supervision and all other matters an amount

not exceeding five per centum of the amount of the actual cost of such works. A.D. 1931.

542.—(1) In this section the expression “ expenses ” shall include private improvement expenses and all expenses at any time incurred by the Corporation for the repayment whereof the owner or occupier of the premises for or in respect whereof the expenses may have been or may be incurred is liable under the Public Health Acts or under any local enactment or under any agreement with or by reason of any application of such owner or occupier and whether such expenses shall have been declared to be private improvement expenses or not. As to expenses.

(2) If any expenses be not paid within the period of one month from the date of the demand thereof or where they are disputed within a period of fourteen days after the settlement of the dispute the Corporation may from the expiration of such period to the date of payment charge interest thereon at such rate as they may determine not exceeding five per centum per annum and such interest shall be added to and be deemed part of the expenses and be recoverable accordingly and notice of the amounts due to the Corporation shall be deemed a sufficient demand for all purposes whatsoever except in case of dispute in which case a fresh demand shall be made after the settlement of the dispute.

(3) Any expenses for the repayment whereof the owner is liable as mentioned in subsection (1) of this section and any interest thereon shall until the expenses and interest are recovered by the Corporation be a charge on the premises for or in respect whereof the expenses were incurred.

(4) Expenses incurred by the Corporation in respect of premises belonging to or in the occupation of two or more different owners or occupiers shall (unless other provision is made) be apportioned among such owners or occupiers by the Corporation in such proportions as they may determine.

(5) Whenever expenses have been settled or apportioned by the Corporation or the surveyor the settlement or apportionment shall be binding and conclusive upon any person liable to pay the whole or any part of such expenses unless within one month from the time of

A.D. 1931. written notice being given to him by the Corporation or the surveyor of the amount of the settlement or apportionment such person shall by written notice object to the settlement or apportionment and state the particulars and grounds of his objection. The provisions of this subsection shall be endorsed on every notice of settlement or apportionment and any such objection shall be settled by a court of summary jurisdiction.

(6) The Corporation may recover expenses from any person who was the owner of the premises for or in respect of which the expenses were incurred at the time when the works were completed but without prejudice to that right successive owners of the premises shall be liable to the Corporation for the payment of the expenses or for such part thereof as may for the time being remain unpaid until the expenses shall have been fully paid and satisfied and those expenses or such part thereof as may for the time being remain unpaid shall be recoverable by the Corporation from each successive owner within twelve months of his succession and after that period may be recovered by the Corporation from the owner for the time being of the premises summarily or in any court of competent jurisdiction. Provided that no debt shall be recovered under the provisions of this subsection after the expiration of six years from the completion of the works in respect of which the debt is due or in the case of payment by instalments after the expiration of three years from the time when any instalment became due.

(7) The Corporation may by resolution at any time or from time to time allow to any person liable to the payment of expenses time for the payment thereof or any part or parts thereof and may accordingly order the same to be repaid in one sum or by such instalments as the Corporation think fit with such interest on the sum or sums for the time being unpaid as the Corporation may determine not exceeding five per centum per annum but all sums for the time being remaining unpaid shall nevertheless at the expiration of the periods allowed for their repayment be recoverable as they would have been recoverable had no such time been allowed and with respect to any such instalment the time limited for the recovery of expenses shall be deemed to run only from the time when such instalment becomes due :

Provided that—

(a) If any such instalment is not paid within fourteen days after the same becomes due the total sum for the time being unpaid shall forthwith become due and payable and may be recovered by the Corporation accordingly; and

(b) Nothing in this subsection nor in any proceedings taken by the Corporation thereunder shall prejudice any right the Corporation may have under any other provisions of this section.

(8) If the owner of any premises charged with any expenses fails for the period of six months after the expenses become recoverable from him to pay the same fully or if any such owner is or becomes bankrupt or is after diligent inquiry unknown to the Corporation or cannot be found by them then and in every such case and as often as the same happens the Corporation (by way of additional remedy and whether any action or suit or other proceedings against such owner has been brought by them or not) may on or at any time and from time to time after the expiration of one month from service of a notice on such owner or in case such owner is unknown or cannot be found after the expiration of one month from the affixing of a notice on some conspicuous part of such premises of their intention to put in force the powers of this subsection proceed as follows (namely):—

(i) The Corporation may enter into receipt of and demand and receive from tenants and occupiers and persons liable the rents and profits of such premises and in case of non-payment may use all or any such lawful remedies by way of distress or otherwise for recovering and obtaining payment of the same or any part thereof as may be used by landlords in case of arrears of rent and may do all things necessary or expedient for recovering and receiving the rents and profits as if they were the owners of the premises and the tenants occupiers and persons liable shall pay the rents and profits to the Corporation

A.D. 1931.
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and the receipt of the treasurer or of any officer of the Corporation appointed in that behalf shall be and shall alone be an effectual discharge for the same;

- (ii) Where any such premises is or are unoccupied or unproductive at the time when the Corporation would be entitled under this section to enter into the receipt of the rents and profits thereof (if any) or at any time afterwards while the claim of the Corporation is unsatisfied then and in every such case and as often as the same happens the Corporation may enter into possession of the premises and may occupy enclose and use the same or any part thereof;
- (iii) The Corporation may from time to time let from year to year or for any shorter period any such unoccupied or unproductive premises or any part thereof and receive the rents and profits thereof as if they were the owners thereof.

(9) All rents and profits received in respect of any premises under the preceding subsection shall be applied in the following manner and order:—

- (i) There shall be paid any chief rent payable in respect of the premises;
- (ii) There shall be paid thereout all taxes rates assessments expenses of repairs expenses of collecting the rents and other outgoings properly payable by the owner in respect of the premises except any chief rent;
- (iii) There shall be paid the interest on all mortgages created prior to and subsisting at the date when the Corporation commenced the works on account of which expenses shall be payable Provided that if any mortgage shall include other property a portion only of the interest on such mortgage shall be paid proportionate to the value of such premises such portion to be agreed between the mortgagee and the Corporation or failing agreement to be determined by two justices;

(iv) There shall be retained on behalf of the Corporation the amount which the owner is at the time of the commencement of such receipt by the Corporation liable to pay on account of such expenses as aforesaid in respect of the same premises or any other premises in the same or any other street with interest thereon and all costs incurred by the Corporation in relation thereto by reason or in consequence of the failure of the owner thereof to pay any such expenses as aforesaid;

(v) The surplus (if any) shall be paid to the owner or his representatives or assigns;

(vi) On satisfaction of the expenses and all moneys payable under this subsection the Corporation shall cease (if in occupation) to hold possession of such premises and if the same have been let by them shall forthwith give due legal notice to determine the tenancy thereof.

(10) Whenever the Corporation so enter into the receipts of the rents and profits or into possession of any such premises then for and in respect of the period during which their claim against the owner is unsatisfied (as well after the termination of that period as during its continuance) the owner of the premises shall not have any right to receive any rents or profits of the premises or have any interest therein except under the provisions of this section directing the application of rents and profits received by the Corporation and for and in respect of the period aforesaid (as well after its termination as during its continuance) every or any such right shall as against any lessee of the premises or other person taking through or under the Corporation be by virtue of this section absolutely extinguished.

(11) Nothing in this section shall alter the liabilities of any owner and occupier as between themselves under any covenant or agreement entered into by them with respect to the payment of expenses.

(12) Section 257 of the Public Health Act 1875 shall not apply to any expenses to which this section applies.

A.D. 1931.

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Extending
time for
summary
recovery of
expenses
and rates.

543. Proceedings in a court of summary jurisdiction for the recovery of expenses to which the last preceding section of this Act applies or of any rate payable to the Corporation may be commenced at any time within twelve months from the date of service of a demand for payment thereof. Provided that nothing in this section shall limit or affect the powers of the Corporation with respect to the recovery of the general rate.

In executing
works for
owner Cor-
poration
liable for
negligence
only.

544. Whenever the Corporation or the surveyor under any enactment or byelaws 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 Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation 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 Corporation 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.

Power to
enter
premises.

545. The provisions of section 102 and section 103 of the Public Health Act 1875 shall extend and apply to the purposes of Part XVII (Streets) Part XVIII (Buildings structures and hoardings) Part XIX (Sewers drains and sanitary conveniences) Part XX (Infectious disease and sanitary matters) and Part XXI (Human food).

Penalty on
occupiers
refusing
execution of
Act.

546. If the occupier of any house or part of a house or premises prevents the owner thereof from carrying into effect any requirement of the Corporation under the provisions of Part XVII (Streets) Part XVIII (Buildings structures and hoardings) Part XIX (Sewers drains and sanitary conveniences) Part XX (Infectious disease and sanitary matters) and Part XXI (Human food) of this Act or any byelaw made under any of those provisions then after notice of this provision given by the owner to the occupier a court of summary jurisdiction upon proof thereof may make an order in writing requiring the

occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier continues to refuse to permit the owner to execute the said works he shall for every day during which he so continues to refuse be liable to a penalty not exceeding five pounds and during the continuance of such refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works. A.D. 1931.

If the occupier of any premises when requested by or on behalf of the Corporation to state the name of the owner of the premises occupied by him refuses or wilfully omits to disclose or wilfully mis-states the same he shall (unless he shows cause to the satisfaction of the court for his refusal) be liable to a penalty not exceeding five pounds.

547. Any person who wilfully assaults hinders obstructs or molests any member or officer of or any person appointed or employed by the Corporation in the execution of his duty under any local enactment shall be liable to a penalty not exceeding five pounds. Penalty on persons obstructing officers &c.

548.—(1) The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall (subject to the provisions of subsection (2) hereof) apply to byelaws made by the Corporation under this Act Provided that the confirming authority for byelaws made under section 433 (Byelaws as to bicycles &c. on certain footpaths) and section 442 (Byelaws as to employment agencies) of this Act shall be the Secretary of State and for byelaws made under section 417 (Byelaws as to boats) of this Act shall be the Board of Trade Provided also that as regards byelaws made under section 60 (Byelaws for preventing waste of water) of this Act the Corporation may charge for every copy of those byelaws supplied to any person applying for a copy a sum not exceeding threepence. General provisions as to byelaws.

(2) This section shall not apply to byelaws made by the Corporation under the powers of the following provisions of this Act:—

- (i) Section 31 (Byelaws for preventing contamination of water);

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- (ii) Part IV (Tramways and public service vehicles);
- (iii) Part V (Electricity);
- (iv) Section 259 (Power to provide swimming-baths);
- (v) Section 431 (Byelaws as to leading or driving cattle); and
- (vi) Section 538 (Regulation of petroleum filling stations).

Evidence of
appoint-
ments
authority
&c.

549. Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or of any committee of the council under any public general Act from time to time in force in the borough or under any local enactment it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation 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 mayor or of the town clerk shall be prima 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.

Authentica-
tion and
service of
notices &c.

550.—(1) Where any notice or demand under any public general Act from time to time in force in the borough or under any local enactment requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication and a copy thereof certified by the person who signed the original shall be receivable in evidence and the production of the original shall not be necessary.

(2) Notices demands orders and other documents required or authorised to be served by the Corporation under any public general Act from time to time in force in the borough or under any local enactment may be served in the same manner as notices under the Public Health Act 1875 are by section 267 (Service of notices) 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 registered office or at their principal office or place of business. A.D. 1931.
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(3) In the case of licences and certificates granted by the Corporation under any public general Act from time to time in force in the borough or under any local enactment the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

(4) Except where otherwise expressed to the contrary any notice to or demand on the Corporation under this Act may be served on the Corporation by being delivered to the town clerk or by being sent through the post by registered letter directed to the town clerk in which latter case service shall be deemed to be effected on the Corporation on the day on which such letter would be delivered in the ordinary course of post.

551.—(1) Where by the Public Health Acts or this Act or any byelaw for the time being in force it is required that any notice plan or instrument be left at the office of the town clerk or the surveyor it shall be left there between the hours of ten o'clock in the forenoon and five o'clock in the afternoon on any week-day except Saturday and between the hours of ten o'clock in the forenoon and noon on a Saturday Christmas Day Good Friday and all bank holidays are however excepted days on which no notices shall be given by or sent to the Corporation. Hours for
notices &c.

(2) This section shall not affect the right to serve any notice plan or instrument by post where service by post is authorised by the Act or byelaws under or in pursuance of which the notice plan or instrument is served.

552. Where under any public general Act from time to time in force in the borough or under any local enactment the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent. Breach of
conditions
of consent of
Corporation.

A.D. 1931.
Consents of Corporation to be in writing.

553. All consents given by the Corporation under the provisions of any local enactment shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk or other duly authorised officer of the Corporation.

Powers of court of summary jurisdiction on appeal.

554. On any appeal to a court of summary jurisdiction under this Act the court may (unless other provision is made) make such order on such terms and conditions as they may think just and may award costs.

Appeals to court of quarter sessions.

555. Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer or valuer of the Corporation or by any conviction or order made by a court of summary jurisdiction under any provision of this Act may (if no other mode of appeal is provided by this Act) appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal.

Compensation how to be determined.

556. When any compensation costs damages or expenses is or are by any local enactment directed to be paid and the method of determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts Provided that where any such compensation costs damages or expenses is or are directed or authorised to be paid or recovered in addition to any penalty for any offence the amount of such compensation costs damages or expenses in case of dispute may be ascertained by the court before whom any offender is convicted.

Several sums in one summons.

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

558. Save as herein expressly provided all informa- A.D. 1931.
tions and complaints under or for the breach of any of —
the provisions of the Public Health Acts or any local Informa-
enactment may be laid and made by any officer of the tions by
Corporation duly authorised in that behalf or by the whom to be
town clerk or by any police officer acting for or within laid.
the borough.

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

560. Save as otherwise by this Act expressly Recovery of
provided all offences against this Act and all penalties
penalties forfeitures costs and expenses imposed or &c.
recoverable under this Act or any byelaw or regulation
made in pursuance thereof may be prosecuted and
recovered in a summary manner Provided that costs
or expenses except such as are recoverable along with a
penalty shall not be recovered as penalties but may be
recovered summarily as civil debts.

561. Nothing in this Act shall protect any person Saving for
from being proceeded against by way of indictment in indictments
respect of any matter by this Act made punishable on &c.
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.

562. All powers rights and remedies given to the Powers of
Corporation by this Act shall (except where otherwise Act cumu-
expressly provided) be deemed to be in addition to and lative.
not in derogation of any other powers rights or remedies
conferred on them or on any committee appointed by
them by Act of Parliament charter law or custom and
the Corporation or such committee as the case may be
may exercise such other powers and be entitled to such
other rights and remedies as if this Act had not been

- A.D. 1931. — passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.
- Application of section 265 of Public Health Act 1875. **563.** Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of any local enactment as if the same were re-enacted therein.
- Judges not disqualified. **564.** A judge of any court or a justice shall not be disqualified from acting in the execution of this Act or any other local enactment by reason of his being liable to any rate.
- Inquiries by Minister of Health. **565.**—(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 under this Act and the inspectors of the Minister shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by the Minister under the Public Health Act 1875.
(2) The Corporation shall pay to the Minister any expenses incurred by the Minister in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by the Minister not exceeding five guineas a day for the services of such inspector.
- Inquiries by Minister of Transport. **566.** In respect of the exercise of any powers or duties conferred on the Minister of Transport or the giving by him of any consents under this Act the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words “under the seal of the Minister of Transport” were substituted for the words “by writing under the hand of the President or of one of the secretaries of the Board.”
- Application of Arbitration Act 1889. **567.** Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be subject to the provisions of the Arbitration Act 1889.

568.—(1) Nothing in this Act shall in any way alter or affect the powers of the county council to rebuild alter widen or repair the structure of any bridge upon which any work by this Act authorised shall be constructed or impose upon the county council any liability which was not by law imposed upon them prior to the commencement of this Act.

A.D. 1931.
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For protec-
tion of
county
bridges.

