



## CHAPTER lxxv.

An Act to define the seaward boundary of the borough of Lowestoft to provide for the leasing of part of the pier known as the South Pier by the London and North Eastern Railway Company to the mayor aldermen and burgesses of the said borough and to empower the said mayor aldermen and burgesses to maintain and manage the premises so leased to them to confer further powers upon the said mayor aldermen and burgesses with regard to the supply of electricity and the health local government and improvement of the borough and for other purposes.

A.D. 1934.

[25th July 1934.]

**W**HEREAS the borough of Lowestoft (in this Act called "the borough") is under the local government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation"):

And whereas by the Lowestoft Corporation Act 1901 the seaward boundary of the borough as constituted at the date of that Act was defined so as to include within the boundaries of the borough a certain area below high-water mark which area is shown upon the map referred to in section 63 of that Act:

And whereas in pursuance of an order made by the Minister of Health under the provisions of section 46 of the Local Government Act 1929 the parish of Gunton

A.D. 1934.

— and parts of the parishes of Carlton Colville Corton Oulton and Pakefield which were formerly within the rural district of Mutford and Lothingland were included within the boundaries of the borough as from the first day of April nineteen hundred and thirty-four and certain portions of those areas adjoin the sea :

And whereas it is expedient that the seaward boundary of those parts of the borough which were included within the boundaries thereof on and from the first day of April nineteen hundred and thirty-four should be defined so as to conform to the definition of the seaward boundary of the borough as constituted prior to that date :

And whereas the London and North Eastern Railway Company are the owners of the breakwater or pier in the borough which is known as the South Pier and that company have agreed (subject to the approval of Parliament) to grant to the Corporation a lease of certain portions of the South Pier and of certain property and rights possessed by them in connection therewith :

And whereas it is expedient to confirm the lease of the portions of the South Pier and other premises which is set forth in the First Schedule to this Act and to confer powers upon the Corporation with reference to the maintenance and management of so much of the South Pier and other premises as is comprised within the said lease :

And whereas certain powers of control over the seashore of the borough have been conferred upon the Corporation by Parliament and it is expedient to confer further powers upon them with reference to the seashore and the provision of improvements thereon and on lands belonging to the Corporation which are adjacent thereto and also with regard to parks recreation grounds public buildings and swimming and other baths :

And whereas it is expedient to confer further powers upon the Corporation with reference to the retention disposal and development of lands :

And whereas in pursuance of the Lowestoft Electricity Acts and Orders 1898 to 1928 the Corporation are empowered to supply electricity within the borough and within certain areas in the neighbourhood thereof

and it is expedient that the further provisions with regard to the supply of electricity which are set forth in this Act should be enacted : A.D. 1934.  
—

And whereas the Corporation are the owners of a road transport undertaking and it is expedient to confer further powers upon them with reference to that undertaking as in this Act provided :

And whereas it is expedient to make further provision with regard to the streets and buildings in the borough and that the powers of the Corporation in relation to the health local government and improvement of the borough be enlarged as by this Act provided :

And whereas it is expedient to provide for the establishment of a consolidated loans fund by the Corporation and to make further provision with regard to the finances of the Corporation and the application of the revenues of their several undertakings :

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

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

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 as follows (that is to say) :—

## PART I.

### PRELIMINARY.

1. This Act may be cited as the Lowestoft Corporation Act 1934. Short title.

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

Part I.—Preliminary.

Part II.—Borough boundary.

Part III.—South Pier.

Part IV.—Improvement provisions.

Division of  
Act into  
Parts.

A.D. 1934.

Part V.—Lands.

Part VI.—Electricity.

Part VII.—Streets and buildings.

Part VIII.—Sewers drains &amp;c.

Part IX.—Infectious disease and sanitary provisions.

Part X.—Finance.

Part XI.—Miscellaneous.

Incorporation of Acts.

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

(a) The Lands Clauses Acts except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and except section 127 of the Lands Clauses Consolidation Act 1845;

(b) Sections 30 47 51 79 80 91 92 94 and 96 to 103 inclusive of the Harbours Docks and Piers Clauses Act 1847.

Interpretation.

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

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

“ The borough ” means the borough of Lowestoft ;

“ The Corporation ” means the mayor aldermen and burgesses of the borough ;

“ The council ” means the council of the borough ;

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

“ The registrar ” means the registrar of stock of the Corporation ;

- “ The general rate fund ” and “ the general rate ” mean respectively the general rate fund and the general rate of the borough; A.D. 1934. —
- “ The company ” means the London and North Eastern Railway Company and in Parts VI VII VIII IX and XI shall be deemed to include the Norfolk and Suffolk Joint Railways Committee;
- “ The scheduled lease ” means the lease dated the twentieth day of February nineteen hundred and thirty-four which is set out in the First Schedule to this Act;
- “ The South Pier ” means so much of the pier known as the South Pier situate in the borough and belonging to the company as is leased to the Corporation under and in pursuance of the scheduled lease and includes all property rights powers and privileges which are leased to the Corporation thereunder;
- “ The South Pier undertaking ” means the South Pier undertaking of the Corporation authorised by this Act;
- “ The electricity undertaking ” means the electricity undertaking of the Corporation;
- “ The electricity limits ” means the limits within which the Corporation are for the time being authorised to supply electricity;
- “ The road transport undertaking ” means the undertaking of the Corporation which includes their tramway trolley vehicle and omnibus and public service vehicle undertakings;
- “ The Corporation undertakings ” means the South Pier undertaking the electricity undertaking the road transport undertaking and the Lamp Lands undertaking of the Corporation;
- “ Telegraphic line ” has the same meaning as in the Telegraph Act 1878;
- “ 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;

A.D. 1934.

- “ The Public Health Acts ” means the Public Health Act 1875 and the Acts amending and extending the same ;
- “ The Act of 1933 ” means the Local Government Act 1933 ;
- “ Daily penalty ” means a penalty for each day on which an offence is continued after conviction ;
- “ 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 ;
- “ 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 ;
- “ Child ” means a person under the age of sixteen years ;
- “ Food ” has the meaning assigned to it by section 34 (Definitions) of the Food and Drugs (Adulteration) Act 1928 ;
- “ The Act of 1901 ” and “ the Act of 1920 ” mean respectively the Lowestoft Corporation Act 1901 and the Lowestoft Corporation Act 1920 ;
- “ Statutory borrowing power ” and “ statutory security ” have the meanings assigned to them respectively by section 4 (Interpretation) of the Act of 1920 ;
- “ Authorised security ” means any mortgage stock bond or other security which the Corporation are for the time being authorised to grant create or issue or upon or by means of which the Corporation are for the time being authorised to raise money ;
- “ The Minister ” means the Minister of Health.

## PART II.

## BOROUGH BOUNDARY.

Maritime  
boundary  
of borough.

5.—(1) The maritime boundary of the borough and of the parish of Lowestoft is hereby extended so as to include within the borough and the said parish

the areas coloured blue upon the map signed in triplicate by the Right Honourable the Earl of Onslow the chairman of the committee of the House of Lords to which the Bill for this Act was referred.

A.D. 1934.  
—

(2) The maps referred to in this section shall before the expiration of two weeks from the passing of this Act be respectively deposited in the Parliament Office of the House of Lords the Committee and Private Bill Office of the House of Commons and with the town clerk at the office of the Corporation and copies of the map deposited with the town clerk certified by him to be true shall be sent within one month after the passing of this Act to the Board of Inland Revenue to the Commissioners of Customs and Excise to the Registrar-General to the Board of Trade to the Minister to the Minister of Agriculture and Fisheries to the Director-General of His Majesty's Ordnance Survey at Southampton and to the Postmaster-General.

(3) Copies of or extracts from the said 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 such map.

### PART III.

#### SOUTH PIER.

6.—(1) The scheduled lease is hereby confirmed and made binding upon the Corporation and the company and effect may and shall be given thereto accordingly subject to such modifications (if any) as may be agreed between the Corporation and the company in writing under their respective common seals.

Confirma-  
tion of  
scheduled  
lease.

(2) After the expiration or sooner determination of the scheduled lease the Corporation and the company may enter into and carry into effect contracts and agreements with respect to the sale or lease by the company to the Corporation of the South Pier or any part thereof or of any works or conveniences provided thereon or in connection therewith or with respect to the working management maintenance and repair thereof respectively by the Corporation.

A.D. 1934.  
—  
Power to  
manage  
maintain  
and improve  
South Pier.