(2) If at any time the county council require to carry out works for rebuilding altering widening or repairing any bridge which works might involve interference with any portion of the electricity and water undertakings of the Corporation they shall prior to the commencement of such works give the Corporation one month's notice in writing of their intention to carry out the works and if in order to avoid interruption to the supply by the Corporation of electricity or water it is in the opinion of the county council necessary temporarily to remove the mains and other appliances belonging to the Corporation from such bridge then the Corporation shall (and are hereby authorised so to do) at their own expense temporarily carry their cables wires and pipes across such bridge overhead or at the side thereof in such a manner as will not be a danger or inconvenience to the public or unreasonably interfere with the works to be carried out by the county council.

(3) When the rebuilding altering widening or repairing of such bridge shall have been completed the Corporation shall have the same rights and powers with regard to such bridge and its approaches as they had before the works were carried out.

(4) If any dispute arises between the county council and the Corporation with regard to the foregoing provisions of this section the same shall be determined by an arbitrator to be appointed on the application of either party by the Minister of Transport.

569. Notwithstanding anything in this Act the Hove Corporation may at all times and from time to time construct lay down renew repair maintain and remove such sewers and drains as they may consider necessary for effectually draining any part of the borough of Hove in or under so much of Dyke Road as was by the Act of 1927 included within the borough in all respects as if so much of Dyke Road as aforesaid formed part of the borough of Hove.

As to
sewers &c.
in Dyke
Road.

[Ch. cix.] *Brighton Corporation* [21 & 22 GEO. 5.]
Act, 1931.

A.D. 1931.

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Confirma-
tion of
agreement
with Hove
Corporation.

570. Nothing in this Act shall invalidate the agreement made the twenty-seventh day of January nineteen hundred and twenty-seven between the Corporation and the Hove Corporation as set forth in the Twelfth Schedule and that agreement shall continue in force and be binding on the parties thereto.

Saving
certain
provisions
for protec-
tion of
Corporation.

571. Notwithstanding the repeal by this Act of the Act of 1927 the provisions of any protective clause for the benefit of the East Sussex County Council the Hove Corporation the Newhaven Rural District Council or the former Steyning East Rural District Council (or the predecessors of any such council or corporation) contained in any local Act confirmation Act or Provisional or Special Order (by whomsoever obtained) shall in respect of all matters relating to or affecting any part of any of the areas added to the borough by the Act of 1927 enure to the benefit of the Corporation and be construed as if a reference to the Corporation were substituted for any reference to such council or corporation (or their predecessors) as the case may be.

Saving
for gas
company.

572. The extension of the borough effected by the Act of 1927 shall not prejudice or affect the rights powers or duties of the gas company as existing at the commencement of that Act.

Provisions
as to
Brighton
Inter-
cepting and
Outfall
Sewers
Board.

573.—(1) Any reference in the Brighton Intercepting and Outfall Sewers Act 1870 and the Brighton and Hove (Outfall Sewers) Orders 1888 to 1929 to the Corporation or to the Brighton Local Board and to the constituent area or district of the Corporation or the Brighton Local Board shall be construed as a reference to the Corporation and the borough. Provided that (except so far as may be agreed with the board and the Hove Corporation) the Corporation shall so far as may be reasonably practicable secure that all surface water and storm water from the several areas added to the borough by the Order of 1923 and the Act of 1927 (other than the area defined in the Act of 1927 as the added part of Hove) shall be excluded from any sewer for draining those areas which communicates or may communicate directly or indirectly with a sewer of the Brighton Intercepting and Outfall Sewers Board.

(2) Any reference in the said Act of 1870 or the said Orders of 1888 to 1929 to the Hove Corporation or to the West Hove Commissioners or the Brunswick Square and Terrace Commissioners shall be construed as a reference to the Hove Corporation and for the purpose of that Act and those Orders the constituent area of the Hove Corporation shall be deemed to be the borough of Hove as altered on the first day of April nineteen hundred and twenty-eight.

A.D. 1931.

(3) Nothing in this section shall be construed so as to affect the rights or obligations subsisting immediately prior to the first day of April nineteen hundred and twenty-eight in the area defined in the Act of 1927 as the added part of Hove and in the transferred area as regards the laying maintenance or use of sewers.

(4) Nothing in this Act shall affect the operation of section 15 of the Hove (Extension) Order 1927.

574. Subject to the provisions of any future order of the Minister the provisions of the order of the Local Government Board dated the twenty-fourth day of October eighteen hundred and ninety-two (and any amending order) relating to the constitution of the New Shoreham Port Sanitary Authority and providing for the apportionment of the expenses incurred by that authority and other matters shall be read and have effect as if references to the borough and the Corporation were substituted therein for references applicable to the borough of Brighton as it existed on the said twenty-fourth day of October eighteen hundred and ninety-two and the Corporation of that borough.

New
Shoreham
Port
Sanitary
Authority.

575.—(1) Nothing in this Act shall affect the limits of the parliamentary borough of Brighton or of the parliamentary county of East Sussex or of any division thereof or the powers of the county council under section 31 (Division of constituency into polling districts and appointment of polling places) of the Representation of the People Act 1918 or any order or scheme made by the county council for the division of the parliamentary county of East Sussex into polling

As to
parlia-
mentary
electoral
areas.

A.D. 1931. districts and the appointment of polling places for
— parliamentary elections.

(2) The registration officer of the parliamentary county of East Sussex on publication of the electors' lists for each registration unit comprising any part of any of the areas added to the borough by the Order of 1923 or the Act of 1927 and situate within that parliamentary county shall supply the registration officer of the parliamentary borough of Brighton with a sufficient number of copies of those lists.

(3) It shall be the duty of the registration officer of the said parliamentary borough to issue such notices and otherwise to take such steps as are required by rule 23 in the First Schedule to the Representation of the People Act 1918 in order to secure that no person is registered as a local government elector in respect of more than one qualification in the borough for the purpose of elections of the council.

(4) Where the registration officer of the said parliamentary borough considers (whether on account of an expression of choice by a person affected by a duplicate entry or otherwise) that any correction required for the purpose aforesaid should be made in the electors' lists of any registration unit comprising any part of the areas referred to in subsection (2) of this section and situate within the parliamentary county of East Sussex he shall forthwith notify the registration officer of that parliamentary county and that officer shall make such correction accordingly.

Saving
rights of
ratepayers
of certain
parishes.

576. Any ratepayer of any of the parishes of Preston Patcham Ovingdean Rottingdean West Blatchington and Falmer as existing immediately before the first day of April nineteen hundred and twenty-eight shall at all times have the same right of inspection and of making extracts from the books minutes deeds papers or writings referred to in section 71 of the Act of 1927 as he would have had if the said parishes of Preston Patcham Ovingdean and Rottingdean and the portions of the said parishes of West Blatchington and Falmer defined in the Act of 1927 as "the added part of West Blatchington" and "the added part of Falmer"

respectively had not been included in the parish of Brighton by the Act of 1927. A.D. 1931.

577. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund and general rate or out of moneys to be borrowed under this Act for that purpose. Costs of Act.

PART XXVIII.

SAVING OF CROWN AND OTHER RIGHTS.

578. The Corporation shall not nor shall any other body or person under the powers of this Act or of the Electricity (Supply) Acts 1882 to 1928 carry out below high-water mark on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith any work (other than a work of repair) or dredging or deposit below high-water mark any material excavated or dredged without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plans and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Corporation or any other body or person shall not at any time alter or extend the work without obtaining previously to making any alteration or extension the like consent or approval If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the work and restore the site thereof to its former condition at the cost and charge of the owner of the work and the amount of such costs and charges shall be a debt due from the owner of the work to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt. Works below high-water mark not to be constructed without consent of Board of Trade.

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—
Lights on
works
during con-
struction.

579.—(1) The Corporation shall at or near such part of the works authorised by this Act as shall be below high-water mark during the whole time of the construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade shall from time to time require or approve.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

Permanent
lights on
works.

580.—(1) After the completion of any works authorised by this Act and situate below high-water mark the Corporation shall at the outer extremity of those works below high-water mark exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House shall from time to time direct.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

Survey of
works by
Board of
Trade.

581. If at any time the Board of Trade deem it expedient for the purposes of this Act to order a survey or examination of any work constructed by the Corporation under the powers of this Act and situate on under or over tidal waters or tidal lands below high-water mark or of the site upon which it is proposed to construct any such work the Corporation shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt :

Provided that nothing in this section shall apply to any work constructed before the commencement of this Act under the powers of section 162 (Commissioners to repair groynes and erect new ones) of the Act of 1825. A.D. 1931.

582.—(1) Where any work constructed by the Corporation under the powers of the former Acts and Orders or this Act or of the Electricity (Supply) Acts 1882 to 1928 and situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark is abandoned or suffered to fall into decay the Board of Trade may by notice in writing either require the Corporation at their own expense to repair and restore such part of such work as is situate below high-water mark or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Board of Trade may think proper. Abatement
of work
abandoned
or decayed.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above high-water mark and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Board of Trade may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served on the Corporation they have failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

583.—(1) In case of injury to or destruction or decay of the works by this Act authorised or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark the Corporation shall lay down such Provision
against
danger to
navigation.

A.D. 1931. — buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House and shall apply to that corporation for directions as to the means to be taken.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Crown
rights.

584.—(1) Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation or any other body or person to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

(2) Without prejudice to the generality of the provisions of this section nothing in this Act shall affect any rights and privileges of the Postmaster-General under the Telegraph Acts 1863 to 1926 or any telegraphic line belonging to or used by the Postmaster-General and constructed or placed thereunder.

PART XXIX.

REPEAL.

Repeal.

585.—(1) Subject to the provisions of this Act the unrepealed provisions of—

(a) The Acts specified in Part I of the First Schedule;

(b) The Orders specified in Part II of that schedule (other than the Brighton Order 1924 the Brighton Order 1925 and the Brighton Order 1929) and so much of the Acts specified in that Part as relates to the Orders so specified (other than the three Orders aforesaid); and

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(c) The Orders specified in Part III of that schedule; are hereby repealed except as hereinafter in this section mentioned.

(2) Notwithstanding anything in this Act the provisions of the former Acts and Orders which are set forth in the Thirteenth Schedule shall not be repealed but shall continue in force and have effect as hereinafter mentioned:—

(a) The provisions of the sections of the local Act 6 Geo. IV. cap. clxxix set forth in the Thirteenth Schedule shall so far as immediately before the commencement of this Act they related to any of the provisions of the said local Act have effect after the commencement of this Act in relation to such of those provisions as are re-enacted in this Act but not further or otherwise;

(b) Any other provisions of the former Acts and Orders set forth in the Thirteenth Schedule shall continue in force and have effect for the like purposes and to the like extent as they were in force and had effect immediately before the commencement of this Act but not further or otherwise.

586.—(1) Notwithstanding the repeal effected by the immediately preceding section or anything in this Act—

Savings
from effect
of repeal.

(a) All property vested in the Corporation at the commencement of this Act shall continue vested in the Corporation and all acts works matters and things before the commencement of this Act done or commenced under the powers of the former Acts and Orders or any of them and which were at the commencement

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—

of this Act valid and available or in progress and all notices to treat and other notices served under the former Acts and Orders and all agreements awards conveyances contracts deeds instruments leases obligations restrictions conditions rights and remedies which at the commencement of this Act were existing and valid shall be and continue valid and available for and against all parties and may be continued enforced and completed as if this Act had not been passed;

- (b) All actions arbitrations prosecutions and proceedings (including adjustments of property income debts liabilities and expenses under the provisions of the Order of 1923 and the Act of 1927) by with or against the Corporation by reason of any matter or thing accruing or done before the commencement of this Act under or in execution of or in relation to the provisions of the former Acts and Orders or any of them may be continued commenced taken made or prosecuted by or against the Corporation as if this Act had not been passed;
- (c) Any enactment in the former Acts and Orders which altered or prescribed the boundaries of the borough or of any district parish ward electoral division petty sessional division or other area or which abolished any such area or which made provision with regard to the council or other local authority or the poor law authority of or the jurisdiction of the county council within any such area or in regard to the members of any such council or authority or with regard to any justices of the peace or clerk to such justices and which immediately before the commencement of this Act was in force shall (subject to the provisions of section 11 (Wards and number of councillors) of this Act) continue to have effect as if this Act had not been passed;
- (d) All byelaws rules regulations orders (except the orders expressly repealed revoked or

annulled by this Act) licences scales of charges lists of tolls and tables of fees which at the commencement of this Act were existing and valid shall until repealed altered or revoked or until their expiration continue in force within the borough or other area in which they were respectively in force immediately before the commencement of this Act and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Act Provided that notwithstanding anything in the former Acts and Orders or in this section the byelaws made by the Corporation in pursuance of Part II of the Public Health Acts Amendment Act 1890 on the 7th September 1893 and allowed by the Board of Trade on the 14th December 1893 shall be in force in the borough until revoked in the manner indicated by section 25 of the Public Health Act 1925;

- (e) All rates tolls charges and other sums at the commencement of this Act due or accruing due to the Corporation or any other authority company body or person may be collected and recovered as if this Act had not been passed;
- (f) All books and documents which under any of the former Acts and Orders or otherwise would have been receivable in evidence shall be receivable in evidence as if this Act had not been passed;
- (g) Any agreement or document relating to the provisions of any of the former Acts and Orders which are re-enacted in this Act shall be of full force and effect and shall be deemed to refer to the provisions in that behalf contained in this Act.

(2) The mention of particular matters in this Part of this Act shall not be held to prejudice or affect the general application of section 38 (Effect of repeal in future Acts) of the Interpretation Act 1889.

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—
Saving as
to im-
provement
lines of
streets.

587. The repeal by this Part of this Act of section 69 (Corporation may define future lines of streets) of the Act of 1884 shall not invalidate anything lawfully done by the Corporation under that section before the commencement of this Act and the provisions of section 33 of the Public Health Act 1925 shall apply in lieu of the provisions of the said section 69 to any line of frontage duly prescribed and defined by the Corporation under that section 69 before the commencement of this Act as if the line were an improvement line within the meaning of the said section 33.

The SCHEDULES referred to in the
foregoing Act.

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THE FIRST SCHEDULE.

PART I.—LOCAL ACTS.

Session and chapter.	Title or short title.
6 Geo. 4. c. clxxix.	- An Act for the better regulating paving and improving and managing the town of Brighthelmston in the county of Sussex and the poor thereof.
13 Vict. c. v.	- - The Brighton Pavilion Act 1850.
17 Vict. c. v.	- - The Brighton Hove and Preston Constant Service Waterworks Act 1854.
18 Vict. c. vi.	- - The Brighton Commissioners Transfer Act 1855.
18 Vict. c. xxxi.	- - An Act to confirm the incorporation of the borough of Brighton.
20 & 21 Vict. c. xxii.	- The Brighton Hove and Preston Constant Service Waterworks Act 1857.
28 Vict. c. v.	- - The Brighton Hove and Preston Constant Service Waterworks Amendment Act 1865.
30 Vict. c. xxii.	- - The Brighton Pavilion Act 1867.
33 Vict. c. xxii.	- - The Shoreham and District Waterworks Act 1870.
35 & 36 Vict. c. lxxxvi.	- The Brighton Corporation Waterworks Act 1872.
36 & 37 Vict. c. cxxv.	- The Brighton Borough Extension Act 1873.
39 Vict. c. xxxiv.	- - The Brighton Pavilion Act 1876.
46 Vict. c. vi.	- - The Preston Park Act 1883.
46 & 47 Vict. c. ciii.	- The Brighton Corporation Waterworks Act 1883.
47 & 48 Vict. c. cclxii.	- The Brighton Improvement Act 1884.
49 & 50 Vict. c. lxiv.	- The Brighton Corporation Loans Act 1886.

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	59 & 60 Vict. c. cxxxvii.	The Brighton Corporation Water Act 1896.
	59 & 60 Vict. c. ccxxi.	The Brighton Corporation Act 1896.
	63 & 64 Vict. c. xcix.	The Brighton Corporation Act 1900.
	1 Edw. 7. c. ccxxiv.	The Brighton Corporation Act 1901.
	3 Edw. 7. c. ccxxv.	The Brighton Corporation Act 1903.
	9 Edw. 7. c. xxxviii.	The East Sussex County Council Act 1909.
	1 & 2 Geo. 5. c. cx.	The Brighton Hove and District Railless Traction Act 1911.
	2 & 3 Geo. 5. c. lvii.	The Brighton Corporation Act 1912.
	3 & 4 Geo. 5. c. xlvi.	The Brighton Corporation Act 1913.
	14 & 15 Geo. 5. c. lxiii.	The Brighton Corporation Water Act 1924.
	17 & 18 Geo. 5. c. lxxxii.	The Brighton Corporation Act 1927.

PART II.—PROVISIONAL ORDERS AND
CONFIRMATION ACTS.

Session and chapter.	Confirmation Act.	Order.
24 & 25 Vict. c. xxxix.	The Local Government Supplemental Act 1861.	The Order relating to Brighton dated 24th April 1861.
27 & 28 Vict. c. xxvi.	The Local Government Supplemental Act 1864.	The Order relating to Brighton dated 2nd April 1864.
39 & 40 Vict. c. lxxxvii.	The Local Government Board's Provisional Orders Confirmation (Aberavon &c.) Act 1876.	The Order relating to Brighton dated 11th May 1876.
39 & 40 Vict. c. cxcviii.	The Local Government Board's Provisional Orders Confirmation (Bingley &c.) Act 1876.	The Order relating to Brighton dated 22nd June 1876.
42 & 43 Vict. c. clix.	The Gas and Water Orders Confirmation Act 1879.	The Shoreham and District Waterworks Order 1879.
46 & 47 Vict. c. ccxx.	The Electric Lighting Orders Confirmation (No. 8) Act 1883.	The Brighton Electric Lighting Order 1883.
54 & 55 Vict. c. lxx.	The Local Government Board's Provisional Orders Confirmation (No. 8) Act 1891.	The Brighton Pavilion Order 1891.
56 & 57 Vict. c. cxvii.	The Local Government Board's Provisional Orders Confirmation (No. 9) Act 1893.	The Order relating to Brighton dated 27th April 1893.

Session and chapter.	Confirmation Act.	Order.	A.D. 1931.
57 & 58 Vict. c. cxxiii.	The Local Government Board's Provisional Orders Confirmation (No. 11) Act 1894.	The Brighton Pavilion Order 1894.	
2 Edw. 7. c. ccii.	The Tramways Orders Confirmation (No. 1) Act 1902.	The Brighton Corporation Tramways Order 1902.	
4 Edw. 7. c. lxii.	The Local Government Board's Provisional Orders Confirmation (No. 1) Act 1904.	The Brighton Pavilion Order 1904.	
10 Edw. 7. & 1 Geo. 5. c. lxxxv.	The Local Government Board's Provisional Orders Confirmation (No. 8) Act 1910.	The Brighton Order 1910.	
7 & 8 Geo. 5. c. xxxv.	The Local Government Board's Provisional Orders Confirmation (No. 1) Act 1917.	The Brighton Order 1917.	
10 & 11 Geo. 5. c. cxiii.	The Ministry of Health Provisional Orders Confirmation (No. 6) Act 1920.	The Brighton Order 1920.	
13 & 14 Geo. 5. c. xlvi.	The Ministry of Health Provisional Order Confirmation (Brighton Extension) Act 1923.	The Brighton (Extension) Order 1923.	
14 & 15 Geo. 5. c. lxxxii.	The Ministry of Health Provisional Orders Confirmation (No. 9) Act 1924.	The Brighton Order 1924.	
15 & 16 Geo. 5. c. lxxviii.	The Ministry of Health Provisional Orders Confirmation (No. 3) Act 1925.	The Brighton (Poor Law) Order 1925.	
15 & 16 Geo. 5. c. lxxxii.	The Ministry of Health Provisional Orders Confirmation (No. 6) Act 1925.	The Brighton Order 1925.	
16 & 17 Geo. 5. c. liii.	The Ministry of Health Provisional Orders Confirmation (No. 4) Act 1926.	The Brighton Order 1926.	
18 & 19 Geo. 5. c. x̄.	The Ministry of Health Provisional Orders Confirmation (No. 1) Act 1928.	The Brighton Order 1927.	
18 & 19 Geo. 5. c. xvii.	The Ministry of Health Provisional Orders Confirmation (No. 3) Act 1928.	The Brighton (Acquisition of Lands) Order 1928.	
18 & 19 Geo. 5. c. lviii.	The Ministry of Health Provisional Orders Confirmation (No. 11) Act 1928.	The Brighton Order 1928.	
20 Geo. 5. c. xxx.	The Ministry of Health Provisional Orders Confirmation (No. 11) Act 1929	The Brighton Order 1929.	
20 & 21 Geo. 5. c. cxlvi.	The Ministry of Health Provisional Order Confirmation (Brighton) Act 1930.	The Brighton Order 1930.	

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PART III.—OTHER ORDERS.

Title or subject matter of Order.	By whom made.	By whom confirmed.
The Brighton Corporation Light Railways Order 1920.	Light Railway Commissioners.	Minister of Transport.
The Brighton Water (Modification of Charges) Order 1923. (S.R. & O. 1923 No. 832.)	Minister of Health.	—
The Southwick Electricity Special Order 1924.	Electricity Commissioners.	Minister of Transport.
The Brighton Electricity (Extension) Special Order 1925.	Electricity Commissioners.	Minister of Transport.
The Brighton Electricity (Extension) Special Order 1928.	Electricity Commissioners.	Minister of Transport.
Borough of Brighton (Differential Rating) Order 1928.	Minister of Health.	—
Scheme for preserving rating exemptions under local Acts (Marquis of Bristol) dated 29th June 1928.	Minister of Health.	—

THE SECOND SCHEDULE.

EXISTING TRAMWAYS.

Tramway No. 1 (3 furlongs 3·92 chains in length of which 2 furlongs 0·1 chain is single and 1 furlong 3·82 chains is double line) commencing in Grand Parade by a junction with Tramway No. 2 at a point 2·50 chains or thereabouts north of the north side of Edward Street passing along part of Grand Parade Pavilion Parade and thence round the Old Steine and terminating in Pavilion Parade at a point 1·5 chains or thereabouts north of the northern end of the North Old Steine enclosure.

Tramway No. 1A (single line 5·95 chains in length) commencing in Grand Parade by a junction with Tramway No. 2 at a point opposite the north side of Edward Street passing along part of Grand Parade and Church Street and terminating in Marlborough Place by a junction with Tramway No. 2 at a point 1·50 chains or thereabouts north of the southern end of the South Victoria Gardens.

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Tramway No. 2 (single line 4 furlongs 0·88 chain in length) commencing in Grand Parade at a point opposite Richmond Street by a junction with Tramways Nos. 3 and 10A passing along Grand Parade part of Church Street Marlborough Place and terminating in Gloucester Place by a junction with Tramway No. 10 at a point 11 yards or thereabouts south of the south side of Gloucester Street.

Tramway No. 3 (1 mile 1 furlong 7·56 chains in length of which 7·24 chains is single and 1 mile 1 furlong 0·32 chain is double line) commencing by a junction with Tramway No. 2 in Gloucester Place at a point 11 yards or thereabouts south of the south side of Gloucester Street passing along Richmond Place Waterloo Place Richmond Terrace Lewes Road and terminating in Lewes Road at a point 6·50 chains or thereabouts north of the junction of Coombe Road with Lewes Road.

Tramway No. 3A (single line 3·04 chains in length) commencing by a junction with Tramway No. 3 in Richmond Place at a point opposite the southern end of St. Peter's Church enclosure and terminating by a junction with Tramway No. 2 in Grand Parade at a point opposite Richmond Street.

Tramway No. 4 (6 furlongs 0·20 chain in length of which 1·91 chains is single and 5 furlongs 8·29 chains double line) commencing in Lewes Road by a junction with Tramway No. 3 at a point 1 chain or thereabouts south of the junction of Elm Grove with Lewes Road passing along Elm Grove and terminating in Elm Grove at the Tenantry Down.

Tramway No. 5 (7 furlongs 8·74 chains in length of which 1 furlong 6·89 chains is single and 6 furlongs 1·85 chains double line) commencing in Elm Grove by a junction with Tramway No. 4 at a point 1 chain or thereabouts north of the junction of Queen's Park Road with Elm Grove passing along Queen's Park Road Egremont Place Upper Rock Gardens and terminating in Upper Rock Gardens at its junction with St. James's Street.

Tramway No. 6 (double line 1 furlong 5·73 chains in length) commencing in Hanover Place by a junction with Tramway No. 3 at a point 1 chain or thereabouts northward of the junction of Union Road with Lewes Road passing along Union Road and terminating in Ditchling Road by a junction with Tramway No. 8 at a point 20 yards or thereabouts northward of the junction of Kingsbury Street with Ditchling Road.

Tramway No. 7 (double line 1 furlong 9·08 chains in length) commencing in Ditchling Road by a junction with Tramway No. 8 at a point opposite the north side of Rose Hill Terrace passing along Viaduct Road crossing Preston Circus and terminating at the eastern end of New England Road by a junction with Tramway No. 11.

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— Tramway No. 7A (double line 1·50 chains in length) commencing at the west end of Viaduct Road by a junction with Tramway No. 7 thence passing into and terminating in Preston Circus by a junction with Tramway No. 10 at a point 0·70 chain or thereabouts north of the junction of Viaduct Road with Preston Circus.

Tramway No. 8 (double line 1 mile and 1·44 chains in length) commencing at the northern end of Richmond Place by a junction with Tramway No. 3 passing along Ditchling Road and terminating in Ditchling Road by a junction with Tramway No. 9 at a point opposite the junction of Stanford Avenue with Ditchling Road.

Tramway No. 9 (double line 3 furlongs 3·60 chains in length) commencing in Ditchling Road opposite Stanford Avenue by a junction with Tramway No. 8 passing along Preston Drove and terminating at the northern end of Beaconsfield Villas by a junction with Tramway No. 10.

Tramway No. 10 (1 mile 2 furlongs 0·72 chain in length of which 4·44 chains is single and 1 mile 1 furlong 6·28 chains is double line) commencing by a junction with Tramway No. 9 at the northern end of Beaconsfield Villas passing along Beaconsfield Villas Beaconsfield Road Preston Circus London Road York Place and terminating in Grand Parade by a junction with Tramways Nos. 2 and 3A at a point opposite Richmond Street.

Tramway No. 10A (single line 5·36 chains in length) commencing in Gloucester Place by a junction with Tramways Nos. 2 and 3 at a point 11 yards or thereabouts south of the south side of Gloucester Street passing along St. George's Place and terminating therein by a junction with Tramway No. 10 at a point 1 chain or thereabouts south of the south side of Trafalgar Street.

Tramway No. 11 (1 mile 5 furlongs 6·15 chains in length of which 1 furlong 4·26 chains is single and 1 mile 4 furlongs 1·89 chains is double line) commencing in London Road by a junction with Tramway No. 10 at a point 2·5 chains or thereabouts southward of the junction of New England Road with London Road passing thence through Preston Circus into and along New England Road Seven Dials Dyke Road and terminating in Dyke Road at a point 2 chains or thereabouts southward of the junction of Tivoli Crescent North with Dyke Road.

Tramway No. 12 (3 furlongs 7·92 chains in length of which 8·15 chains is single and 2 furlongs 8·77 chains is double line) commencing in Marlborough Place by a junction with Tramway No. 2 at a point 2·50 chains or thereabouts south of the junction of North Road with Marlborough Place passing along part of Marlborough Place North Road Queen's Road and terminating in Queen's Road at a point 8 feet south of the main entrance gates of the Southern Railway station.

Tramway No. 12A (single line 4·28 chains in length) commencing in Marlborough Place by a junction with Tramway No. 12 at a point opposite North Road passing between the North and South Victoria Gardens and terminating in Grand Parade by a junction with Tramway No. 2 at a point 0·70 chain or thereabouts south of the north end of the South Victoria Garden.

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Tramway No. 12B (single line 2·57 chains in length) commencing in Marlborough Place by a junction with Tramway No. 12A at a point 0·50 chain or thereabouts east of the junction of North Road with Marlborough Place and terminating in Gloucester Place by a junction with Tramway No. 2 at a point 2 chains or thereabouts north of the junction of the aforesaid road with the roadway between the North and South Victoria Gardens.

THE THIRD SCHEDULE.

ELECTRICITY LIMITS.

PART I.—EXISTING ELECTRICITY LIMITS.

The borough as constituted at the commencement of this Act except that part thereof which immediately before the 1st April 1928 formed part of the borough of Hove and was transferred to the borough by the Brighton Corporation Act 1927.

Those parts of the borough of Hove which immediately before the 1st April 1928 comprised the parish of Preston Rural and the respective portions of the then borough of Brighton and of the parish of Patcham which were transferred to the borough of Hove by the Hove (Extension) Order 1927.

The urban district of Southwick as constituted at the commencement of this Act.

The urban district of Portslade-by-Sea as constituted at the commencement of this Act.

The parishes of Falmer and Telscombe in the rural district of Newhaven as respectively constituted at the commencement of this Act.

PART II.—ADDITIONAL AREAS.

The parishes of Hangleton and West Blatchington in the borough of Hove as respectively constituted at the commencement of this Act.

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The urban district of Shoreham-by-Sea as constituted at the commencement of this Act except that part thereof which formerly comprised the parish of New Shoreham.

The parishes of Old Shoreham and Lancing in the rural district of Steyning West as respectively constituted at the commencement of this Act.

THE FOURTH SCHEDULE.

PRICES FOR ELECTRICITY.

In this schedule the expression "unit" shall mean the energy contained in a current of one thousand ampères flowing under an electro-motive force of one volt during one hour.

PART I.

In respect of premises situate within the Parish of Telscombe as constituted at the commencement of this Act.

(i) For lighting purposes—

(a) in respect of the quarters ending 31st March and 31st December :

For any amount up to fifteen units ten shillings and for each unit over fifteen units eightpence.

(b) in respect of the quarters ending 30th June and 30th September :

For any amount up to ten units six shillings and eightpence and for each unit over ten units eightpence.

(ii) For all other purposes For each unit threepence.

PART II.

In respect of premises situate within the remainder of the electricity limits.

(i) For lighting purposes—

(a) in respect of the quarters ending 31st March and 31st December :

For any amount up to fifteen units seven shillings and sixpence and for each unit over fifteen units sixpence.

(b) in respect of the quarters ending 30th June and 30th September : A.D. 1931.

For any amount up to ten units five shillings and for each unit over ten units sixpence.

(ii) For all other purposes For each unit twopence.

THE FIFTH SCHEDULE.

TOLLS AND CHARGES IN MARKETS.

PART I.