7.—(1) Subject to the provisions of this Act and subject to the provisions of the scheduled lease and of any such modification thereof as is referred to in subsection (1) of the preceding section of this Act and subject to the terms of any such contract or agreement as is referred to in subsection (2) of that section the Corporation—

- (a) may hold use manage and control the South Pier and appoint and pay officers servants and workmen to perform any services in connection therewith and remove such officers servants and workmen;
- (b) may repair maintain alter and improve the South Pier and in connection therewith may from time to time construct erect maintain alter and improve all necessary buildings roads approaches offices engines electric and other apparatus and machinery water pipes and other works and conveniences;
- (c) may erect construct and maintain upon the South Pier and upon any lands acquired by or leased to them in connection therewith and may furnish stock and equip fishing platforms pavilions or assembly rooms concert lecture waiting reading refreshment and other rooms galleries saloons arcades kiosks shops shelters seats chairs winter gardens automatic machines bicycle-stands bandstands urinals and other conveniences bathing places and cabins with all necessary conveniences and appliances or may arrange for such erection construction and maintenance and may make such reasonable charges as they may think fit for the use thereof or for admission thereto as the case may be in addition to the authorised charges for passengers promenaders and others using the South Pier.

(2) Any electric and other apparatus and machinery constructed erected or maintained under the provisions of this section shall be so constructed erected maintained and used as to prevent any interference with any telegraphic line belonging to or used by the Postmaster-General or with any telegraphic communication by means of any such line.



(3) Nothing in this Part of this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1933 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

A.D. 1934.

8. The Corporation may subject and according to the provisions of this Act demand recover and receive for the use of the South Pier in respect of the persons vehicles matters and things mentioned in the Second Schedule to this Act any sums not exceeding the rates specified in that schedule.

Power to  
levy rates.

9. The Corporation may confer vary or extinguish exemptions from and compound with any person with respect to the payment of rates or charges authorised by this Act but so that no preference be in any case given to any person over any other person using the South Pier under the like circumstances and that anything done under this section shall not prejudice the other provisions of this Act.

Power to  
vary  
exemptions  
and  
compound  
for rates.

10. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and also all persons brought ashore from any vessel in distress shall at all times have free ingress passage and egress to along and from the South Pier without payment.

Lifeboat  
crew  
exempt  
from rates.

11.—(1) The Corporation may grant to passengers and promenaders or others for the use of the South Pier (either inclusive or exclusive of admission to any building or room for the time being thereon) pass tickets or family tickets at such rates on such terms and for such periods not exceeding one year as they may think fit or may issue books containing any number of tickets at a reduced rate but so that no preference be given to any person.

Pass tickets  
for use of  
pier.

(2) The Corporation may prescribe the conditions on which pass tickets or family tickets or books of tickets are issued and the persons by whom those tickets may be used.

A.D. 1934.

(3) A pass ticket shall not be transferable and shall not be used by any person except the person to whom it is granted. A pass ticket, family ticket or book of tickets shall not be used otherwise than in accordance with the conditions on which it is issued or after the period limited for its use.

(4) There shall be printed on every pass ticket and family ticket the conditions on which the same is issued.

(5) If any person wilfully and with intent to defraud acts in any way in contravention of the provisions of this section or uses or attempts to use any false or counterfeit ticket he shall for each offence be liable to a penalty not exceeding twenty shillings.

Power to charge higher rates for evening entertainments.

**12.**—(1) Notwithstanding anything contained in this Act the Corporation may charge for every person entering upon and using the South Pier after six o'clock in the afternoon of any day on which a concert dance or other public entertainment (lasting for at least one and a half hours after six o'clock in the afternoon) is held on the South Pier or in or on any pavilion building enclosure platform or room for the time being on the pier any sum not exceeding sixpence exclusive of and in addition to any charge which may be made for admission to the pavilion building enclosure platform or room in or on which the concert dance or entertainment takes place.

(2) Any person who having already paid the ordinary charge for using the South Pier remains on the South Pier after six o'clock in the afternoon of any such day as in the preceding subsection mentioned shall have credit for the sum already paid by him and shall be liable in addition thereto to pay only the difference between the special charge and the sum already paid by him as aforesaid.

Power to close South Pier.

**13.**—(1) The Corporation may if they think fit close the South Pier or any part thereof for the whole or any part of the period extending from the first day of October in any year to the first day of May in the following year.

(2) For the purpose of exercising the powers conferred upon them by the section of this Act of which the marginal note is "Power to manage maintain and

improve South Pier" the Corporation may close the South Pier or any part thereof for such periods as may be reasonably necessary for that purpose. A.D. 1934.

(3) (a) The Corporation may also on any special occasion but not exceeding twelve days in any one year or for more than three days consecutively close the South Pier against the public and may if they think fit on such occasions admit any persons to the South Pier on payment of such special rates of admission not exceeding one shilling and sixpence for each person as the Corporation may think fit.

(b) The special rate charged under paragraph (a) of this subsection shall be in lieu of and not in addition to the rate authorised by the foregoing provisions of this Act and any person paying the special rate shall not be liable to pay any further or other rate or sum for admission to the South Pier on the day for which the special rate is charged.

(4) The Corporation shall give notice of their intention to close the South Pier under this section by exhibiting the notice conspicuously at the entrance to the South Pier during at least two days before the day on which the said pier is to be closed.

14. No pass ticket or payment of rates payable under this Part of this Act for the use of the South Pier shall entitle the holder of the pass ticket or the person paying to the use of the buildings and erections on the South Pier or any of them or any part of the South Pier which is set apart for a particular purpose unless the Corporation otherwise determine. Payment of rates not to confer right to use buildings.

15.—(1) The Corporation may subject to the provisions of this Act from time to time provide and pay for or contribute towards the payment of bands of music concerts sports or other entertainments of any kind whatsoever on the South Pier or in the pavilions or other buildings thereon and subscribe towards the funds of any regatta or fête held in the immediate vicinity of the South Pier but the Corporation shall not themselves provide cinematograph performances other than the showing of films illustrative of questions relating to health or disease. Powers as to entertainments on South Pier.

(2) Provided that as respects the provision of stage plays or any entertainment for which scenery or

A.D. 1934. theatrical costume is used and which forms a complete programme of variety entertainment as usually given at a music hall under the provisions of this section the Corporation shall (unless otherwise authorised by Act of Parliament) either—

- (a) let the pavilion or other building in which such stage plays or entertainment are or is produced in consideration of the payment to them of such a sum or sums of money as may be reasonable in all the circumstances; or
- (b) enter into an arrangement under which such a share in the gross or net receipts in respect of the production of such stage plays or entertainment as may be reasonable under all the circumstances shall be credited to them;

and the Corporation shall not under the provisions of this section undertake any liability for any loss that may be occasioned in the production of any such stage plays.

(3) The Corporation may provide and sell or authorise any person or persons to provide and sell programmes of any band performances concerts sports or other entertainments provided given or carried on in pursuance of this section.

(4) The Corporation may make byelaws for securing good and orderly conduct during any band performances concerts sports or other entertainments provided given or carried on in pursuance of this section.

Power to  
lease under-  
taking or  
rates.

**16.**—(1) The Corporation may with the previous consent in writing of and upon such terms conditions and restrictions and for such period as may be approved in writing by the company with the approval of the Minister of Transport lease to any other company corporation or person (a) the South Pier undertaking or (b) the rates and other charges authorised to be taken by this Part of this Act.

(2) As from the date of any lease made under the last preceding subsection the lessee during the continuance of and to the extent provided in his lease shall have and may exercise all or any of the powers conferred upon the Corporation by this Part of this Act and shall be subject to all the liabilities and

obligations to which the Corporation are subject and shall perform all the duties of the Corporation under this Part of this Act.

A.D. 1934.

(3) No lease made under subsection (1) of this section shall be assignable without the previous consent in writing of the Corporation.

17. In addition to any general power contained in this Part of this Act the Corporation may subject to the terms of the scheduled lease let for hire or lease for any term not exceeding seven years any fishing platforms pavilions or assembly rooms concert lecture waiting reading refreshment and other rooms galleries saloons arcades kiosks shops shelters seats chairs winter gardens automatic machines bicycle-stands bandstands baths bathing places and cabins or other buildings conveniences or appliances separately from any other part of the South Pier undertaking to any company corporation or person upon such terms pecuniary or otherwise and under such restrictions and conditions as they think fit.

Power to  
lease  
pavilions  
&c.

18.—(1) In addition to any other powers for making byelaws conferred on the Corporation by this Act they may make byelaws in relation to the South Pier for all or any of the following matters (that is to say) :—

Byelaws in  
regard to  
South Pier.