In any market other than any cattle corn hay or straw market—

	<i>s.</i>	<i>d.</i>
For every stand stall shed table compartment or space of whatever nature or kind per day - -	1	0
For every basket parcel or quantity of butter—		
Not exceeding twelve pounds - - - -	0	2
Exceeding twelve pounds and not exceeding thirty-six pounds - - - -	0	3
Exceeding thirty-six pounds for every twelve pounds and for any quantity exceeding a multiple of twelve pounds - - - -	0	1
For poultry ducks game and rabbits—		
Not exceeding half a dozen - - - -	0	3
Exceeding half a dozen and not exceeding one dozen - - - -	0	6
Exceeding one dozen and not exceeding two dozen - - - -	0	9
Exceeding two dozen and not exceeding three dozen - - - -	1	0
Exceeding three dozen and not exceeding five dozen - - - -	1	3
Exceeding five dozen for each dozen and for any quantity exceeding a multiple of a dozen -	0	3
For every turkey or goose - - - -	0	2
For pigeons—		
Not exceeding one dozen - - - -	0	2
Exceeding one dozen and not exceeding one dozen and a half - - - -	0	4
Exceeding one dozen and a half and not exceeding three dozen - - - -	0	6
Exceeding three dozen for each dozen and for any quantity exceeding a multiple of a dozen-	0	2

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	<i>s.</i>	<i>d.</i>
For every basket parcel or quantity of eggs—		
Not exceeding two dozen - - - - -	0	2
Exceeding two dozen for each dozen and for any quantity exceeding a multiple of a dozen -	0	1
For every basket parcel or quantity of fish (except lobsters craw fish crabs prawns shrimps cockles and mussels)—		
Not containing more than two gallons - - -	0	4
Containing more than two gallons and not con- taining half a bushel - - - - -	0	8
Containing half a bushel and not containing more than one bushel - - - - -	1	3
Containing more than one bushel for each bushel and for any quantity exceeding a multiple of one bushel - - - - -	1	0
For every basket parcel or quantity of fruit—		
Not exceeding two bushels - - - - -	0	2
Exceeding two bushels for each bushel and for any quantity exceeding a multiple of one bushel - - - - -	0	1
For every basket parcel or quantity of roots (i.e. potatoes turnips carrots parsnips and onions) separately or mixed—		
Not exceeding one bushel - - - - -	0	2
For every basket parcel or quantity of other vege- tables—		
Not exceeding one bushel - - - - -	0	1½
For every basket parcel or quantity of roots or vege- tables separately or mixed—		
Exceeding one bushel for each bushel and for any quantity exceeding a multiple of one bushel -	0	1
For lobsters and craw fish—		
Not exceeding six pounds - - - - -	0	3
Exceeding six pounds and not exceeding twelve pounds - - - - -	0	4
Exceeding twelve pounds for every six pounds and for any quantity exceeding a multiple of six pounds - - - - -	0	2
For crabs—		
Not exceeding six pounds - - - - -	0	1
Exceeding six pounds and not exceeding twelve pounds - - - - -	0	1½
Exceeding twelve pounds for every six pounds and for any quantity exceeding a multiple of six pounds - - - - -	0	1

	<i>s.</i>	<i>d.</i>	A.D. 1931.
For every hundred prawns or less - - - -	0	2	—
For every pint or less of shrimps - - - -	0	0½	
For every gallon or less of cockles or mussels - - - -	0	1	
For every live sucking pig - - - -	0	2	
For every live pig not being a sucking pig - - - -	0	3	
For every dead hog or porker - - - -	0	4	
For fresh pork—			
Not exceeding six pounds - - - -	0	1	
Exceeding six pounds and not exceeding twenty-four pounds - - - -	0	2	
Exceeding twenty-four pounds for every dozen pounds and for any quantity exceeding a multiple of a dozen pounds - - - -	0	1	

PART II.

In any cattle corn hay or straw market—

For every horse of every description - - - -	5	0
For every mule or ass - - - -	2	6
For every bull cow ox or calf - - - -	5	0
For every hog or pig not being a sucking pig - - - -	3	6
For every sucking pig - - - -	0	6
For every sheep of the age of one year or over - - - -	0	6
For every lamb or sheep of the age of less than one year - - - -	0	3
For every animal not herein mentioned - - - -	5	0
For every truss of hay or straw - - - -	0	2
For every hundredweight of grass clover sanfoin lucern or other green food used for horses or cattle - - - -	0	3
For every quarter of wheat in bulk - - - -	2	0
For every quarter of barley in bulk - - - -	1	6
For every quarter of any other grain in bulk - - - -	1	0
For every bushel of any kind of seeds in bulk - - - -	1	0
For every quantity of grass clover sanfoin lucern or other green food used for horses or cattle and being greater or less than one hundredweight for every quantity of wheat barley or other grain being greater or less than one quarter and for every quantity of seeds being greater or less than one bushel a sum in proportion to the charges hereinbefore authorised.		

A.D. 1931.

THE SIXTH SCHEDULE.

INDENTURES REFERRED TO IN THE DEFINITION OF THE
RACECOURSE AND IN PART XIV OF THE FOREGOING
ACT.

PART I.

THE FIRST INDENTURE.

An indenture dated the seventeenth day of April one thousand eight hundred and twenty-two and expressed to be made between Thomas Read Kemp and Frances his wife of the first part Charles Scrase Dickins and Elizabeth his wife and Charles Scrase Dickins the younger of the second part John Whichelo of the third part Nathaniel Kemp of the fourth part Philip Mighell of the fifth part Thomas Attree of the sixth part Isaac Tree Rich and Mary his wife of the seventh part and George Hoper of the eighth part.

A fine in pursuance of a covenant contained in the same indenture was levied by the parties thereto of the first seven parts to the said George Hoper in or as of Hilary term one thousand eight hundred and twenty-two and the same indenture was enrolled in Chancery on or about the seventh day of May one thousand eight hundred and twenty-two.

THE SECOND INDENTURE.

An indenture dated the twenty-second day of April one thousand eight hundred and twenty-two and expressed to be made between George Hoper of the first part and Charles Scrase Dickins the elder and Charles Scrase Dickins the younger of the second part and John Whichelo of the third part Nathaniel Kemp of the fourth part Philip Mighell of the fifth part Thomas Attree of the sixth part and Isaac Rich of the seventh part Thomas Read Kemp of the eighth part and the said George Hoper of the ninth part.

THE THIRD INDENTURE.

An indenture dated the said twenty-second day of April one thousand eight hundred and twenty-two and expressed to be made between the said George Hoper of the first part the said Thomas Read Kemp Charles Scrase Dickins the elder Charles Scrase Dickins the younger John Whichelo Nathaniel Kemp Philip Mighell Thomas Attree and Isaac Tree Rich of the second part and Thomas Read Kemp of the third part.

THE FOURTH INDENTURE.

A.D. 1931.

An indenture dated the twenty-ninth day of May one thousand eight hundred and forty-nine and expressed to be made between the said Charles Scrase Dickins and Thomas Attree of the one part and William Furner the Reverend James Stuart Murray Anderson Bright Smith Eardley Nicholas Hall and William Catt the younger of the other part.

THE FIFTH INDENTURE.

An indenture dated the nineteenth day of April one thousand eight hundred and fifty and expressed to be made between the most honourable Frederick William Marquis of Bristol of the one part and the said Charles Scrase Dickins the younger and the said Thomas Attree and William Furner James Stuart Murray Anderson Bright Smith Eardley Nicholas Hall and William Catt of the other part.

THE SIXTH INDENTURE.

An indenture dated the seventeenth day of August one thousand eight hundred and seventy-seven and expressed to be made between the said William Furner and Eardley Nicholas Hall of the one part and Charles Spencer Scrase Dickins Richard Alexander Bevan William Percival Boxall and Charles Lamb of the other part.

PART II.

An indenture dated the fourth day of May one thousand eight hundred and ninety-five and made between the Reverend Arthur Douglas Wagner Henry Wagner and Henry Thomas West of the first part the said Henry Thomas West and Thomas Faulconer Wisden of the second part the said Thomas Faulconer Wisden of the third part Sarah Ann Jones of the fourth part Steyning Beard of the fifth part Henry Abbey John Leonhardt Brigden and William Seymour Burrows of the sixth part and the Corporation of the seventh part.

PART III.

An indenture dated the first day of October one thousand eight hundred and eighty-eight and made between the Reverend Augustus George Legge and Walter Douglas Legge of the first part the most honourable Frederick William John Marquis of Bristol of the second part and the Corporation of the third part.

A.D. 1931.

THE SEVENTH SCHEDULE.

LIST OF ENCLOSED PLACES AND PRIVILEGED HOUSES.

PART I.—FREEHOLD OF ENCLOSED PLACES VESTED IN
BRIGHTON CORPORATION.

First column.	Second column.	Third column.
Name of the squares and places of which the enclosed places form part.	Description of the privileged houses.	Description of houses occupiers of which have used the enclosed places but whose right to do so is not proved.
Norfolk Square -	<p>So much of the house No. 113 Western Road as was formerly known as No. 1 Norfolk Square.</p> <p>Houses Nos. 2 to 9 inclusive on the west side of Norfolk Square.</p> <p>Houses Nos. 29 to 34 inclusive on the south side of Norfolk Square.</p> <p>Houses Nos. 35 to 45 inclusive on the east side of Norfolk Square and Nos. 110 and 111 Western Road.</p> <p>Houses Nos. 47 to 52 inclusive on the north side of Norfolk Square.</p> <p>Houses Nos. 116A and 116B Western Road (formerly No. 53 Norfolk Square) on the north side of Norfolk Square.</p>	<p>Houses Nos. 10 to 19 inclusive in Norfolk Square.</p> <p>Houses Nos. 20 20A 21 21A and 22 to 28 inclusive in Norfolk Square.</p>
Bedford Square -	<p>So much of the house No. 149 King's Road as was formerly known as Nos. 4 and 5 Bedford Square.</p> <p>Houses Nos. 6 to 20 inclusive on the west side of Bedford Square.</p> <p>Houses Nos. 21 22 and 24 to 26 inclusive on the north side of Bedford Square.</p> <p>Houses Nos. 27 to 39 inclusive on the east side of Bedford Square.</p>	<p>Houses Nos. 10 and 11 in Sillwood Street except so much of No. 11 as was formerly known as No. 23 Bedford Square.</p>

A.D. 1931.

First column.	Second column.	Third column.
Name of the squares and places of which the enclosed places form part.	Description of the privileged houses.	Description of houses occupiers of which have used the enclosed places but whose right to do so is not proved.
Bedford Square —(cont.)	Houses Nos. 146 147 and 148 King's Road (formerly Nos. 1 2 and 3 Bedford Square) and houses Nos. 143 144 and 145 King's Road (formerly Nos. 40 41 and 42 Bedford Square). So much of the house No. 11 Sillwood Street as was formerly known as No. 23 Bedford Square.	
Regency Square	Houses Nos. 1 to 20 inclusive on the west side of Regency Square. House No. 21 (formerly the corner of Preston Street) and all the houses therefrom to No. 43 inclusive on the north side of Regency Square. Houses Nos. 51 to 66 inclusive on the west side of Regency Square. So much of the houses Nos. 129 and 130 King's Road as was formerly known as Nos. 67 68 69 and 70 Regency Square.	
Powis Square -	Houses Nos. 1 to 12 inclusive on the north side of Powis Square. Houses Nos. 13 to 24 inclusive on the south side of Powis Square. Houses Nos. 2 and 3 in Powis Villas adjoining Powis Square.	
Russell Square -	Houses Nos. 11 to 27 inclusive on the north side of Russell Square. Houses Nos. 28 to 31 inclusive on the west side of Russell Square.	Houses Nos. 1 2 3 3A and Nos. 4 to 10 and 32 to 34 inclusive in Russell Square.

A.D. 1931.

First column.	Second column.	Third column.
Name of the squares and places of which the enclosed places form part.	Description of the privileged houses.	Description of houses occupiers of which have used the enclosed places but whose right to do so is not proved.
Russell Square— (<i>cont.</i>)	Houses Nos. 35 to 46 inclusive on the south side of Russell Square.	Houses Nos. 23 to 26 inclusive in Cannon Place.
Hanover Crescent	Houses Nos. 1 to 24 inclusive and the two houses known respectively as North Lodge and South Lodge in Hanover Crescent.	
The New Steine -	So much of the house No. 40 Marine Parade as was formerly known as No. 1 New Steine. Houses Nos. 2 to 12 inclusive 12A (formerly No. 13) 14 15 and 16 on the west side of New Steine. Houses Nos. 49 to 49D inclusive St. James's Street and New Steine Mansions (formerly known as the New Steine Flotel) on the north side of New Steine. Houses Nos. 17 to 31 inclusive on the east side of New Steine and house No. 41 Marine Parade.	
Royal Crescent -	Houses Nos. 1 to 14 inclusive in Royal Crescent.	
Marine Square -	Houses Nos. 4 to 12 inclusive on the west side of Marine Square. Houses Nos. 12A to 19 inclusive on the north side of Marine Square. Houses Nos. 20 to 28 inclusive on the east side of Marine Square. Houses Nos. 124 to 128 inclusive on Marine Parade.	

PART II.—FREEHOLD OF ENCLOSED PLACES NOT VESTED IN
 BRIGHTON CORPORATION.

A.D. 1931.

First column.	Second column.
Name of the square and place of which the enclosed places form part.	Description of the privileged houses.
Dorset Gardens - -	Houses Nos. 1 to 20 inclusive on the east side of Dorset Gardens.
Clarence Square - -	Houses Nos. 1 to 6 inclusive on the east side of Clarence Square. Houses Nos. 7 to 14 inclusive on the south side of Clarence Square. Houses Nos. 15 to 20 inclusive on the west side of Clarence Square. Houses Nos. 26 27 29 and 30 on the north side of Clarence Square. So much of the house No. 48 Western Road as was formerly known as No. 28 Clarence Square. So much of the house No. 45 Western Road as was formerly known as No. 31 Clarence Square.

THE EIGHTH SCHEDULE.

REGULATIONS AS TO ELECTION OF MEMBERS OF A
 COMMITTEE FOR THE MANAGEMENT OF AN ENCLOSED
 PLACE.

1. A meeting for the election of members of the committee shall be held on such day in the month in which such meetings were held prior to the commencement of this Act at such convenient place in the borough and at such time as may from time to time be appointed by the mayor.

2. The mayor shall cause a notice of every such intended meeting and of the time and place of holding it and of the number of members to be elected to be sent by letter to each of the owners and occupiers of the privileged houses or any part thereof known to the mayor addressed to their last known residence three clear days at least before the day of election.

3. The mayor shall be entitled to be present and when present shall preside at every such meeting and shall be the

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A.D. 1931. — returning officer and in the case of his absence the persons present at such meeting shall appoint one of themselves to preside at such meeting and such chairman shall then be the returning officer.

4. The members of the committee elected at any such meeting as aforesaid shall continue in office for one year from the date of their election or until a new committee is appointed.

5. Every member of the committee going out of office as aforesaid or otherwise ceasing to be a member of the committee may be re-elected.

6. Every person who is the owner or occupier of any privileged house or any part thereof shall be qualified to attend and be an elector at any meeting for the election of members to serve on the committee and shall have one vote for each member then to be elected and the electors present at the meeting shall proceed to elect persons being electors to be together with the mayor members of the committee.

7. Where two or more persons shall be joint owners or joint occupiers of any privileged house or any part thereof each of those persons shall be entitled to one vote for each member to be elected.

8. Any person who is owner and also bona fide occupier of the same privileged house shall be entitled to vote both in respect of such ownership and of such occupation.

9. At any such meeting as aforesaid any elector may if he consent thereto be nominated by any other elector as a member of the committee.

10. If at the expiration of one quarter of an hour after the time fixed for the holding of any such meeting no more candidates be nominated than there are vacancies to be filled the returning officer shall forthwith declare the candidates who may be nominated to be elected but if at the expiration of one quarter of an hour more candidates be nominated than there are vacancies to be filled the returning officer shall proceed to take the votes of all electors present.

11. Every such election shall be determined by the majority of the votes of the electors present and voting at such election and in case of an equality of votes the returning officer shall have a casting vote.

12. Any member of the committee who after his election ceases to be qualified to be an elector or becomes bankrupt or submits his affairs to liquidation by arrangement or compounds with his creditors shall be disqualified to be and shall cease to be a member of the committee.

13. If any member of the committee die or resign or be disqualified or cease to be a member of the committee from any

other cause than that of going out of office the remaining members of the committee if they think fit may as soon as may be after the happening of such vacancy elect another elector to serve on the committee in his place and every member so elected shall continue in office only so long as the person in whose place he is elected would have been entitled to continue in office. A.D. 1931.

14. If from any cause whatever any election under this schedule does not take place on the day appointed for such election then such election shall stand adjourned until the fourteenth day following and the mayor shall give notice thereof within three clear days after the day on which such election should have taken place in manner hereinbefore prescribed with respect to the giving of notices of elections.

15. If the mayor fails to give notice of any adjourned election any two owners or occupiers of privileged houses or any part thereof may give such notice instead of the mayor.

16. If from any cause whatever on the occurrence of any election the number of candidates nominated be less than the number to be elected the persons so nominated shall be deemed to be elected and the remaining places shall be filled up by an equal number of the retiring members or failing them of electors and the persons to fill up such vacancies shall be settled at the first meeting of the committee after such election by the members then present.

In this schedule "owner" and "occupier" have the same respective meanings as in Part XV of this Act in relation to the matters mentioned in the definitions of those expressions in the first section of that Part.

THE NINTH SCHEDULE.

FORM OF MORTGAGE.

COUNTY BOROUGH OF BRIGHTON.

By virtue of the Brighton Corporation Act 1931 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the county borough of Brighton (hereinafter referred to as "the Corporation") in consideration of the sum of _____ pounds (hereinafter referred to as "the principal sum") paid to the treasurer of the borough by _____ (hereinafter referred to as "the mortgagee") do hereby grant and assign to the mortgagee [his] executors administrators and assigns

A.D. 1931. — such proportion of the revenues of the Corporation in the said Act defined as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereafter provided) at the rate of _____ per centum per annum from the _____ day of _____ nineteen hundred and _____ until payment of the principal sum such interest to be paid half-yearly on the _____ day of _____ and the _____ day of _____ in each year And it is hereby agreed that the principal sum shall be repaid at the town hall in the said county borough [(subject as hereinafter provided) on the _____ day of _____ nineteen hundred and _____ or (if not repaid on that date) at any time thereafter on the expiration of six calendar months' notice in writing by the Corporation to the mortgagee or by the mortgagee to the Corporation] [by _____]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon between the Corporation and the mortgagee and mentioned in an endorsement to be made hereon under the hand of the mayor or the town clerk for the time being and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Corporation have caused their common seal to be hereunto affixed this _____ day of _____ nineteen hundred and _____ .

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named _____ consenting the within-mentioned time for repayment of the within-mentioned principal sum of _____ is hereby extended to the _____ day of _____ nineteen hundred and _____ [and the interest to be paid thereon on and from the _____ day of _____ nineteen hundred and _____ is hereby declared to be at the rate of _____ per centum per annum].
Dated this _____ day of _____ nineteen hundred and _____ .

FORM OF TRANSFER OF MORTGAGE.

A.D. 1931.

I [the within-named] of
in consideration of the sum
of pounds paid to me by
of (hereinafter referred to as
"the transferee") do hereby transfer to the transferee [his]
executors administrators and assigns [the within-written security]
[the mortgage number of the revenues of
the mayor aldermen and burgesses of the county borough of
Brighton bearing date the day of]
and all my right and interest under the same subject to the
several conditions on which I hold the same at the time of the
execution hereof and I the transferee for myself my executors
administrators and assigns do hereby agree to take the said
mortgage security subject to the same conditions.

Dated this day of
nineteen hundred and .

THE TENTH SCHEDULE.

PROVISIONS AS TO BONDS.

1. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than five years as the Corporation may determine.

2. (a) Bonds may be issued at such price and at such rates of interest as the Corporation may from time to time determine.

(b) Bonds shall not be issued of a greater aggregate nominal amount than will together produce according to the price of issue the actual amount of money for the time being authorised to be borrowed by the Corporation.

(c) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the revenues of the Corporation on or before the date for repayment specified in the certificate issued in respect of the bond.

3. Bonds shall be repayable at par (unless previously cancelled by purchase in the open market or by agreement with the bondholder) at the town hall Brighton on the dates specified in the certificates issued in respect of the bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

A.D. 1931.

4.—(1) The borough accountant shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars :—

(a) The name address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided ;

(b) The date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

5.—(1) The Corporation shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(2) If a certificate is worn out or damaged the Corporation on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Corporation on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may give a new certificate in lieu of the certificate lost or destroyed.

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect :—

No.

COUNTY BOROUGH OF BRIGHTON.

Brighton Corporation Bonds.

per centum Brighton Corporation bond repayable

at par 19 at the town hall
Brighton.

This is to certify that _____ of
_____ is the registered holder of a
Corporation bond for _____ pounds (£ _____)
issued by the mayor aldermen and burgesses of the borough of
Brighton under the Brighton Corporation Act 1931 at

(Signed)

Borough accountant.

Date

6. The certificate shall be *prima facie* evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Corporation shall not prevent the holder of the bond from disposing of and transferring the bond.

7.—(1) The transfer of a bond shall be by deed in the following form or in a form substantially to the like effect :—

FORM OF DEED OF TRANSFER.

Brighton Corporation Bonds.

I _____ in consideration of the sum of _____
paid by _____
(hereinafter called "the transferee") do hereby assign and transfer to the said transferee :—

To hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same immediately before the execution hereof and I the said transferee do hereby agree to accept and take the said _____ subject to the conditions aforesaid.

As witness our hands and seals this _____ day of _____
nineteen hundred and _____

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Corporation.

(3) The deed of transfer shall be delivered to and retained by the Corporation and the Corporation shall enter a note thereof in a book to be called the "Register of transfers of Brighton Corporation bonds" and shall endorse on the deed of transfer a notice of that entry.

(4) The Corporation shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the Corporation as aforesaid the Corporation shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

A.D. 1931.

THE ELEVENTH SCHEDULE.

PART I.—FORMS.

(A.)

RESOLUTIONS ON CREATION OF STOCK.

County borough of Brighton.

[19 .]

At a meeting of the council of the borough of Brighton held on the day of 19 in the town hall in the said borough.

[A.B.] mayor in the chair.

Resolved first—

That under the authority and subject to the provisions of the Brighton Corporation Act 1931 the Corporation acting by the council do hereby in exercise of their several statutory powers create stock to be called Brighton Corporation % redeemable stock and to be issued to an amount which shall be sufficient for the following purposes but not exceeding pounds (£) :—

(a) For raising the following sums (amounting in the aggregate to the sum of pounds which has not been raised) (that is to say) :—

(1) The sum of pounds on account of the money which the Corporation have authority to raise by borrowing under the powers conferred upon them by the Acts for the purchase money for and the cost of reconstruction of portions thereof ;

(2) The sum of pounds on account of the money which the Corporation have authority to raise by borrowing under the powers conferred upon them by the Acts for the cost of construction of ;

(3) The sum of pounds on account of the money which the Corporation have authority to raise by borrowing under the powers conferred upon them by the Acts for the construction of ;

(4) The sum of pounds on account of the money which the Corporation have authority to raise by borrowing under the powers conferred upon them by the Acts for the purposes of sewerage and paving within the borough.

A.D. 1931.

(b) For raising instead of re-borrowing the sum of _____ pounds required by the Corporation for the purpose of paying off when due sums amounting to _____ pounds which will fall due before the _____ day of _____ 19 _____ being a portion of their debts now subsisting on the security of outstanding securities granted by the Corporation for raising money for the purposes of the following Acts (that is to say) :—

and which sums the Corporation are under those Acts authorised to re-borrow.

(c) For raising the sum of _____ pounds for repaying the amount temporarily borrowed by the Corporation from _____ in order to enable the Corporation to meet sums which amount to _____ pounds being a portion of their debt secured on outstanding securities granted by the Corporation for raising money for the purposes of the following Acts (that is to say) :—

and which sums the Corporation are under those Acts authorised to re-borrow.

(d) For raising the sum of _____ pounds for paying off or redeeming statutory securities granted by the Corporation under the following Acts and now outstanding (that is to say) :—

(e) For the purpose of issuing stock in substitution for statutory securities granted by the Corporation under the following Acts and now outstanding (that is to say) :—

Resolved secondly—

That such stock shall be issued at the price and shall bear the dividends and be transferable in the manner hereinafter specified (that is to say) :—

(a) The minimum price of issue to be _____ per cent. the first dividend to be payable on the _____ ;

(b) Tenders for stock to be made to _____ A deposit of 5 per cent. on the amount of stock tendered for to be paid at _____ at the time of the delivery of the tender ;

(c) The dates for the further payments on account of the said tenders when accepted to be as follows [*Insert dates and amounts of payments*] In case of default in the payment of any instalment at its proper date the deposit and instalments previously paid will be liable to forfeiture ;

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- (d) Dividends at _____ per cent. per annum payable [quarterly] [or half-yearly];
- (e) Dividends on the total amount of stock (calculated from the _____) to be payable on the _____;
- (f) Scrip certificates to bearer with coupons attached for the dividends payable _____ and to be issued in exchange for the provisional receipts;
- (g) In the event of the receipt of tenders for a larger amount of stock than that proposed to be issued at or above the minimum price the tenders at the lowest price accepted to be subject to proportionate diminution;
- (h) Stock to be issued in sums of not less than £10;
- (j) Stock to be transferable in books and not by deed.

Resolved thirdly—

That such stock shall be redeemable as follows [*Here state terms.*]

Resolved fourthly—

That an agreement be entered into with the Commissioners of Inland Revenue for the payment to them of composition under the provisions of the Stamp Act 1891 for the stamp duty on transfers of stock issued under the foregoing resolutions.

(B.)

STOCK RECEIPT.

BRIGHTON CORPORATION % REDEEMABLE STOCK.

	RECEIVED this	day of	<i>Note.</i> —The proprie- tors to protect them- selves from FRAUD are recommended to ACCEPT by them- selves or their At- torneys all TRANS- FERS made to them. £ s. d.
	19 of		
<i>Transfer</i>	hereinafter called the said trans-		
<i>days</i>	feree the sum of		
Monday	being the consideration for		
Tuesday			
Wednesday	interest or share in the BRIGHTON		
Thursday	CORPORATION % REDEEMABLE		
Friday	STOCK transferable at the		
<i>Holidays</i>	and all my property		
<i>excepted.</i>	and interest in and right to the		
	same and the dividends thereon		
	by this day transferred		
	unto the said transferee		
	Witness hand		
	Witness		

A.D. 1931.

[*Endorsement.*]

NOTICE TO HOLDERS OF BRIGHTON CORPORATION %
REDEEMABLE STOCK.

PAYMENT OF DIVIDENDS.

Dividends are due on [*the 1st January 1st April 1st July and 1st October*] unless the [1st] of either of these months falls on a Sunday or Christmas Day Good Friday or a Bank holiday in which case the dividends will be payable on the following day.

Dividends will be paid in one of the following modes :—

- I. To the stockholders personally or to their attorneys
at the

N.B.—Stockholders may arrange for the receipt of their dividends free of charge at

- II. By transmission of dividend warrants by post at the risk of the stockholder under the following regulations :—

(1) The letter containing the dividend warrant will be sent to the address of the stockholder appearing in the stock register.

(2) In the case of joint accounts any one of the members of the account may be regarded as the holder of the security unless contrary notice has been given to the registrar by any other of them.

(3) Post dividend warrants will be crossed & Co. and will only be payable through a banker They will be drawn to the order of the stockholder and must be endorsed.

N.B.—Stockholders whose warrants are sent by post should give notice to if they are *not* received on the day on which they ought to be delivered but need not acknowledge those that arrive in due course.

STOCK CERTIFICATES TO BEARER.

Stock certificates to bearer of the denominations of [£10 or any multiple of £10] with coupons for the quarterly dividends attached may be obtained in exchange for inscribed stock except in the case of trust property.

A.D. 1931.

(C.)

STOCK CERTIFICATE.

County borough of Brighton.

Number

This is to certify that *A.B.* of
is the proprietor of _____ pounds of
Brighton Corporation _____ % redeemable stock subject to the
Acts of Parliament relating thereto.

Given under the common seal of the mayor aldermen and
burgesses of the borough of Brighton this _____ day of
19 _____

(D.)

TRANSFER IN BOOKS.

BRIGHTON CORPORATION _____ % REDEEMABLE STOCK.

No.

Entered by this _____ day of _____ in the
year nineteen hundred and _____ do assign
and transfer

Witness to the identity of _____ interest or share in the BRIGHTON COR-
PORATION _____ % REDEEMABLE STOCK
transferable at the
and all my property and interest in and
right to the same and the dividends thereon
unto

£	s.	d.

Executors administrators or assigns Witness hand

_____ Witness

do freely and voluntarily accept the above
stock transferred to

Witness

(E.)

A.D. 1931.

APPLICATION FOR ISSUE OF POWER OF ATTORNEY.

the day of 19 .

From *A.B.* and *C.D.* [*the registered stockholders*].

BRIGHTON CORPORATION % REDEEMABLE STOCK.

To *G.H.* [*the intended attorney*]

Examined by Dr. fol. Cr. fol. Transfer Book
Posted by Posted by

(F.)

POWER OF ATTORNEY FOR SALE AND TRANSFER AND FOR
RECEIPT OF DIVIDENDS.

Corporate }
Account }

BRIGHTON CORPORATION % REDEEMABLE STOCK.

ACCEPTANCE SALE OF £ AND DIVIDENDS.

We
our attorneys and attorney
for us and in our name and on our behalf—

First—to ACCEPT all transfers made or to be made to us of
any sum of

BRIGHTON CORPORATION % REDEEMABLE STOCK.

Secondly—to SELL and TRANSFER all or any part of the sum
of
said stock standing in our name in the books of the

Thirdly—to RECEIVE and GIVE RECEIPTS for all DIVIDENDS
OR PAYMENTS due or to become due on any sum of the
said stock from time to time standing in our name in
the books of the

and also to do whatever is necessary or proper to be done for the
purposes aforesaid or any of them.

(G.)

A.D. 1931.

DEED OF TRANSFER.

County borough of Brighton.

I *A.B.* of _____ in consideration of the sum of _____ pounds paid to me by *C.D.* of _____ (hereinafter called the said transferee) do hereby transfer to the said transferee the sum of _____ pounds Brighton Corporation _____ % redeemable stock standing [or part of the stock standing] in my name in the books of the mayor aldermen and burgesses of the borough of Brighton to hold unto the said transferee his executors administrators and assigns [or successors and assigns] subject to the several conditions on which I hold the same at the time of the execution hereof and I the said transferee do hereby agree to take the said stock subject to the same conditions.

As witness our hands and seals the _____ day of _____

(H.)

DIVIDEND WARRANT.

BRIGHTON CORPORATION _____ % REDEEMABLE STOCK.

To the _____

Pay to bearer the sum of _____

For one quarter of a year's dividend on the sum of £	BRIGHTON CORPORATION	% REDEEMABLE STOCK due	19 .	Less in-	} _____
come tax at s.	d.	per £.			

I do hereby acknowledge to have received of the the above-mentioned sum in full payment for one quarter of a year's dividend due as above mentioned.

Witness _____

Witness my hand this _____ 19 _____

[Ch. cix.] Brighton Corporation [21 & 22 GEO. 5.]
Act, 1931.

A.D. 1931.

(I.)

POST DIVIDEND WARRANT.

BRIGHTON CORPORATION % REDEEMABLE STOCK.

To the

Pay to me or my order on demand the sum of

being one quarter [or half] of a year's dividend at £ per cent. per annum due on the 1st day of 19 on the Brighton Corporation % Redeemable Stock
sum of £
Less income tax at s. d. per £

--	--	--	--	--

Accepted for the Bank

Per pro

[]

Cashier.

The person to whom this warrant is payable must sign his or her name on the back of it.

(K.)

STOCK CERTIFICATE WITH COUPONS TO BEARER.

BRIGHTON CORPORATION % REDEEMABLE STOCK CERTIFICATE TO BEARER.

£50

A00000

This is to certify that the bearer of this certificate is entitled to FIFTY POUNDS Brighton Corporation % Redeemable Stock with dividend thereon at the rate of per cent. per annum transferable at

Dated

19 .