For regulating the collection and levying of the rates or charges authorised by this Act to be taken by the Corporation ;

For regulating the traffic on the South Pier ;

For regulating the conditions of the user of any portion of the South Pier ;

For preventing injury to and protecting the South Pier and property thereon or attached thereto ;

For regulating the conduct of persons frequenting the South Pier and for preserving order thereon.

(2) The byelaws which may from time to time be made by the Corporation in exercise of the power in that behalf conferred on them by this Act may provide for imposing a penalty not exceeding five pounds for the breach or non-observance of any of the byelaws.

A.D. 1934.

—  
Appoint-  
ment of  
officers to  
enforce  
byelaws  
and  
regulations.

**19.** The Corporation may appoint officers for securing the observance of the byelaws and regulations made by the Corporation under this Part of this Act in respect of the South Pier and may from time to time procure such officers to be sworn in as constables for that purpose but no such officers shall act as constables until so sworn in and unless in uniform or provided with a warrant.

Officers  
exempt  
from rates.

**20.** Officers of the Board of Trade and Ministry of Transport and police officers acting in the execution of their duty shall at all times have free ingress passage and egress to along and from the South Pier without payment.

## PART IV.

## IMPROVEMENT PROVISIONS.

Powers as  
to seaside  
improve-  
ments.

**21.**—(1) Subject to the provisions of the sections of this Act of which the marginal notes are “Crown rights” and “Works below high-water mark not to be constructed without consent of Board of Trade” 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 (in this section referred to as “the seaside improvements”):—

conservatories 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 High Street and Whapload Road and also between the upper and lower esplanades at Kirkley Cliff;

together with all necessary or proper approaches works and conveniences:

Provided that nothing in this subsection shall authorise the Corporation to make or execute any of the seaside improvements on the lands in the borough.

which are known as "the Denes" in contravention of the provisions of the undertaking dated the twenty-second day of April nineteen hundred and twenty which was given by the Corporation to the Suffolk Mutual Drift Net Fishing Boat Owners Trade Protection Society Limited except with the consent in writing of that society. A.D. 1934.

(2) 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.

(3) The Corporation may make reasonable charges in respect of the use of the conservatories reading rooms lavatories and other places and conveniences lifts and elevators forming part of or provided in connection with the seaside improvements not exceeding—

- (a) For admission to and use of any conservatory  
For each person one shilling;
- (b) For admission to and use of any reading room  
lavatory or other place or convenience For  
each person twopence;
- (c) For conveyance in a lift or elevator For each  
person twopence;

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.

(4) 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.

(5) The Corporation may make byelaws—

- (a) For the management of all or any of the  
seaside improvements;
- (b) For regulating the use of all or any of the  
seaside improvements and the conduct of  
persons resorting thereto.

A.D. 1934.

Use of  
Kirkley  
Recreation  
Ground.

**22.**—(1) The Corporation may from time to time permit the use of the whole or set apart any portion of the recreation ground known as the Kirkley Recreation Ground 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.

(2) The Corporation may when the whole or any portion of the Kirkley 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.

Power to  
let parks to  
cricket  
clubs &c.

**23.** 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 Provided that the area of any one park let by the Corporation under the provisions of this section shall not at any time exceed one-half of the total area of that park and the total area let by the Corporation under those provisions shall not at any time exceed one-fifth of the total area of all the parks or places of public resort or recreation for the time being belonging to the Corporation or under their control other than the seashore.

Provision  
of concerts  
enter-  
tainments  
&c. in  
public halls  
&c.

**24.** Subject to the provisions of this Act—

(1) The Corporation may provide or arrange for the provision or carrying on of suitable concerts entertainments exhibitions swimming contests athletic meetings regattas and amusements in any concert hall public hall



A.D. 1934.  
—

assembly room pavilion conservatory winter garden bandstand or other building provided by them elsewhere than on the South Pier or in any baths bathing pools or model yacht ponds belonging to them or in any parks or recreation grounds for the time being vested in them or under their control or upon any land belonging or leased to them and may make such charges as they may think fit for admission thereto and the Corporation may let any such buildings baths bathing pools model yacht ponds or rooms belonging to them or any parks or recreation grounds for the purposes of such concerts entertainments exhibitions swimming contests athletic meetings regattas or amusements or for the sale of refreshments for such periods or occasions and upon such terms and conditions as the Corporation may think fit :

Provided that nothing in this subsection contained shall enable the Corporation to use any concert hall public hall assembly room pavilion conservatory winter garden or other building provided by them for the purposes of a cinematograph theatre :

Provided also that the concerts entertainments and amusements which the Corporation may provide under the powers of this section shall include concert and pierrot entertainments and other like entertainments whether costume is or is not used in connection therewith and either with or without appropriate scenery but the Corporation shall not themselves provide stage plays performed by persons other than members (resident in or near the borough) of any amateur dramatic society or any entertainment for which scenery or theatrical costume is used and which forms a complete programme of variety entertainment as usually given at a music hall :

- (2) The Corporation may in any baths bathing pools model yacht ponds parks or recreation

A.D. 1934.  
—

grounds provided by them enclose an area for the purpose of any such concerts entertainments exhibitions swimming contests athletic meetings regattas and amusements as aforesaid :

(3) The Corporation may provide and sell or authorise any person or persons to provide and sell programmes of any concerts entertainments or performances given in pursuance of this section :

(4) The Corporation may make byelaws for securing good and orderly conduct during any concerts entertainments exhibitions or amusements provided or carried on in pursuance of this section.

Power to provide swimming-baths.

**25.**—(1) Subject to the provisions of this Act the Corporation may on any part of the sea-beach and foreshore forming part of the borough and 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 and of the Public Health Act 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.

(2) (a) The powers of this section shall not be exercised in such a manner as to affect prejudicially the harbour works of the company or the approach channels leading thereto.

(b) Any question as to whether such harbour works or approach channels are so prejudicially affected shall be referred to and determined by a single arbitrator to be appointed failing agreement between the Corporation and the company by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to such reference and determination.

Use of swimming-baths for exhibitions and entertainments.

**26.**—(1) In addition to their powers under the Baths and Washhouses Acts 1846 to 1925 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 swimming contests practices aquatic exercises water polo matches life-saving classes or for aquatic 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.

A.D. 1934.

(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 four hours.

**27.** The Corporation shall not under the powers of this Act construct 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 of ordinary spring tides any work 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 plan 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 shall not at any time alter or extend the same 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 same and restore the site thereof to its former condition at the costs and charges of the Corporation and the amount of such costs and charges 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.

Works below high-water mark not to be constructed without consent of Board of Trade.

**28.**—(1) After the completion of any works by this Act authorised and situate below high-water mark the Corporation shall at the outer extremity of those works below high-water mark of ordinary spring tides exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps

Permanent lights on works.

A.D. 1934. — 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.

## PART V.

### LANDS.

Power to  
develop  
lands &c.

**29.**—(1) The Corporation may (with the consent of the Minister) lay out and develop any lands at any time belonging to the Corporation and not required for the purposes for which they were acquired and may erect and maintain houses shops offices warehouses and any other buildings and lay out and construct sewer drain pave flag channel and kerb streets roads and ways on any such lands and may sell lease exchange or otherwise dispose of any such houses shops offices warehouses or buildings upon and subject to such terms conditions and restrictions as they may think fit.

(2) The Corporation may also grant building leases of any such lands as aforesaid subject to such restrictions and conditions as the Corporation may see fit to impose and may grant any easements rights or privileges in under or over such lands or any part or parts thereof and may use or dispose of the building or other materials of any houses or premises on any lands acquired or appropriated by them which they may deem it necessary or desirable to pull down.

(3) The Corporation in selling or disposing of such lands may attach to the same and may convey or lease the same subject to any conditions and restrictions upon the use thereof and as to the buildings to be erected thereon and as to the use to which such buildings may be put.

(4) The Corporation shall not (unless the Minister otherwise direct) sell lease exchange or otherwise dispose of any of the lands to which this section applies

except at the best price or on the best terms which can be obtained for the same but a purchaser or lessee shall not be concerned to inquire whether the direction of the Minister is necessary or has been obtained.

A.D. 1934.

(5) Nothing in this section—

(a) shall authorise the Corporation to create or permit any nuisance on any such lands as are referred to therein;

(b) shall be taken to dispense with the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Corporation in any case in which such consent would have been required if this Act had not been passed.

**30.** 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 so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Persons  
under  
disability  
may grant  
easements  
&c.

**31.** 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.

Compensa-  
tion may be  
in land &c.

**32.—**(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

Retention  
and disposal  
of lands.