For the

Countersigned

[]

[]

[]

Chief Accountant

A00000

£50

The coupons attached to this certificate are payable at

When the coupons are exhausted this certificate will be exchanged on presentation at the office of the Registrar of Brighton Corporation Stock at for a new certificate with fresh coupons attached.

A.D. 1931.

[COUPONS.]

<p>5 Div. BRIGHTON CORPORATION % REDEEMABLE STOCK.</p> <p>Coupon for shillings and pence (Less Income Tax) being Three Months' Dividend at Per Cent. Per Annum</p> <p>A00000 Due on Certificate for FIFTY POUNDS BRIGHTON CORPORATION % REDEEMABLE STOCK.</p> <p>£ Payable at</p>	<p>5 Div. BRIGHTON CORPORATION STOCK.</p> <p>Due A00000</p> <p>£</p>	<p>4 Div. BRIGHTON CORPORATION % REDEEMABLE STOCK.</p> <p>Coupon for shillings and pence (Less Income Tax) being Three Months' Dividend at Per Cent. Per Annum</p> <p>A00000 Due on Certificate for FIFTY POUNDS BRIGHTON CORPORATION % REDEEMABLE STOCK.</p> <p>£ Payable at</p>	<p>4 Div. BRIGHTON CORPORATION STOCK.</p> <p>Due A00000</p> <p>£</p>
<p>3 Div. BRIGHTON CORPORATION % REDEEMABLE STOCK.</p> <p>Coupon for shillings and pence (Less Income Tax) being Three Months' Dividend at Per Cent. Per Annum.</p> <p>A00000 Due on Certificate for FIFTY POUNDS BRIGHTON CORPORATION % REDEEMABLE STOCK.</p> <p>£ Payable at</p>	<p>3 Div. BRIGHTON CORPORATION STOCK.</p> <p>Due A00000</p> <p>£</p>	<p>2 Div. BRIGHTON CORPORATION % REDEEMABLE STOCK.</p> <p>Coupon for shillings and pence (Less Income Tax) being Three Months' Dividend at Per Cent. Per Annum.</p> <p>A00000 Due on Certificate for FIFTY POUNDS BRIGHTON CORPORATION % REDEEMABLE STOCK.</p> <p>£ Payable at</p>	<p>2 Div. BRIGHTON CORPORATION STOCK.</p> <p>Due A00000</p> <p>£</p>

[Ch. cix.] *Brighton Corporation* [21 & 22 GEO. 5.]
Act, 1931.

A.D. 1931.

		PART II.—FEES.	£	s.	d.
	On original issue of stock receipt or stock certificate	-	0	2	6
	On any new stock certificate	- - - - -	0	2	6
	On transfer including certificate	- - - - -	0	5	0
	On any issue of stock certificate to bearer in respect of every ten pounds of stock specified therein	-	0	0	6
	On re-entry in stock register of stock specified in stock certificate to bearer	- - - - -	0	5	0
	On indemnity in respect of lost stock certificate	- -	1	1	0

THE TWELFTH SCHEDULE.

Stamp.



AGREEMENT WITH HOVE CORPORATION.

AN AGREEMENT made the twenty-seventh day of January 1927 between the MAYOR ALDERMEN AND BURGESSES OF THE COUNTY BOROUGH OF BRIGHTON (hereinafter called "the Brighton Corporation") of the one part and the MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF HOVE (hereinafter called "the Hove Corporation") of the other part.

WHEREAS the Brighton Corporation in the ensuing session of Parliament intend to promote a Bill for an Act the short title whereof is the Brighton Corporation Act 1927 (hereinafter called "the Bill") and by clause 5 thereof it is provided inter alia (a) that the portion of the borough of Hove coloured blue on the plan annexed hereto (hereinafter called "the added part of Hove") shall cease to form part of the borough of Hove and shall be transferred to and form part of the county borough of Brighton (b) that the portion of the county borough of Brighton coloured green and hatched green on the said plan (hereinafter called "the transferred area") shall cease to form part of the county borough of Brighton and shall be transferred to and form part of the Goldsmid ward of the borough of Hove :

And whereas by a memorial addressed to the Minister of Health dated the 30th day of August 1926 and under the common seal of the Hove Corporation the Hove Corporation prayed the Minister of Health to cause a local inquiry to be made with regard to the therein foregoing representation as to the alteration of the boundaries of the borough of Hove and to make an order for giving effect to the proposals contained in that behalf in

such representation with such additions and alterations as might be deemed expedient and to cause to be introduced into Parliament a Bill to confirm such order :

A.D. 1931.
—

And whereas by the said representation it was submitted (inter alia) (a) that in that portion of Dyke Road which runs from the Seven Dials to The Drove the boundary between the county borough of Brighton and the borough of Hove should run along the inside edge of the south-westerly pavement so that the entire area of the roadway and footways should be in the county borough of Brighton and that from The Drove to the north-west boundary at the Redhill reservoir the entire area of the road and footways should be included in the borough of Hove (b) that the boundaries of the borough of Hove should be altered so as to include therein (1) the parish of Preston Rural (2) that part of the parish of Patcham lying to the south-west of the Dyke Road together with that part of the Dyke Road upon which the same abuts (3) that part of the county borough of Brighton lying on the south-westerly side of Dyke Road (being the portion of the county borough of Brighton coloured green on the said plan and hereinbefore referred to) :

And whereas since the date of the said memorial it has been agreed between the parties hereto that the suggested boundary between the county borough of Brighton and the borough of Hove shall be varied as hereinafter mentioned and that the transferred area be enlarged by the inclusion of so much of Goldsmid Road as is now in the county borough of Brighton and is hatched green on the said plan :

And whereas on the 18th day of October 1900 the Brighton Corporation in pursuance of the powers conferred upon them by section 69 of the Brighton Improvement Act 1884 ordered that the line shown by a brown line on the said plan annexed hereto should be the prescribed line of frontage to be thereafter observed for buildings on the west side of Dyke Road :

And whereas by a conveyance dated the 28th day of August 1925 and made between the Brighton Corporation of the one part and John Reginald Brown of the other part (whereby the Brighton Corporation conveyed to the said John Reginald Brown a plot of land within the transferred area) the Brighton Corporation covenanted with the said John Reginald Brown as follows namely (1) that the Brighton Corporation would set back the fence shown with a green line on the plan drawn on the said conveyance and re-erect the same on the eastern boundary of the piece of land thereby conveyed within one calendar month after building operations should have been commenced on the said piece of land by the said John Reginald Brown (2) that the Brighton Corporation would make up and form as part of the highway (including laying paving kerbing and channelling) the strip of land lying to the east of the said last-mentioned boundary

A.D. 1931. within one calendar month after completion of such building operations as aforesaid and afterwards maintain and keep the same as part of the highway known as Dyke Road :

And whereas it has been agreed between the parties hereto that this agreement shall contain the supplemental and consequential provisions hereinafter set forth :

Now therefore it is hereby agreed by and between the parties hereto that if and when the boundaries of the county borough of Brighton and the borough of Hove are extended as hereinbefore mentioned the following provisions shall have effect :—

(1) The boundary between the county borough of Brighton and the borough of Hove shall be that shown by a red ticked line on the said plan annexed hereto and Dyke Road for the whole of its width (including the land lying between the brown line on such plan and the existing westerly boundary of Dyke Road as when and to the extent that such land is added to the road) from Seven Dials to the point where it crosses the existing boundary between the county borough of Brighton and the parish of Patcham shall be a highway repairable by the inhabitants at large of the county borough of Brighton and to this extent the agreement dated the nineteenth day of January 1893 and made between the Brighton Corporation of the first part the Hove Commissioners of the second part the guardians of the poor of the Steyning Union of the third part Sir Julian Goldsmid of the fourth part Edward Beves and Francis Tooth of the fifth part Ellen Benett Stanford of the sixth part and Henry Arthur Fane Marmaduke Darell Jeffreys Percy Mansfield Morris Marmaduke Robert Jeffreys and the Rev. Horace Chapman of the seventh part (whereby some portion of the Dyke Road is repairable at the joint expense of the Brighton Corporation and the Hove Corporation) shall be deemed to be varied to provide accordingly.

(2) Subject to the terms of this agreement—

(a) the area lying between the existing boundary of the county borough of Brighton (shown by a black dotted line on the said plan) and the said red ticked line shall be deemed to be included in the expression “ the added areas ” as defined in clause 3 of the Bill :

(b) the area comprising Goldsmid Road and hatched green on the said plan shall be deemed to be included in the expression “ the transferred area ” as defined in clause 3 of the Bill and the Hove Corporation shall use their best endeavours to secure that the area of Goldsmid Road is transferred from the county borough of Brighton to the borough of Hove along with the remainder of the transferred area.

A.D. 1931.

(3) Without prejudice to the general operation of clause 6 hereof the Brighton Corporation may continue to supply electricity in the parish of Preston Rural and in that part of the parish of Patcham lying to the south-west of Dyke Road and may do all such works as may be necessary to enable them to afford such supply. The charges to be made to consumers in the parish of Preston Rural and the said part of the parish of Patcham shall not exceed by more than $12\frac{1}{2}$ per cent. the charges made for the time being to consumers of the corresponding class within the county borough of Brighton. The Hove Corporation may if they so desire continue to supply electricity to the twenty houses in the parish of Preston Rural to which they are at the date of this agreement affording supplies under special orders in that behalf.

(4) The following financial provisions consequent on this agreement or on the addition to the county borough of Brighton of the added part of Hove or on the addition to the borough of Hove of the transferred area shall have effect:—

(i) in respect of the surplus assessable value transferred to the borough of Hove from the county borough of Brighton over and above the assessable value transferred to the county borough of Brighton from the borough of Hove and in full settlement of all financial adjustments arising under or pursuant to this agreement or under or pursuant to the Local Government Act 1888 the Local Government (Adjustments) Act 1913 or any other Act or Acts upon which financial questions arise there shall be paid by the Hove Corporation to the Brighton Corporation on the 1st day of April 1928 the capital sum of £5,750.

(ii) At any time after the giving of Royal Assent to the Bill and before the expiration of a period of fourteen days from the 1st day of April 1928 (the date upon which the first new valuation made under the Rating and Valuation Act 1925 will come into operation in respect of the existing county borough of Brighton) the Brighton Corporation and the Hove Corporation shall make application to the Minister of Health to consider and determine after considering any representations which may be made to him by the Brighton Corporation the Hove Corporation or any ratepayer in the added part of Hove or the transferred area—

(a) the amount in the £ (if any) by which the rate to be made and levied upon rateable hereditaments situate in the added part of Hove shall vary from year to year from the rate to be made and levied upon rateable hereditaments situate in the remainder of the county borough of Brighton;

A.D. 1931.
—

(b) the amount in the £ by which the rate to be made and levied upon rateable hereditaments situate in the transferred area shall vary from year to year from the rate to be made and levied upon rateable hereditaments situate in the remainder of the borough of Hove; and

(c) the period during which the differential rates (if any) referred to in paragraphs (a) and (b) of this subclause shall be made and levied.

(5)—(1) Notwithstanding the transfer to the borough of Hove of the transferred area the Brighton Corporation may in connection with the line of frontage shown by a brown line on the said plan exercise all such powers and shall have all such rights and remedies as they now have or may in future obtain relating to the prescription and definition of lines of frontage and the purchase and addition to streets of land and other consequences of such prescription and definition.

(2) As and when and to the extent that the Brighton Corporation exercise such powers rights and remedies as aforesaid the Hove Corporation shall repay to the Brighton Corporation one-half the cost incurred by the Brighton Corporation in connection therewith (including compensation paid to any person for loss damage or injury sustained by him by reason or in consequence of the exercise of such powers rights and remedies by the Corporation) as certified by the borough surveyor for the time being of the Brighton Corporation.

(3) As and when and to the extent that the land lying between the brown line on the said plan and the existing westerly boundary of Dyke Road shall be added to the said road such land shall for all purposes be deemed to be within the county borough of Brighton.

(6) Nothing herein contained shall affect the rights or obligations at present subsisting in the added part of Hove the transferred area or the area lying between the existing boundary of the county borough of Brighton and the red ticked line on the plan annexed hereto with regard to the laying maintenance or use of sewers or the supply of electricity and the laying maintenance and use of electrical supply cables or apparatus.

(7) In any Provisional Order or Act of Parliament providing for the extension of the borough of Hove there shall be inserted a provision requiring the Hove Corporation so far as may be reasonably practicable to secure that all surface water and storm water from any area added to the borough of Hove by such Provisional Order or Act of Parliament shall be excluded from any sewer for draining any such area which communicates directly or indirectly with a sewer of the Brighton Intercepting and Outfall Sewers Board.

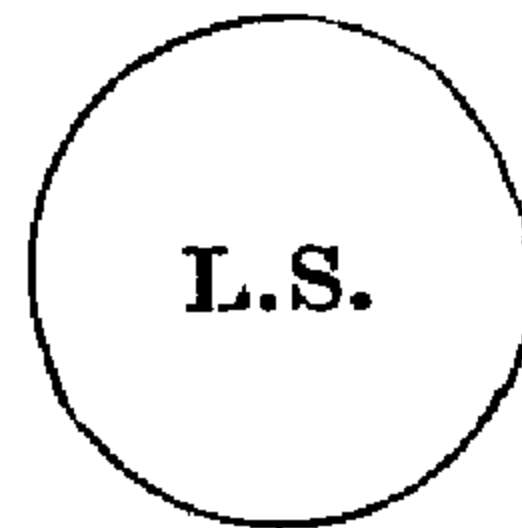
A.D. 1931.

(8) This agreement shall be scheduled to the Bill and the Brighton Corporation shall use their best endeavours to procure the insertion in the Bill of such provisions as may be required for the purpose of giving effect to this agreement and the Hove Corporation shall use their best endeavours to procure the insertion in any such Provisional Order or Act of Parliament as in the last clause mentioned of such provisions as may be required for the purpose of giving effect to this agreement.

(9) This agreement is subject to such alterations as Parliament may think fit to make therein but in the event of either House of Parliament making any material alteration therein either party may withdraw from the agreement.

In witness whereof the said parties to these presents have caused their respective common seals to be hereunto affixed the day and year first above written.

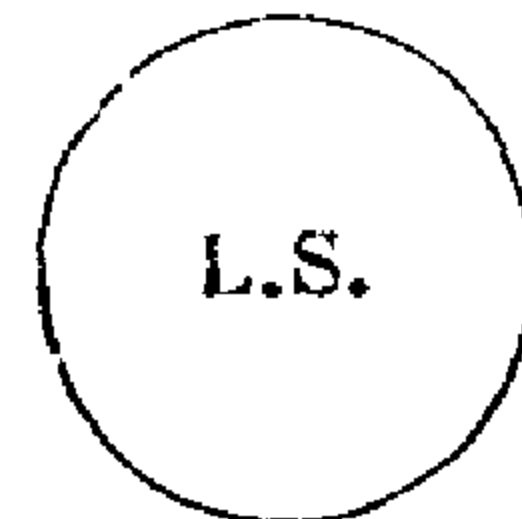
The common seal of the mayor aldermen and burgesses of the county borough of Brighton was hereunto affixed in the presence of



(Signed) R. MAJOR
Mayor.

(Signed) G. D. HELLIWELL
Deputy Town Clerk.

The common seal of the mayor aldermen and burgesses of the borough of Hove was hereunto affixed in the presence of



(Signed) W. JERMYN HARRISON
Town Clerk.

THE THIRTEENTH SCHEDULE

SECTIONS AND PROVISIONS OF ACTS OF PARLIAMENT AND ORDERS EXCEPTED FROM REPEAL.

The local Act 6 Geo. 4 cap. clxxix.

CCLX. Provided always, and it is hereby further enacted, that nothing in this Act contained shall extend, or be deemed or construed to extend, to abridge, diminish, take away, or impede the exercise of any privilege or right whatsoever of the said town, or of any of the officers or servants thereunto belonging, or of the Lords respectively of the Manors of Atlingworth or any manors within the Parish of Brighthelmston aforesaid.

Privileges of
the town
saved.

A.D. 1931.

The rights of the Leet of the Hundred of Whalesbone, and Half Hundred of Dean saved.

The rights of fishery saved.

CCLXI. And be it further enacted, that nothing in this Act contained shall in any manner invalidate, abridge, affect, or alter the rights and privileges of Henry Earl of Abergavenny, his heirs or assigns, as Lord of the Leet for the Hundred of Whalesbone, and Half Hundred of Dean, or the Court Leet there held according to ancient usage, or any of the immunities, privileges, profits and advantages to the said Leet belonging or appertaining.

CCLXII. And be it further enacted, that nothing in this Act contained shall extend or be construed to extend to a deprivation of any right or privilege appertaining to the fishermen and fishery of or belonging to the said town, by virtue of any Act, Charter, Power, or Award now in existence entitling the said fishermen and fishery to any rights, privileges, and benefits, or to any other rights, privileges, and benefits usually enjoyed by the said fishermen and fishery under any ancient custom of the Manor of Brighthelmston, or any other manor, or by any other lawful means whatsoever, save and except as such rights and privileges are affected or altered by this Act.

BRIGHTON CORPORATION WATER ACT 1896.

Officers, &c. of Company continued in service of Corporation.

13. Every officer or servant (but not including the directors or persons of the labouring class engaged for periods of less than one week) who on the thirty-first day of October one thousand eight hundred and ninety-five was and on the date of transfer shall still be in the employment of the Company shall be taken over by the Corporation on the same terms as to position and emoluments as those under which he was employed by the Company on the said thirty-first day of October one thousand eight hundred and ninety-five and shall continue in the employment of the Corporation until he resigns or is removed or dismissed by the Corporation but no such officer or servant shall be arbitrarily or unreasonably removed or dismissed by the Corporation.

[*Note.*—In the above section “the Company” means the former Shoreham and District Waterworks Company “the date of transfer” means the 30th September 1896 and “the Corporation” means the Brighton Corporation.]

BRIGHTON (EXTENSION) ORDER 1923.

Definitions.

1. In this Order unless the context otherwise requires :—
 - “Existing” in relation to any area altered by this Order means existing immediately before the commencement of this Order;
 - “The Act of 1888” and “the Act of 1894” mean respectively the Local Government Act 1888 and the Local Government Act 1894;

A.D. 1931.

“ The added area ” means that part of the existing parish of Patcham and of the rural district of Steyning East which is coloured yellow on the Borough maps and is added to the existing Borough of Brighton by this Order;

“ The Borough ” means the existing Borough of Brighton as extended by this Order;

“ The commencement of this Order ” means the First day of October one thousand nine hundred and twenty-three;

“ The Corporation ” means as the context requires the Mayor Aldermen and Burgesses of the existing Borough acting by the Council or of the Borough acting by the Council;

“ The County ” and “ the County Council ” mean respectively the Administrative County of East Sussex and the County Council of that County;

“ The Guardians ” means the Guardians of the Steyning Poor Law Union;

“ The Minister ” means the Minister of Health;

“ The Parish Council ” means the Parish Council of Patcham;

“ The Parish of Patcham ” and “ the Parish of Preston ” respectively mean each of those parishes as altered by this Order;

“ The Rural District ” and “ the Rural Council ” mean respectively the Rural District of Steyning East and the Rural District Council thereof.

27. (1) In any case where the extension of the existing Borough by this Order affects the distribution between the County and the Borough or between the County and the Borough on the one hand and any other County Borough on the other hand of the moneys payable out of the Local Taxation Account or by the Postmaster-General in pursuance of the Act of 1888 of the Local Taxation (Customs and Excise) Act 1890 and of the Roads Act 1920 (as amended by any subsequent Act and as affected by any Order in Council) or any financial relations or questions between those areas or any adjustment which has been made in regard to the said distribution or financial relations or questions equitable adjustments may be made.

Adjustment
of financial
relations
between
county and
county
boroughs.

(2) Any adjustment authorised by subdivision (1) of this Article may be made by agreement between the Councils of the

A.D. 1931. Borough the County and the County Borough affected and if such adjustment has not been made before the Thirtieth day of September one thousand nine hundred and twenty-four then on the application of any of the Councils interested the Minister may if he thinks fit make or appoint an arbitrator to make the adjustment.

(3) In any case in which an agreement for equitable adjustments as aforesaid has not been made the provisions of the Act of 1888 relating to adjustments between Administrative Counties and County Boroughs shall apply with the necessary modifications and the Minister or an arbitrator appointed by him as the case may be shall be substituted in those provisions for the Commissioners appointed under the Act of 1888 and notwithstanding anything in the provisions of this Order or of the Act of 1888 any such adjustment and the determination of any matter incidental or in relation thereto or consequent thereon shall when made by the Minister be deemed to be made by him otherwise than as an arbitrator and any arbitrator appointed by him shall be deemed to be an arbitrator within the meaning of section 62 of the Act of 1888 and the provisions of the Act of 1888 shall apply accordingly :

Provided that—

- (a) in lieu of subsection (6) of section 61 of the Act of 1888 subsections (1) and (5) of section 87 of the Act of 1888 shall apply to any inquiries which may be directed by the Minister under this Article and to the costs of those inquiries; and
- (b) subsection (6) of section 32 of the Act of 1888 shall apply to any agreement or award made under this Article.

Apportionment of balances and sums received under precepts.

33. (1) As soon as practicable after the commencement of this Order the County Council and the Rural Council as regards any cash balance in their hands at the commencement of this Order shall estimate the proportion thereof derived from contributions paid by the added area and subject to a deduction on account of undischarged liabilities in respect of that area accruing up to the commencement of this Order shall transfer such amount to the Corporation.

(2) This Article shall apply to any sum received after the commencement of this Order by the County Council or the Rural Council under a precept issued before that date in respect of any area in which the added area is comprised as if such sum were a cash balance in the hands of that Council at the commencement of this Order.

(3) The apportionment under this Article of any balance or sum received under a precept shall be subject to review on an adjustment under this Order.

A.D. 1931.

34. For the purposes of the application of section 62 of the Act of 1888 to any adjustment which may become necessary in consequence of this Order that section shall have effect—

Adaptation
of provisions
as to adjust-
ments.

(a) As if in subsections (5) (6) and (7) thereof the expression "Council" included any authority affected by this Order or by anything done in pursuance of this Order; and

(b) As if in the case of any such authority not otherwise empowered to borrow under any Act or on any security or in any manner mentioned in the said subsection (6) that subsection empowered the authority to borrow under any Act relating to and conferring on the authority a power to borrow on the security of all or any of the funds rates and revenues of the authority and in the manner provided by the said Act but without the consent of any other authority and subject to the requirement that all money so borrowed shall be repaid within such period as the Minister may sanction.

35. For the purposes of the application of section 62 of the Act of 1888 to any adjustment which may become necessary in consequence of the provisions of this Order which relate to the alteration of the area of any existing parish that section shall have effect—

Parochial
adjustments.

(1) As if the Overseers of the Parish of Preston and the Overseers of the Parish of Patcham were within the meaning of the said section as applied by this Order authorities affected by this Order;

(2) As if the poor rate or any other rate leviable in pursuance of the said section as applied by this Order were substituted for any fund mentioned in the section; and

(3) As if for subsections (6) and (7) of the said section there were substituted the subsections hereunder appended that is to say:—

"(6) If it is necessary for the purpose of giving effect to any agreement or award for an adjustment that a separate rate shall be levied in part of a parish only the agreement or award may authorise the making of such a separate rate as if it were a poor rate and as if the part of the parish on which it is to be levied were a whole parish.

"(7) Any capital sum paid for the purposes of any adjustment or in pursuance of any order or award of an arbitrator shall be applied by such person in such manner and for such purpose as the Minister of Health may authorise or direct."

[Ch. cix.] *Brighton Corporation* [21 & 22 GEO. 5.]
Act, 1931.

A.D. 1931.
—
Balances in
accounts of
Guardians
Rural Council
and Overseers.

36. (1) Any balance standing at the commencement of this Order in the books of the Guardians or of the Rural Council to the credit or debit of the existing Parish of Patcham shall be a matter for adjustment under section 62 of the Act of 1888.

(2) Except as hereinafter provided any balance at the commencement of this Order in the hands of or due to the Overseers of the existing Parish of Patcham shall be a matter for adjustment under section 62 of the Act of 1888.

Saving for
powers of
Minister &c.

51. Nothing in this Order shall be construed as restricting the powers of the Minister under the Acts relating to the relief of the poor or the powers of the Secretary of State the Minister the County Council or the Corporation under the Act of 1888 or the Act of 1894.

Ecclesiastical divisions
and charities.

53. Nothing in this Order shall affect the ecclesiastical divisions of any parish or shall prejudice vary or affect any right interest or jurisdiction in or over any charitable endowment.

BRIGHTON CORPORATION ACT 1927.

Interpretation.

3. In this Act unless the subject or context otherwise requires the following expressions have the respective meanings hereinafter stated (viz.) :—

“ The appointed day ” means the first day of April nineteen hundred and twenty-eight ;

“ Existing ” in relation to any area altered by this Act means existing immediately before the appointed day ;

“ The existing borough ” means the existing borough of Brighton ;

“ The borough ” means the existing borough as extended and altered by Part II. of this Act ;

“ The Corporation ” means as the context may require the mayor aldermen and burgesses of the existing borough or of the borough acting by the council ;

“ The borough of Hove ” means the existing borough of Hove as altered by Part II. of this Act ;

“ The Hove Corporation ” means as the context may require the mayor aldermen and burgesses of the existing borough of Hove or of the borough of Hove acting by the council of that borough ;

“ The county ” and “ the county council ” mean respectively as the context may require the existing administrative county of East Sussex and the council of that county or the said county as altered by Part II. of this Act and the council of that county ;

“ The Steyning East district ” and “ the Steyning East Council ” mean respectively as the context may require the existing rural district of Steyning East and the council of that district or the said district as altered by Part II. of this Act and the council of that district ;

“ The Newhaven district ” and “ the Newhaven Council ” mean respectively as the context may require the existing rural district of Newhaven and the council of that district or the said district as altered by Part II. of this Act and the council of that district ;

“ The rural councils ” means the Steyning East Council and the Newhaven Council and “ the rural districts ” means the Steyning East district and the Newhaven district ;

“ The parish of Brighton ” “ the parish of Hove ” “ the parish of West Blatchington ” “ the parish of Patcham ” “ the parish of Falmer ” and “ the parish of Ovingdean ” respectively mean the existing parishes of those names as respectively altered by Part II. of this Act ;

“ The new parish of Brighton ” means the parish constituted by the amalgamation of the parish of Brighton the parish of Preston the parish of Patcham the parish of Ovingdean and the parish of Rottingdean under Part III. of this Act ;

“ The Patcham Council ” and “ the Rottingdean Council ” respectively mean the respective parish councils of the existing parishes of Patcham and Rottingdean ;

“ The Falmer Council ” means as the context may require the parish council of the existing parish of Falmer or of the parish of Falmer ;

“ The added part of Hove ” means the portion of the existing parish of Hove which is hatched blue on the borough map and added by this Act to the borough ;

“ The transferred area ” means the portion of the existing parish of Brighton which is hatched red on the borough map and transferred by this Act to the parish of Hove and the borough of Hove but subject to the provisions of sub-section (4) of the section of this Act of which the marginal note is “ Extension of borough and alteration of boundary between Brighton and Hove ” ;

“ The added part of Patcham ” means so much of the existing parish of Patcham as is not added by the Hove Order to the borough of Hove the added part of Patcham being edged green on the borough map ;

“ The added part of West Blatchington ” means so much of the existing parish of West Blatchington as lies to the north-east and east of the line coloured red on the

A.D. 1931.
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borough map and is added by this Act to the borough the boundary of the existing parish of West Blatchington being edged blue on the borough map ;

“ The added part of Falmer ” means so much of the existing parish of Falmer as lies to the west and south of the line coloured red on the borough map and is added by this Act to the borough the boundary of the existing parish of Falmer being edged brown on the said map ;

“ The added areas ” means the added part of Hove the added part of Patcham the added part of West Blatchington the added part of Falmer the existing parish of Ovingdean and the existing parish of Rottingdean ;

“ The Brighton Guardians ” means as the context may require the board of guardians of the existing parish of Brighton or of the parish of Brighton or of the new parish of Brighton ;

“ The Steyning Union ” and “ the Steyning Guardians ” mean respectively as the context may require the existing Steyning Poor Law Union and the board of guardians of that union or the said union as altered by Part III. of this Act and the board of guardians of that union ;

“ The Newhaven Union ” and “ the Newhaven Guardians ” mean respectively as the context may require the existing Newhaven Poor Law Union and the board of guardians of that union or the said union as altered by Part III. of this Act and the board of guardians of that union ;

• • • • •
“ The Act of 1888 ” and “ the Act of 1894 ” mean respectively the Local Government Act 1888 and the Local Government Act 1894 ;

• • • • •
“ The Rating Act ” means the Rating and Valuation Act 1925 ;

“ The general rate fund ” and “ the general rate ” mean respectively the general rate fund and the general rate of the borough ;

“ Revenues of the Corporation ” include the revenues of the Corporation from time to time arising from any land undertaking or other property for the time being of the Corporation and the rates or contributions leviable by or on the order or precept of the Corporation ;

“ Local authority ” means a local authority as defined in section 3 of the Local Government and other Officers' Superannuation Act 1922 and includes the standing joint committee of a county ;

“ Officer ” includes a servant and any person whose remuneration is paid by a local authority; A.D. 1931.

“ The Minister ” means the Minister of Health ;

“ The Hove Order ” means the Provisional Order made by the Minister on the twelfth day of May nineteen hundred and twenty-seven under section 54 of the Act of 1888 altering the boundary of the borough of Hove.

33. Any resolution passed or other proceeding taken by either of the rural councils under the Town Planning Act 1925 or any enactment thereby repealed or any order of the Minister of Health made under that Act or repealed enactment (including agreements orders and consents entered into made or given under that Act repealed enactment or order) shall in so far as they relate to any land within the added areas have effect as if they had been taken by the Corporation in respect of the rural district in which the land was situate immediately before the appointed day. As to Town Planning Act 1925.

44. (1) Subject to any agreement which may hereafter be made between the Corporation and the county council to the contrary the portion of the local taxation licences and estate duty grant and of the local taxation (customs and excise) duties payable in respect of the area comprised in the existing county shall after the appointed day be apportioned between the county and the borough on the following basis :— Financial adjustment between Corporation and county council.

(a) If in any year the amount payable in respect of the area comprised in the existing county out of the local taxation licences and estate duty grant is the sum of sixty-seven thousand and seventy-eight pounds the compulsory payments and transfers shall be deemed to be the sum of thirty-nine thousand eight hundred and sixty pounds and of that sum of thirty-nine thousand eight hundred and sixty pounds the Corporation shall be entitled to receive in respect of the added areas the sum of four hundred and fourteen pounds Of the balance of twenty-seven thousand two hundred and eighteen pounds remaining of the said sum of sixty-seven thousand and seventy-eight pounds the Corporation shall be entitled to receive in respect of the added areas the sum of eleven hundred and twenty-four pounds ;

(b) If in any year the amount payable in respect of the area comprised in the existing county out of the local taxation (customs and excise) duties is the sum of five thousand five hundred and seventy-two pounds the Corporation shall be entitled to receive in respect of the added areas the sum of one hundred and fifty-four pounds ;

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- (c) If in any year the amounts payable under paragraphs (a) or (b) of this subsection are more or less than the sums of sixty-seven thousand and seventy-eight pounds or five thousand five hundred and seventy-two pounds respectively the remaining figures mentioned in paragraphs (a) or (b) hereof (as the case may be) shall be proportionately increased or reduced;
- (d) Subsection (6) of section 32 of the Act of 1888 shall apply to the adjustment made between the Corporation and the county council by the foregoing provisions of this subsection as though it were an adjustment made by agreement under that subsection (6) Provided that as between the Corporation and the county council the total of the two amounts to which the Corporation are entitled in any year under paragraph (a) of this subsection shall not for a period of ten years from the appointed day be reduced below the aggregate sum of fifteen hundred and thirty-eight pounds.