A.D. 1934.

in any other form any lands or any interest in any lands acquired by them under this Act or under any general or local enactment from time to time in force in the borough (other than the Housing Act 1925) 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.

(2) The Corporation shall not (unless the Minister otherwise directs) sell lease exchange or otherwise 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.

(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.

Proceeds of  
sale of  
lands.

**33.**—(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 re-sale or exchange of or by leasing any lands acquired under the powers of the Act of 1901 or this

Act 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 the section of this Act of which the marginal note is "Consolidated loans fund") apply the same either—

A.D. 1934.

- (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 the Act of 1901 or this Act) 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.

**34.** 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 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.

Power to  
reinststate  
owners of  
property:

## PART VI.

### ELECTRICITY.

**35.**—(1) No person 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 (in this section referred to as "lighting purposes") the whole or any part of any

Electricity  
supplied  
for power  
not to be  
used for  
lighting.

A.D. 1934. — electricity supplied to him by the Corporation for any other purpose.

(2) Any person who without such consent shall use or suffer to be used for lighting purposes electricity supplied to him by the Corporation for any other purpose shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) Where a person is convicted of an offence under this section the court may direct that all or any portion of the electricity which has been supplied to him by the Corporation for purposes other than lighting purposes within one year previous to the date when the proceedings were instituted shall be charged for at such higher rate as the Corporation were for the time being charging for the supply of electricity for lighting purposes.

(4) The provisions of section 21 of the Electric Lighting Act 1882 shall be exerciseable in respect of any supply which the Corporation have reasonable grounds for believing to be used contrary to the provisions of this section.

Power to  
break up  
private  
streets.

**36.** If the owner or occupier of any premises erected or in process of erection within the electricity limits on land abutting on any street laid out as such but not dedicated to the public use or if so dedicated not repairable by the local authority including a county council applies to the Corporation for a supply of electricity to those premises then—

(a) so much of any Act or Order applying to the Corporation as requires the consent of the person by whom the street is repairable to the breaking up by the Corporation of the street shall not have effect in relation to the street;

(b) the Gasworks Clauses Act 1847 in its application to the Corporation shall have effect in relation to the land comprised in that street as if section 7 thereof had been excepted from incorporation with the enactments applying to the Corporation; and



- (c) except in the case of such streets as are referred to in the proviso to this section the authority who will be responsible for the maintenance and repair of the street when it becomes repairable by the inhabitants at large shall have the like rights under section 15 of the schedule to the Electric Lighting (Clauses) Act 1899 as are thereby conferred on the person by whom the street is repairable :

A.D. 1934.

Provided that nothing in this section shall apply to any street belonging to and forming the approach to any station or depot of the 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.

**37.**—(1) The powers conferred on the Corporation by section 24 of the Electric Lighting Act 1882 of entering premises shall be extended as follows :—

Further powers as to entry upon premises.

(a) The premises which may be entered shall include all premises in the electricity limits in which electric fittings are being or have been installed ;

(b) The purposes for which premises may be entered shall include the following purposes that is to say the inspection of all meters and electric fittings on the premises whether belonging to the Corporation or not the ascertainment of whether or not there is or has been any contravention of any of the Acts or Orders applying to the Corporation or of any regulation or byelaw made thereunder and (where the Corporation are authorised under the provisions of any such Act Order regulation or byelaw to cut off the supply of electricity to the premises) the cutting off of such supply.

If there is found to be no such contravention the Corporation shall refund to the consumer any expenses or loss he may have incurred owing to the cutting off or disconnection of the supply of electricity to the premises.

The Corporation shall not have any power of entry into any such premises except through an officer producing written authority from the Corporation.

A.D. 1934.

(2) Where any premises which the Corporation are entitled to enter in pursuance of the said section 24 are unoccupied they may in case of emergency without notice and in any other case after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to them and cannot be ascertained by them after diligent inquiry by affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage and in addition to their obligations under the said section 24 with respect to the repair of damage the Corporation shall on quitting the premises be under an obligation to leave the same not less secure than they were on entry.

(3) Any person who shall refuse or unreasonably neglect to admit any officer wearing a distinguishing badge of the Corporation to any premises which they are entitled to enter in pursuance of the said section 24 or shall hinder any such officer from entering any such premises or from exercising the powers conferred by the said section 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 (a) the company for the purposes of their railway and forming part of any station or goods depot or (b) the Lowestoft Water and Gas Company for the purposes of their gas and water undertakings and forming part of any gas or water works.

Attachment  
of brackets  
&c. to  
buildings  
and bridges.

**38.**—(1) Notwithstanding anything contained in section 7 of the Gasworks Clauses Act 1847 the Corporation may with the consent in writing of the owner of any building or any bridge over any street attach thereto such brackets electric lines and attachments (in this section called "attachments") as may be required for the purposes of the electricity undertaking.

(2) Where in the opinion of the Corporation any consent under subsection (1) of this section is unreasonably withheld they may make complaint to a court of summary jurisdiction who may by order either allow the attachments subject to such terms (if any) as to compensation or rent or otherwise as they may think fit or disallow the attachments.

(3) The provisions of subsection (2) of this section shall not apply in relation to— A.D. 1934.

(a) any building forming part of an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920; or

(b) any building which the owner thereof alleges to be a building of architectural or historic interest;

but if in the opinion of the Corporation any consent under subsection (1) of this section is unreasonably withheld in relation to any such building they may appeal to the Minister of Transport and the said Minister may by order either allow the attachments subject to such terms (if any) as to compensation or rent or otherwise as they or he think fit or disallow the attachments :

Provided that the Minister of Transport shall—

(i) before exercising his powers under this section in relation to any building forming part of such an aerodrome as aforesaid consult with the President of the Air Council;

(ii) before exercising his powers under this subsection with respect to any building alleged to be of architectural or historic interest consult with the Commissioners of Works.

(4) No brackets wires and attachments shall be attached to any bridge of the East Suffolk County Council or any bridge or other work of the company without the previous consent in writing of that county council or of the company as the case may be.

(5) The Corporation shall not attach such brackets wires and apparatus to any part of a building belonging to the Lowestoft Water and Gas Company without the consent in writing of such company but such consent shall not be unreasonably withheld and any question as to whether or not such consent is unreasonably withheld shall be determined by the Minister of Transport.

(6) Where any attachments have been affixed to a building or bridge under this section and the person who gave the consent or who was the owner when the order allowing the attachments was made ceases to be the owner of the building or bridge the subsequent

A.D. 1934.

owner may give to the Corporation notice in writing requiring them to remove the attachments and subject to the provisions of this subsection the Corporation shall within three months after the service of the notice remove the attachments :

Provided that the provisions of subsection (2) and subsection (3) of this section shall apply in relation to any such notice as they apply in relation to a refusal of a consent to the making of attachments.

(7) Where any attachments have been made under this section to any building or bridge the owner of the building or bridge may require the Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the building or bridge.

(8) In this section the expression "owner"—

(a) in relation to a building occupied under a tenancy for a term of years whereof five years or more remains unexpired means the occupier of the building;

(b) in relation to a building occupied under any other tenancy means the person who is receiving the rack rent or who would receive the rack rent if the building were let at a rack rent;

(c) in relation to a building forming part of an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 means (notwithstanding anything in this subsection) the person having control of the aerodrome;

and the expression "rack rent" means in relation to a building a rent which is not less than two-thirds of the full net annual value of the building.

## PART VII.

### STREETS AND BUILDINGS.

Develop-  
ment  
scheme may  
be required  
in connec-  
tion with  
new streets.

**39.**—(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.

A.D. 1934.  
—

(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.

(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.

A.D. 1934.

Frontage  
line in new  
streets.

40.—(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.

(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. A.D. 1934.

(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.

**41.**—(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 site of the street and shall be entitled to convey the land in accordance with an agreement entered into in pursuance of this section: Adjustment  
of  
boundaries  
of streets.

Provided that 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

A.D. 1934.

(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.

(2) 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 the proviso to subsection (1) of this section.

(3) On any such appeal the court may make such order in the premises and on such terms and conditions as to the court shall seem just.

(4) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(5) Notwithstanding any agreement entered into under this section 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.

Adjust-  
ment of  
boundaries  
of estates.

**42.**—(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.

(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.

(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

A.D. 1934. — 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.

**43.**—(1) The Corporation may at any time after prescribing the improvement line of any street in pursuance of the power conferred upon them by section 33 (Power to prescribe improvement line for widening streets) of the Public Health Act 1925 on giving six 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 at the date when the same was so prescribed shall be pulled down set back or altered so that the same shall not project beyond or in front of such improvement line.

(2) The owner may and if so required by the Corporation shall notwithstanding any contract lease or agreement or any provision therein contained enter upon any land building or erection affected by any requirement of the Corporation under this section and carry out such requirement.

(3) In the event of any building or erection being 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.

(4) The amount of any compensation payable under 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.

(5) 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. A.D. 1934.

44. 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.

Power to determine width of carriage-ways and footways.

45. The Corporation may by order from time to time determine and declare the points or limits at or within which any street existing before the fifteenth day of May nineteen hundred and twenty-two is to be taken as beginning and ending.

Power to define streets.

46.—(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.

As to pavement lights.

(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.

47.—(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 motorcycle) 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

A.D. 1934.

(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.

(4) Notwithstanding the provisions of section 18 of the Public Health Acts Amendment Act 1907 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.

**48.** 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. A.D. 1934.

**49.** The Corporation may from time to time place repair renew and maintain fences rails and posts on the sides of any footways or carriageways adjacent to the entrances to or exits from any schools within the borough for the purpose of preventing danger from traffic along such carriageways to children going to or coming from such schools and may remove the same when the Corporation shall think fit. Power to place fences near school entrances.

**50.—(1)** If any banner streamer sign or lettering shall after the passing of this Act be suspended across the carriageway of any street in the borough without the permission in writing of the Corporation the occupier of the premises from which the same is suspended or the person responsible for the suspension of such banner streamer sign or lettering 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 banner streamer sign or lettering. Banners and signs over streets.

(2) The permission of the Corporation under this section shall not be withheld except on the ground that the banner streamer sign or lettering would be 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 it is suspended and such permission may be given subject to such terms and conditions as the Corporation may think fit.

(3) Any person neglecting or refusing to comply with the requirement of any such notice and any person who shall have removed any such banner streamer sign or lettering 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 the same or any similar banner streamer sign or lettering 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 five pounds and to a daily penalty not exceeding twenty shillings and the Corporation may themselves remove any such banner streamer sign or lettering and any

A.D. 1934. — expense incurred by them in so doing may be recovered by them from such person.

(4) For a period of two years from the passing of this Act the foregoing provisions of this section shall not apply to any such banner streamer sign or lettering as is referred to in subsection (1) hereof which was in use on the fifteenth day of November nineteen hundred and thirty-three.

(5) Any person aggrieved by any requirement of any notice of the Corporation under this section 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 fourteen days after the date of such notice or the intimation to him of such withholding or of the attaching of such conditions and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just. Notice of the right to appeal shall be endorsed on every notice or intimation of the Corporation under this section.

(6) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

As to  
barriers in  
streets.

**51.**—(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.

**52.** 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. 1934.  
—

**53.**—(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  
forecourts.

(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.

**54.**—(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

A.D. 1934. shillings and to a daily penalty not exceeding twenty shillings.

Extension  
of section  
157 of  
Public  
Health  
Act 1875.

**55.**—(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 extended so as to empower the Corporation to make byelaws—

- (a) with respect to the number of dwelling-houses which may be erected in one block or in one continuous row;
- (b) with respect to the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space;
- (c) with respect to the situation construction and height of walls or fences upon or across such open space;
- (d) with respect to the materials with which new buildings shall be constructed;
- (e) 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;
- (f) for requiring that every fireplace opening or chimney opening in a new building shall have a sufficient hearth extending throughout the length and depth of such opening;
- (g) with respect to the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings or be newly set or re-set in existing buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act;
- (h) with respect to 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;
- (i) with respect to the adequate lighting of buildings;
- (j) with respect to the testing of drains of new buildings;



- (k) with respect to the securing that waterclosets shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and the provision to be made for securing the protection of the same from frost; A.D. 1934. —
- (l) with respect to the provision of fixed baths in such classes of new dwelling-houses as may be prescribed in the byelaws;
- (m) for ensuring that any hole made through the wall of a building below the level of the ground shall be so stopped as to prevent the passage of gas into the building through such hole otherwise than by means of a gas main or pipe;
- (n) for securing that any geyser or similar gas-heated water apparatus of the rapid water-heating type or gas apparatus for heating a building or any part of one is properly fixed and adequately ventilated:

Provided that—

- (i) any byelaws made under paragraphs (e) (g) (h) (i) (m) or (n) of this subsection or under the said section 157 with respect to the ventilation of a room in which any apparatus of the kind specified in the said paragraph (n) is fixed may be made so as to affect buildings erected before the times mentioned in the said section 157;
- (ii) any byelaw made under paragraph (g) of this subsection shall not apply to any building (not being a dwelling-house) oven or furnace to be built or constructed by the Lowestoft Water and Gas Company which is used for the purpose of their undertaking and forms part of any gas or water works and before making any byelaw under this section in relation to the fixing of geysers or other gas-heated water apparatus or gas apparatus for heating a building the Corporation shall give reasonable notice thereof to the said company who shall be entitled to make representations to and be heard by the Corporation thereon.

A.D. 1934.

(2) For the purpose of framing any such byelaws in relation to buildings to be constructed wholly or partly with metal framework or of reinforced concrete and with respect to the use and composition of metal for framework and of reinforced concrete in the construction of buildings the Corporation may carry out such investigations and make such tests as they may deem necessary.

(3) 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 any drain in connection with a building.

Extension  
of section 23  
of Public  
Health  
Acts  
Amendment  
Act 1890.

**56.** 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;

(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.

A.D. 1934.

**57.**—(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 situate within the borough without the previous approval of the Corporation.

Prohibition  
of tents  
vans &c.

(b) It shall not be lawful for any person without the previous approval of the Corporation to let or permit to be used any land for occupation by any tent van shed or similar structure used or intended to be used for human habitation unless the surface of such land is covered with concrete or other suitable material and unless and until such land is provided with sufficient roads sanitary accommodation drains and sewers and is furnished with a separate supply of water to the satisfaction of the Corporation.

(c) Land furnished in compliance with this subsection with a separate supply of water shall be deemed to be a house for the purposes of the provisions relating to the supply of water for domestic purposes.

(2) Any person aggrieved by the withholding by the Corporation of any approval 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 provided he give notice in writing of such appeal and of the grounds thereof to the town clerk before lodging the appeal and such court may make such order on such terms and conditions as to the court may seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(3) This section shall not apply to any person dwelling in a tent or van or other similar structure who is a roundabout proprietor travelling showman or stallholder not being a pedlar or hawker.

(4) This section shall not apply to any tent van shed or similar structure—

(a) belonging to or used by any association incorporated by royal charter or any organisation

A.D. 1934.  
—

constituted by any such association in pursuance of their charter;

(b) provided by belonging to or used by any duly constituted religious or charitable association or society operating throughout Great Britain to the main objects of which the provision ownership or use of tents vans sheds or similar structures is merely subsidiary;

(c) belonging to or occupied by any person whilst the same is used by him for holiday or recreational purposes only;

unless it is used or intended to be used by the occupier as a sole or principal means of habitation for an unbroken period exceeding six weeks.

The exemptions conferred by the foregoing paragraphs (b) and (c) in respect of any tent van shed or similar structure shall apply only for so long as the association or society or person by or to which or whom such tent van shed or similar structure is provided or belongs or is used shall continue to make reasonable arrangements for the maintenance of good order amongst the persons using such tent van shed or similar structure.

(5) Any person offending 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.

Provisions  
as to tents  
vans &c.

**58.**—(1) Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of section 3 of the Public Health (Buildings in Streets) Act 1888 in its application to the borough be deemed to be a house or building within the meaning of those words where they first occur in the said 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 left 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.

**59.**—(1) Every person intending to erect within the borough any stand or structure for affording sitting or standing accommodation for twenty or more persons shall not less than fourteen days prior to the commencement of the erection thereof submit to the Corporation a plan and section thereof and shall comply with such conditions as the Corporation may prescribe for securing the stability of such stand or structure and for securing the safety of persons to be accommodated thereon.

A.D. 1934.

—  
Restriction  
on erection  
of  
temporary  
stands &c.

(2) Any person acting in contravention of this section or offending against any such condition shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) The provisions of this section shall not apply to a travelling showman roundabout proprietor or stallholder (not being a pedlar or hawker).

**60.**—(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—

As to  
hoardings  
and similar  
structures.

- (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.

A.D. 1934.

(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.

(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 company in the exercise of their statutory powers so long as such wall is used or held by the company primarily for railway purposes.

As to  
erection of  
hoardings  
&c. at street  
corners.