(2) The Corporation shall pay to the county council on the appointed day and the county council shall accept the sum of one hundred and ten thousand four hundred and fifty pounds payable as a lump sum in settlement of all claims of either of them against the other of them in respect of financial adjustments and claims arising out of or consequent upon the extension and alteration of the existing borough as by this Part of this Act provided except in respect of matters dealt with under subsection (1) of this section and except as provided by subsections (3) (4) and (5) of this section and by the section of this Act of which the marginal note is "Adjustment for purposes of Licensing (Consolidation) Act 1910."

(4) So much of the debts incurred by the county council prior to the first day of January nineteen hundred and twenty-seven in respect of the Patcham Elementary Schools and in respect of sea defences in the added areas as are outstanding on the appointed day shall be taken over by the Corporation and all liabilities and obligations of the county council in respect of the said portion of those debts shall be discharged by the Corporation.

(5) The Corporation shall contribute to the county council from time to time such proportion of the costs charges and expenses of the county council of and incidental to the assizes of the county the mental hospital (Haywards Heath) pensions the Sussex Sea Fisheries and the registration of electors as is properly attributable to the added areas.

(3) So much of the loan of one hundred and fifty pounds borrowed by the Newhaven Council from the Good Intent Lodge of Oddfellows on the second day of June nineteen hundred and eleven and so much of the loans of one thousand five hundred pounds and three hundred pounds respectively borrowed by the Newhaven Council from the county council under an agreement dated the twenty-third day of September nineteen hundred and nine as are outstanding on the appointed day shall be taken over by the Corporation and all liabilities and obligations of the Newhaven Council in respect of the said portions of those loans shall be discharged by the Corporation.

A.D. 1931.

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Financial
adjustment
between
Corporation
and New-
haven
Council.

(5) Notwithstanding anything in this Act to the contrary the twenty-three houses erected by the Newhaven Council in Park Terrace Rottingdean shall not be transferred to the Corporation but shall remain the property of the Newhaven Council and no liability in respect of any outstanding debt on those houses shall be transferred to the Corporation.

(6) In any case in which prior to the appointed day the Newhaven Council have made grants to any person under subsection (3) of section 2 of the Housing &c. Act 1923 as amended by subsection (1) of section 2 of the Housing (Financial Provisions) Act 1924 or any other amending Act for the purpose of the construction of houses the Newhaven Council shall be entitled to receive and retain any contributions payable by the Minister of Health in respect of such grants or any other payments or allowances in substitution for such contributions as if this Act had not been passed.

47. (1) An equitable adjustment shall be made between the county and the borough respecting the interest of the added areas and the transferred area in any compensation fund constituted under section 21 (Compensation fund) of the Licensing (Consolidation) Act 1910 or under any enactment repealed by that Act.

Adjustment
for purposes
of Licensing
(Consolida-
tion) Act
1910.

(2) Such adjustment shall be made by agreement between the compensation authority (as defined by the Licensing (Consolidation) Act 1910) for the county and for the borough within twelve months from the appointed day or such extended period as may be allowed by the Secretary of State or in default of agreement by an arbitrator appointed by the Secretary of State.

(3) For the purpose of such adjustment an arbitrator appointed by the Secretary of State shall be deemed to be an arbitrator within the meaning of section 62 (Adjustment of property and liabilities) of the Act of 1888 and the provisions of that Act shall apply accordingly.

A.D. 1931.

Powers
properties
&c. of rural
district
councils.

49.

(3) Any property or liabilities vested in or attaching to the Steyning East Council in relation to any part of the added areas conjointly with any other areas shall be a matter for adjustment.

Powers
properties
&c. of
parish
councils.

52. Subject to the provisions of this Act—

(1) Any powers and duties transferred by or under the Act of 1894 to the Rottingdean Council or to the Patcham Council so far as regards the added part of Patcham or to the Falmer Council so far as regards the added part of Falmer or to the parish meeting of the existing parish of West Blatchington so far as regards the added part of West Blatchington or to the parish meeting of the existing parish of Ovingdean shall be vested and imposed on the Corporation :

(3) Any property or liabilities held or incurred by the Patcham Council in relation to the added part of Patcham or any portion thereof conjointly with any other area shall by virtue of this Act be transferred to and vest in or attach to the Corporation but shall be a matter for adjustment :

(4) Any property or liabilities held or incurred by the Falmer Council in relation to the added part of Falmer or any portion thereof conjointly with any other area shall be a matter for adjustment.

Further
provision
as to altera-
tion of
boundary
between
Brighton
and Hove.

57. Where in the opinion of the Minister the circumstances so require the Minister may make such order as appears to him to be necessary for the purpose of giving effect to or of removing any difficulty in carrying into effect such of the provisions of this Part of this Act as relate to or are consequent on the transfer to the borough of the added part of Hove and the transfer to the borough of Hove of the transferred area or of giving effect to or of removing any difficulty in carrying into effect the provisions of the agreement set forth in the Third Schedule to this Act and any such order when made shall have effect as if enacted in this Act Provided that the Secretary of State in relation to any matter within his jurisdiction shall be substituted in this subsection for the Minister.

Adaptation
of provisions
as to adjust-
ment.

70. Section 62 (Adjustment of property and liabilities) of the Act of 1888 shall (except as by this Act otherwise provided) apply to any adjustment which may become necessary under or in consequence of this Act and for the purposes of such application that section shall have effect—

(a) as if in subsections (5) (6) and (7) thereof the expression “ council ” included any authority affected by this Act or by anything done in pursuance of this Act ;

A.D. 1931.

(b) as if in the case of any such authority not otherwise empowered to borrow under any Act or on any security or in any manner mentioned in the said subsection (6) that subsection empowered the authority to borrow under any Act relating to and conferring on the authority a power to borrow on the security of all or any of the funds rates and revenues of the authority and in the manner provided by the said Act but without the consent of any other authority and subject to the requirement that all money so borrowed shall be repaid within such period as the Minister may sanction;

(c) as if the fund or rate specified in any agreement or award for an adjustment were substituted for any fund mentioned in the section; and

(d) as if the following subsection were added to the section:—

“(8) If it is necessary for the purpose of giving effect to any agreement or award for an adjustment that a separate rate shall be levied in part only of a parish the agreement or award may authorise such sum to be levied in that part as an additional item of the poor rate or general rate as the case may be.”

Provided that where the authority affected by this Act or by anything done in pursuance of this Act are the board of guardians of a poor law union or of the parish of Brighton section 62 of the Act of 1888 shall apply in respect to any necessary adjustment with the modifications specified in the First Schedule to the Poor Law (Dissolution of School Districts and Adjustments) Act 1903.

78. (1) In the succeeding provisions of this Act any officer transferred by the immediately preceding section of this Act and the office or duties in respect of which he is so transferred are respectively referred to as a “transferred officer” and a “transferred office.”

Transferred
officers.

(2) Every transferred officer shall hold his office by the same tenure and on the same conditions as if this Act had not been passed and while performing similar duties shall in respect of a transferred office receive not less salary or remuneration and be entitled to not less pension (if any) than the salary remuneration or pension to which he would have been entitled if this Act had not been passed.

(3) The Corporation or the Brighton Guardians (as the case may require) may distribute the business to be performed by the transferred officers in such manner as the Corporation or the Brighton Guardians may think just and every officer shall perform such duties in relation to that business as may be directed by the Corporation or the Brighton Guardians and the Corporation

A.D. 1931. or the Brighton Guardians may abolish the office of any such officer.

(4) If at any time within five years after the appointed day any transferred officer is required to perform duties which are not analogous to or which are an unreasonable addition to those which he was required to perform in respect of the transferred office immediately before the appointed day the officer may relinquish his office.

(5) If the annual contributions required by the Poor Law Officers Superannuation Act 1896 have been made by any officer transferred to the Corporation the provisions of that Act shall as regards such officer continue to apply to that officer subject to the following modifications :—

(a) References to the Corporation shall be substituted in the provisions of the Act for references to guardians and the said provisions shall in other respects apply and have effect as if the Corporation were within the meaning of those provisions an authority to which the Act applies ;

(b) The contributions of any such officer shall after the appointed day be carried to and form part of the general rate fund or shall be applied in aid of the general rate and any superannuation allowance or gratuity under the provisions of the Act shall be paid by the Corporation out of the general rate fund or general rate.

(6) If any transferred officer by whom the annual contributions required by the Poor Law Officers Superannuation Act 1896 have been made becomes entitled to compensation by reason of the relinquishment or abolition of his office or determination of his appointment he shall be deemed to lose his office within the meaning of section 8 of that Act and the amount which he shall be entitled to receive in pursuance of that section shall include every payment made to the Corporation or the Brighton Guardians in respect of his contributions in pursuance of this Act but he shall not be entitled to claim any gratuity under or pursuant to the said section 8.

(7) The contributions which have been made by any transferred officer under the Poor Law Officers Superannuation Act 1896 shall in so far as such contributions have been received by any local authority or board of guardians from whom the officer is transferred be paid to the Corporation or the Brighton Guardians by that local authority or board of guardians.

Compensation to existing officers.

79. (1) Every officer in office at the passing of this Act who by virtue of this Act or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by determination of his appointment or by diminution or loss of salary fees or emoluments (and for whose compensation

for that loss provision is not made by any other enactment for the time being in force) shall be entitled to compensation for that loss from the Corporation.

A.D. 1931.

- (2) For the purposes of this section any transferred officer—
- (a) who relinquishes under the provisions of this Act a transferred office; or
 - (b) whose services are dispensed with or whose salary fees or emoluments are reduced within five years after the appointed day because his services are not required or his duties are diminished and not on the ground of misconduct;

shall be deemed unless the contrary is shown to have suffered a direct pecuniary loss in consequence of this Act.

(3) If by the Hove Order the Steyning East district shall be reduced in area on the appointed day or if by an order or orders of the county council made under section 57 of the Act of 1888 and confirmed by the Minister the Steyning East Council shall on the appointed day or within twelve months thereafter be dissolved then—

- (a) Subsection (1) of this section shall extend and apply to every officer of the Steyning East Council in office at the passing of this Act who by virtue of this Act or the Hove Order or the order or orders of the county council suffers any such pecuniary loss as is mentioned in that subsection;
- (b) Any application for compensation under this subsection shall be made to the Corporation and any compensation payable hereunder shall be defrayed by the Corporation but shall if necessary be a matter for adjustment under section 62 of the Act of 1888 between the Corporation the Hove Corporation and the council of any district to which any portion of the Steyning East district is transferred and for that purpose the expression "council" in subsections (5) (6) and (7) of the said section 62 shall be deemed to include the council of any such district as aforesaid;
- (c) References in subsection (2) of this section to this Act shall be read as including a reference to the Hove Order and any such order or orders of the county council Provided that nothing in this subsection shall entitle any such officer of the Steyning East Council to claim or receive compensation for the same pecuniary loss under this Act and also under the Hove Order or any such order or orders of the county council.

80. (1) In determining the compensation payable to any person who becomes entitled to compensation in pursuance of the immediately preceding section of this Act regard shall be

Determina-
tion of
compensa-
tion.

A.D. 1931. had to the conditions and circumstances mentioned in subsection (1) of section 120 (Compensation to existing officers) of the Act of 1888 and the compensation shall not exceed the limit therein mentioned.

(2) Any compensation payable under this Act to any officer shall be paid out of the general rate fund and general rate and the provisions of section 120 of the Act of 1888 shall apply subject to the following and any necessary modifications :—

- (a) Any reference in that section to the county council shall be construed as a reference to the Corporation and any references in that section to the Treasury shall be construed as a reference to the Minister;
- (b) References in that section to “ the passing of this Act ” shall be construed as references to the appointed day;
- (c) The expression in subsection (1) of that section “ the Acts and rules relating to Her Majesty’s Civil Service ” shall mean the Acts and rules relating to Her Majesty’s Civil Service which were in operation at the date of the passing of the Act of 1888; and
- (d) In subsection (7) of that section for the words “ under the same or any other county council ” there shall be substituted the words “ under any local authority as defined by the Local Government and other Officers’ Superannuation Act 1922.”

(3) The compensation payable under this Act to an officer who immediately before the appointed day held two or more offices under any local authority or local authorities and who devoted the whole of his time to the duties of such offices shall not be reduced by reason of the fact that he has devoted only part of his time to each of such offices.

For the purposes of this subsection the offices of clerk to an assessment committee constituted under the Rating Act superintendent registrar registrar of births and deaths and registrar of marriages shall be deemed to be offices under a local authority.

(4) In computing the time of service in any capacity of any officer for the purpose of determining the compensation to which he is entitled under this Act the Corporation shall take into account all the services of any such officer after the attainment of the age of eighteen years in any capacity under any local authority whether such officer has been appointed annually or otherwise.

(5) All fees or remuneration received and retained by an officer in connection with the preparation of the jurors book or of the register of electors under the Representation of the People Acts 1918 to 1926 shall subject to a reasonable deduction for any

expenses incurred by the officer be regarded as part of the emoluments of the officer for the purpose of compensation. A.D. 1931.

(6) If any officer was temporarily absent from his employment during the war whilst serving in His Majesty's forces or the forces of the allied or associated powers either compulsorily or with the sanction or permission of the local authority such period of temporary absence shall be reckoned as service under the local authority in whose employment he was immediately before and after such temporary absence :

Provided that in the case of an officer who after the armistice voluntarily extended his term of service in the forces no period of absence during such extension shall be reckoned.

(7) The Corporation may in their discretion and in consideration of the fact that any officer was appointed to his office as a specially qualified person or of the fact that he had prior to his appointment served as a deputy assistant or clerk to any officer not holding a temporary appointment add any number of years (not exceeding ten) to the number of years which such officer would otherwise be entitled to reckon for the purpose of computing the compensation to which he would be entitled under the Acts and rules relating to Her Majesty's Civil Service as applied by this Act.

81. No officer shall be entitled to receive compensation under this Act for any direct pecuniary loss and a superannuation or retiring allowance in respect of the same period of service and the same pecuniary loss. Compensation and superannuation.

82. The provisions of the three immediately preceding sections of this Act shall apply to a teacher employed in a public elementary school maintained by the local education authority at the passing of this Act as if he were an officer employed by the authority : As to teachers in public elementary schools.

Provided that—

- (a) in the case of a teacher employed in a public elementary school maintained but not provided by the authority the provisions with respect to an officer whose services are dispensed with shall only apply if such teacher be discharged by the authority or by the direction or with the consent of the authority (otherwise than for misconduct) within five years after the appointed day ;
- (b) in the application of subsection (7) of section 120 of the Act of 1888 in the case of a teacher to whom a compensation allowance has been granted in pursuance of this section service in a public elementary school maintained but not provided by a local authority shall be deemed to be service in an office under that authority.

A.D. 1931.

—
Saving
provisions.

91. (1) Nothing in this Act shall except as otherwise expressly provided by this Act—

(a) be construed as restricting the powers of the Minister under the Acts relating to the relief of the poor or the powers of the Secretary of State the Minister the county council or the Corporation under the Act of 1888 or the Act of 1894.

(c) affect the ecclesiastical divisions of any parish or any property held for ecclesiastical purposes or prejudice vary or affect any right interest or jurisdiction in or over any charitable endowments.

(2) Nothing in this Act shall affect land tax and for the purposes of income tax the provisions of the sections of this Act of which the marginal notes respectively are "Alterations of parishes and unions" "Further provisions as to alteration of boundary between Brighton and Hove" and "Consolidation of parishes" shall not come into operation during any year in which under any enactment the annual value of any property adopted for the purpose of income tax under Schedules A and B for the preceding year is taken as the annual value of that property for the same purpose for that year.

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