**61.**—(1) Before placing or erecting any hoarding wall (not being a wall forming part of the structure of a permanent edifice) fence or similar structure at or within a distance of ten yards from the corner of any street the person proposing to place or erect such hoarding wall fence or similar structure 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 fence or similar structure proposed so to be placed or erected. A.D. 1934.

(2) If the placing or erection of such hoarding wall fence or similar structure would in the opinion of the Corporation constitute a danger to traffic by obstructing the view of any foot passenger or the driver of any vehicle in a street of vehicular or pedestrian traffic the Corporation 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 fence or similar structure 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 fence or similar structure so placed or erected and may recover the expense incurred by them in so doing from such person.

(4) (a) Any person aggrieved by any requirement or prohibition of or by the Corporation under this section may within fourteen days from the date of such requirement or prohibition appeal to a court of summary jurisdiction.

(b) Any person so appealing shall give written notice thereof to the town clerk before lodging his appeal and the court shall have power to make such order in the matter as the court may think fit and to award costs.

(5) 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).

62. For the protection of the Lowestoft Water and Gas Company (in this section referred to as "the Lowestoft Company") the following provisions shall

For protec-  
tion of  
Lowestoft

A.D. 1934.  
—  
Water and  
Gas Com-  
pany.

unless otherwise agreed in writing between the Lowestoft Company and the Corporation have effect (that is to say) :—

(1) The provisions of the sections of this Act of which the marginal notes are—

“ Adjustment of boundaries of estates ” ;

“ Further powers as to future line of street ” ;

shall not extend or apply to any land which the Lowestoft Company are now or may hereafter be specifically authorised by Parliament to hold and use for the manufacture or storage of gas or as a pumping station filter plant or reservoir for water nor to any building (other than a dwelling-house) erected or being on such land and used for the purposes aforesaid :

(2) Whenever the Corporation in the exercise of the powers of the section of this Act of which the marginal note is “ Adjustment of boundaries of streets ” shall give up land forming part of a street in exchange for other land there then being in such first-mentioned land any mains pipes works or other apparatus (in this section referred to as “ apparatus ”) of the Lowestoft Company the Corporation shall give notice in writing to the Lowestoft Company and the Lowestoft Company may if reasonably necessary alter the position of such apparatus to such other position as may be reasonable having regard to the circumstances and the Corporation shall repay to the Lowestoft Company the reasonable expenses incurred by the Lowestoft Company of and in connection with such alteration of position :

(3) Not less than fourteen days before the Corporation in the exercise of any of the powers of the section of this Act of which the marginal note is “ Power to determine width of carriageways and footways ” add to the carriageway of a street any portion of any footway in or under which any apparatus is for the time being situate the Corporation shall give notice in writing to the Lowestoft Company and the Lowestoft Company may (if reasonably



necessary) and if so required by the Corporation shall alter the position of any apparatus of the Lowestoft Company in or under such footway by relaying the apparatus in such position (under either the carriageway or the footway) and at such depth as may be reasonable and the Corporation shall repay to the Lowestoft Company the reasonable expenses of and in connection with such alteration of position:

A.D. 1934.  
—

- (4) The Lowestoft Company shall give to the Corporation not less than twenty-one days' notice of their intention to alter otherwise than by the requirement of the Corporation the position of any apparatus under the provisions of subsections (2) or (3) of this section and shall at the same time deliver to the Corporation a plan and section of the proposed alteration. If such plan and section are not disapproved by the Corporation within twenty-one days from the receipt thereof the depth and position of the apparatus shown thereon shall be deemed to be reasonable:
- (5) If any difference shall arise between the Corporation and the Lowestoft Company under this section such difference shall be referred to and determined by an arbitrator to be appointed failing agreement on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

**63.** Nothing in the sections of this Part of this Act of which the marginal notes are— Saving for company.

“Development scheme may be required in connection with new streets”;

“Frontage line in new streets”;

“Adjustment of boundaries of estates”;

“As to barriers in streets”;

A.D. 1934.

“Erection of retaining walls”;

“Extension of section 23 of Public Health Acts Amendment Act 1890”;

“Restriction on erection of temporary stands &amp;c.”;

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 company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by the 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 VIII.

## SEWERS DRAINS &amp;C.

Certain matters from hotels shops garages &c. not to be discharged into sewers.

64. The Corporation may make byelaws for preventing—

- (a) grease and fat from any club hotel public-house inn slaughter-house butcher's shop fried fish shop or similar premises; or
- (b) any oil or grease from any stable garage motor works or similar premises;

from being discharged or thrown or suffered to be discharged or thrown or to pass into any sewer or into any drain connecting with such sewer.

Houses connected with single private drain.

65.—(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 (whether such drain was originally constructed in pursuance of a requirement of the Corporation or their predecessors or not) 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 or premises 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 and such expenses shall be recoverable summarily as a civil debt or the Corporation may declare them to be private improvement expenses and may recover them accordingly. A.D. 1934.

(2) Section 19 (Extension of 38 & 39 Vict. c. 55 s. 41) of the Public Health Acts Amendment Act 1890 shall cease to be in force within the borough.

(3) For the purposes of this section the expression "single private drain" includes a pipe used for the drainage of more than one building whether owned or occupied by the same person or not.

**66.**—(1) The owner of two or more sanitary conveniences within the borough 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. Further provisions as to sanitary conveniences.

(2) The owner of any such sanitary conveniences shall cause to be affixed to and maintained on 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.

**67.**—(1) 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 within the borough occupied by a separate family as it applies to the whole of a house. Closet accommodation in houses occupied by more than one family.

(2) For the purpose of complying with any requirement of any notice given in pursuance of the provisions of the said section 36 as amended by this section the owner or occupier may at all reasonable times enter upon any portion of the premises which comprise such part of a house as aforesaid.

A.D. 1934.  
—

(3) For the purpose of the application of section 36 of the Public Health Act 1875 to a part of a house in pursuance of this section the expression "the owner" shall (when any part of a house is without the consent in writing of the owner (within the meaning assigned to that expression by the section of this Act of which the marginal note is "Interpretation")) let or sublet by some other person) mean the person so letting or subletting the house or part thereof (as the case may be) to the exclusion of the owner (within the meaning so assigned to that expression).

Improper  
construction  
or repair of  
watercloset  
or drain.

**68.**—(1) If a watercloset drain or soil-pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair 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.

(2) Provided that 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.

As to  
defective  
drains &c.

**69.**—(1) In any case where 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 such notice is not complied with within twenty-four hours from the service thereof the Corporation may carry out the work necessary to remedy such defect and may subject as hereinafter provided recover the expenses incurred in that behalf from such owner or occupier in a summary manner as a civil debt.

(2) Upon 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 of the case.

A.D. 1934.

(3) The provisions of this section shall not apply to any building or premises (not being a dwelling-house) belonging to or used by the company for the purposes of their railway or docks and forming part of their railway or docks undertakings.

70. If any person cause any drain watercloset pailcloset earthcloset privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging 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  
drains  
water-  
closets &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 recover compensation in respect of any damage suffered by him by reason of such act.

71. Every person who throws casts deposits or by any other means conveys or causes to be conveyed any rubbish or other solid matter into any river stream or watercourse within the borough so as to interfere with the due flow of such river stream or watercourse shall be liable to a penalty not exceeding five pounds.

Penalty for  
throwing  
rubbish into  
streams.

## PART IX.

## INFECTIOUS DISEASE AND SANITARY PROVISIONS.

72. For the purpose of sections 120 (Principal of school to furnish list of pupils in certain cases) and 121 (Child suffering from infectious disease not to

Extended  
meaning of  
"infectious

A.D. 1934.  
—  
disease” for  
certain  
purposes.

attend school) of the Act of 1901 the expression “infectious disease” includes measles, german measles and chicken pox in addition to the diseases referred to in the section of this Act of which the marginal note is “Interpretation” and for the purpose of sections 70 (Power to close Sunday schools to prevent spread of infectious disease) and 71 (To prevent spread of infectious disease amongst children in Sunday schools &c.) of the Act of 1920 that expression includes the diseases hereinbefore mentioned in addition to the diseases referred to in the last-mentioned section of this Act and also scabies ringworm and influenza.

Parents &c.  
to notify  
infectious  
disease.

**73.**—(1) Any parent or other person 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.

(2) For the purpose of this section the expression “school” shall include a Sunday school.

Registration  
of ice-cream  
manu-  
facturers  
and  
premises.

**74.**—(1) (a) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity within the borough and (b) any premises within the borough used or proposed to be used for the manufacture or sale of ice-cream or other similar commodity shall be registered with the Corporation in the case of any such person by himself and in the case of any such premises by the owner or occupier thereof.

(2) No person shall within the borough carry on the business of a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity unless

he be so registered and no premises within the borough shall be used for the purposes aforesaid unless they be so registered.

A.D. 1934.

(3) Any person offending against the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(4) The provisions of this section shall not apply to any premises used as a club or hotel or railway refreshment rooms or as a theatre cinematograph theatre music hall or other similar place of entertainment.

**75.**—(1) Every medical practitioner attending on a person in the borough 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 such person and the place at which such 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 notice who fails to give the same in accordance with this section shall be liable to a penalty not exceeding forty shillings.

**76.**—(1) Public notice of the effect of the foregoing provisions of this Part of this Act shall be given as soon as is reasonably practicable after the passing of this Act by advertisement in two newspapers published or circulating in the borough.

Notice to be given of foregoing provisions of this Part of Act.

(2) Copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

**77.**—(1) If the medical officer certifies in writing that any person in the borough—

Removal of infirm and diseased persons in certain cases.

(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;

A.D. 1934.

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 interest 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 such court upon oral proof of the allegations in such 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 such 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.

(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 as the case may be.

(4) An order under this section may be addressed to such officer of the Corporation as the court making the same may think expedient and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.



A.D. 1934.

(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 such court may make a rescission order accordingly if having regard to the circumstances of the case 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) 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 and no order shall be made under the provisions of this section for the removal of any person to any hospital or other institution without the consent in writing of the authority or body having the control thereof.

**78.**—(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 within the borough in the cooking preparation or handling of food 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 stop 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 in advanced state of tuberculosis from selling &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 stop his employment and the court shall have 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.

A.D. 1934.  
—

(3) If any 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.

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

Byelaws as  
to transport  
of food.

**79.**—(1) The Corporation may make byelaws for promoting and securing sanitary and cleanly conditions in the transport of any article intended to be sold for food.

(2) At least one month before applying to the confirming authority referred to in section 250 of the Act of 1933 for confirmation of any byelaws made under this section applicable to the transport by the 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.

As to  
inspection  
of premises  
used for  
storage of  
food.

**80.**—(1) On any inspection of any room carried out by the medical officer sanitary inspector or any other officer of the Corporation under the provisions of subsection (5) of section 72 of the Public Health Act 1925 such officer shall have power to take samples of any materials commodities or articles of food found therein making reasonable payment therefor and if he intends to submit any sample to analysis he shall forthwith notify to the occupier of such room or his agent his intention to have the same analysed by the public analyst and shall divide the sample into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit and shall if required to do so deliver one of the parts to such occupier or agent. The officer shall afterwards retain one of the said parts for future comparison and submit the third part if he deems it right to have the sample analysed to the public analyst.

(2) The expression "public analyst" in this section means the analyst appointed by the Corporation in

pursuance of section 15 of the Food and Drugs (Adulteration) Act 1928. A.D. 1934.

**81.**—(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 and section 28 (Extension of 38 & 39 Vict. c. 55 ss. 116–119) of the Public Health Acts Amendment Act 1890 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 (Power of justice to order destruction of unsound meat &c.) of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in the said section 117 unless he prove that at the time he sold the said animal or article he did not know and had no reason to believe that the said animal or article was in such condition.

Penalty on original vendor of unsound food.

(2) Where any animal or article of food has been condemned by a justice under the said section 117 as amended by the said section 28 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 persons 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.

(3) Before any animal or article liable to be condemned under the said section 117 as amended 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 a 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.

A.D. 1934.

—  
Further  
powers in  
relation to  
unsound  
food.

**82.** 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 in the exercise at any railway station or upon any railway premises of the company of the powers conferred upon him by this section the medical officer or the sanitary inspector shall conform to such reasonable requirements of the company as are necessary to prevent the working of their traffic being obstructed or interfered with and with respect to any cart or other vehicle belonging to the company the powers conferred upon the medical officer or the sanitary inspector by this section shall be so exercised as not unreasonably to obstruct or interfere with the collection or delivery of goods by the company.

As to filthy  
premises.

**83.**—(1) If the owner of any dwelling-house or premises occupied therewith within 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.

(2) 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.

Regulation  
dustbins.

**84.**—(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.

A.D. 1934.

(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.

(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 company from which the Corporation do not remove the refuse.

**85.** 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.

**86.**—(1) In any case in which premises in the borough 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

Discon-  
tinuance of  
offensive  
trade.

A.D. 1934.

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 such premises the owner or occupier of the same may be required by the Corporation after six months' notice in writing under the hand of the town clerk to cease to use such premises for the carrying on of such 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 the section of this Act of which the marginal note is "As to appeals" and that the provisions of the said section 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 given for a period only unless the Corporation shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

(4) The powers of this section shall be in addition to and not in derogation of the existing powers of the Corporation with reference to offensive trades.

Power to  
close  
slaughter-  
houses if  
injurious to  
public  
health.

**87.**—(1) (a) The Corporation may by written notice to the owner and occupier of any registered slaughter-house within the borough which from its situation or construction is in the opinion of the Corporation injurious or dangerous to the public health or which shall have remained unused as a slaughter-house for a period of six months require that the premises shall cease to be used as a slaughter-house on and after such date (not

being less in the case of a slaughter-house which is in the opinion of the Corporation injurious or dangerous to public health than six months from the service of such notice) as may be specified in the notice and no person shall after such date slaughter in the way of trade any cattle horse sheep or pig on the said premises. A.D. 1934.

(b) Provided that not less than three months before making any such requirement in the case of any slaughter-house which from its construction is in their opinion injurious or dangerous to the public health the Corporation shall give notice in writing to the owner or occupier thereof specifying the respects in which such slaughter-house is in their opinion so injurious or dangerous and also specifying their requirements with regard thereto and if within the said period of three months the owner or occupier of such slaughter-house shall have removed the grounds of objection thereto no such written notice as is first above mentioned shall be given to them by the Corporation.

(c) Provided also that such owner or occupier may within one month after receiving any such notice in writing from the Corporation object thereto on the ground that the requirements contained therein are unreasonable and unnecessary in the interests of public health and any such objection shall failing agreement between the Corporation and the owner or occupier making the same be determined on appeal to the Minister by the Minister and unless and until the Minister shall have determined that the said requirements are reasonable and necessary no such written notice as is first above mentioned shall be given to the owner or occupier of the slaughter-house in question.

(2) The Corporation shall make compensation to the owner and occupier of any registered slaughter-house (other than a slaughter-house which has remained unused as a slaughter-house for a period of six months) who shall be injuriously affected by any requirement of the Corporation under subsection (1) of this section such compensation in case of difference to be settled in manner provided by the Public Health Act 1875 Provided always that in the case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto

A.D. 1934. in settling the amount of compensation (if any) which shall be awarded in pursuance of this section.

(3) If any person acts in contravention of the provisions of subsection (1) of this section he shall be liable for each offence to a penalty not exceeding five pounds.

Power to purchase slaughter-houses.

**88.** The Corporation may by agreement purchase any slaughter-house and premises connected therewith or any part of such slaughter-house or premises or the Corporation may agree with the occupier of such slaughter-house or premises 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 and may remove such slaughter-house from the register of slaughter-houses.

## PART X.

### FINANCE.

Power to borrow.

**89.**—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority the sum or sums requisite for the payment of the costs charges and expenses of this Act and they shall pay off all moneys so borrowed within such period as the Corporation may determine not exceeding five years from the passing of this Act.

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

Power to borrow by issue of bonds.

**90.**—(1) In addition to any other form of borrowing the Corporation may exercise any statutory borrowing power by the issue of bonds to be called "Lowestoft Corporation bonds" (and in this Act referred to as



“bonds”) in accordance with the provisions of this Act. A.D. 1934.

(2) Where the Corporation raise money by the issue of bonds sections 209 210 211 212 213 and 214 of the Act of 1933 shall apply as if the money had been raised by borrowing by mortgage under that Act and bonds were mortgages within the meaning of that Act.

(3) The provisions set out in the Third Schedule to this Act shall have effect with regard to bonds.

(4) 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.

(5) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of bonds as if those bonds were stock or funded debt within the meaning of that section.

**91.** Sections 213 and 214 of the Act of 1933 shall apply with respect to any sinking fund formed by the Corporation for the repayment of any money borrowed (otherwise than by the issue of stock) before the passing of this Act under any statutory borrowing power as if it had been borrowed by way of mortgage and the Corporation shall make such adjustments of any existing sinking funds as may be proper. Application  
of Act of  
1933 to  
existing  
sinking  
funds.

**92.** Notwithstanding anything in this or any other 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 or other similar fund (in this section referred to as “the lending fund”) subject to the following conditions:— Use of  
moneys  
forming  
part of  
sinking and  
other  
funds.

(a) 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

A.D. 1934.  
—

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;

- (b) 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;
- (c) 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.

Consoli-  
dated loans  
fund.

**93.**—(1) Notwithstanding anything contained in any other Act or Order on and after the thirty-first day of March nineteen hundred and thirty-five the Corporation may (if they think fit) establish a fund to be called “the consolidated loans fund” to which shall be paid—

- (a) all moneys borrowed by the Corporation by the issue of authorised securities together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;
- (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; and A.D. 1934.

- (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:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys so borrowed or received and of all sums provided by the Corporation as aforesaid before the date on which the consolidated loans fund is established.

(2) The moneys of the consolidated loans fund shall be used or applied by the Corporation—

- (a) in the redemption of authorised securities the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Corporation; and
- (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 the moneys of the consolidated loans fund not used or applied in these ways or about to be so used or applied within a reasonable period shall 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.

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet interest charges and the financing and other revenue expenses connected with the management of that fund and separate account shall be kept of these sums and their application.

(4) 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 (hereinafter referred to as "the lending fund") and not for the time being required

A.D. 1934. — 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

(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.

(5) Save as in this section expressly provided all the obligations of the Corporation to the holders of authorised securities shall continue in force.

(6) Nothing in this section shall apply to moneys borrowed from the Public Works Loan Commissioners.

(7) 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.

As to  
registra-  
tion of  
authorised  
securities.

**94.** An authorised security may be registered by the Corporation or the registrar in the name of a society company or body and the receipt of the secretary or other authorised officer of such society company or body for any document of title to the security or for any dividend or interest or other sum of money payable in respect thereof shall be a sufficient discharge to the Corporation for the document or sum of money in respect of which such receipt is given.

Dividend  
warrants  
by post.

**95.—(1)** The Corporation may give notice to any person being registered as a holder of any authorised security that they intend to send interest or dividends to him 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 of such objection the Corporation 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 give notice to the Corporation that he desires such orders or warrants to be sent to another person at a given address the Corporation may from time to time send letters containing the same to such other person at such address.

A.D. 1934.

(2) Where more persons than one are registered as joint holders of any authorised security 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 by any other of them.

(3) The posting by the Corporation of a letter containing an order for the payment of interest or a dividend warrant in pursuance of this section shall as respects the liability of the Corporation be equivalent to the delivery of the order or warrant to the registered holder of the authorised security.

(4) Every order or warrant so sent by post shall be deemed to be a cheque and the Corporation shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

**96.**—(1) The Corporation may close any transfer books or the registers of transfers of authorised securities (other than stock) on any day in the month next before that in which any instalment of interest on such authorised securities is payable but so that the books or registers be not at any time kept closed for more than fifteen days.

Closing of  
transfer  
books.

(2) The persons who on such closing day are entered in any book or register as holders of any securities of the class of which the book or register is so closed shall as between them and the transferees of those securities be entitled to the interest or dividends next payable thereon.

**97.**—(1) The Corporation may establish a fund to be called "the capital reserve fund" for the purpose of defraying any expenditure to which capital is properly applicable (other than expenditure in connection with the South Pier undertaking the electricity undertaking and the road transport undertaking) to an amount not exceeding five thousand pounds in any one transaction and such fund shall be formed by appropriating in the accounts

Capital  
reserve  
fund.

A.D. 1934. of the Corporation such sums out of the general rate fund as the Corporation from time to time deem expedient:

Provided that—

(a) any sum so appropriated to the capital reserve fund from the general rate fund shall not exceed in any year the equivalent of a rate of twopence in the pound calculated according to the rules made pursuant to section 9 of the Rating and Valuation Act 1925;

(b) appropriations to and payments into the capital reserve fund shall cease to be made whenever the said fund amounts to the sum of fifty thousand pounds.

(2) (a) Pending the application of the capital reserve fund to the purposes authorised in the foregoing subsection the moneys in the fund shall (unless applied in any other manner authorised by this Act) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the capital reserve fund in the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (1) of this section) an amount equivalent to such income shall be credited to the capital reserve fund.

Renewal  
and repairs  
fund.

98.—(1) The Corporation may if they think fit in any year carry from the general rate fund or from the proceeds of the general rate to the credit of a fund to be called “the renewal and repairs fund” (a) any sum not exceeding an amount equal to twelve and one-half per centum of the cost incurred by the Corporation (otherwise than for the purposes of the Corporation undertakings) in connection with the provision of horses carts mechanically propelled vehicles stables depots boilers and equipment and apparatus in connection therewith as shown in the accounts at the thirty-first day of March in any such year and (b) any sum not exceeding the average annual cost incurred by the Corporation during the previous three years in connection with the maintenance and repair of buildings.

(2) The maximum amount standing to the credit of the renewal and repairs fund shall not at any time exceed five thousand pounds. A.D. 1934.

(3) The renewal and repairs fund shall be applicable only to meet expenses requisite for the maintenance and renewal of the appliances works equipment and buildings referred to in subsection (1) of this section which are not comprised in the Corporation undertakings and shall be so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect of such expenses.

(4) (a) Pending the application of moneys forming part of the renewal and repairs fund to the purposes authorised in subsection (3) of this section such moneys shall (unless applied in any other manner authorised by this Act) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the renewal and repairs fund in manner provided by this subsection together with any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (2) of this section) an amount equivalent to such income shall be credited to the renewal and repairs fund.

99. The sections of this Act of which the marginal notes are—

“ Receipts and expenses ”;

“ Accounts ”;

“ Application of revenue of undertakings ”; and

“ Provisions as to surplus electricity revenue ”;

shall be deemed to have come into operation on the first day of April nineteen hundred and thirty-four.

As to  
operation  
of certain  
provisions  
of this Part  
of Act.

100.—(1) Notwithstanding anything contained in any previous enactment all money received by the Corporation whether on capital or revenue account including (but without prejudice to the generality of this provision)—

(a) all money received by the Corporation on account of the revenue of any of the Corporation undertakings; and

Receipts  
and  
expenses.

A.D. 1934.

(b) interest and other annual proceeds from time to time received by the Corporation on the investments or balances forming part of any fund accumulated for the redemption of debt or working capital or as a reserve renewals depreciation contingency insurance consolidated loans capital or other similar fund (including any interest payable to any such fund in pursuance of the section of this Act of which the marginal note is "Use of moneys forming part of sinking and other funds");

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 whether public or local (including interest on moneys borrowed by the Corporation and all sums required by law to be paid or transferred or which the Corporation may determine to pay apply or transfer to any such fund as is referred to in paragraph (b) of this subsection) shall be paid or transferred out of the general rate fund.

(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.

Accounts.

**101.**—(1) The Corporation shall keep their accounts so as to distinguish capital from revenue and shall keep separate accounts in respect of each of the Corporation undertakings and as to revenue shall show under a separate heading or division on the one side all receipts in respect of the undertaking (including the income from any such fund as is referred to in paragraph (b) of subsection (1) of the last preceding section of this Act provided in connection with 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 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 or connected with the undertaking; A.D. 1934.
- (d) all other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) any money expended or applied for 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 each undertaking 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.

(3) The Corporation shall so far as reasonably practicable apportion between the accounts of separate undertakings or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

(4) Nothing in this section shall affect the operation of the proviso to section 30 of the Act of 1920.

**102.** The Corporation shall in every year within three months after the close of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport a copy of the annual accounts of the road transport undertaking. Accounts to be furnished to Minister of Transport.

**103.—**(1) If in respect of any year the moneys received by the Corporation on account of the revenue of any of the Corporation undertakings (including the income from any such fund as is referred to in paragraph (b) of subsection (1) of the section of this Act of which the marginal note is "Receipts and expenses" and as is authorised in connection with the undertaking) shall exceed the moneys paid applied or expended by the Corporation in respect of that undertaking for the several purposes mentioned in paragraphs (a) (b) (c) and (d) of subsection (1) of the last preceding section of this Act the Corporation may in respect of that year (if they think fit) apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes:— Application of revenue of undertakings.

- (a) In the reduction of capital moneys borrowed for the purposes of the undertaking;

A.D. 1934.  
—

- (b) Subject in the case of the electricity undertaking to the consent of the Electricity Commissioners in the construction renewal extension or improvement of the works and conveniences for the purposes of the undertaking;
- (c) In providing a reserve fund in connection with the undertaking by setting aside such an amount as they may from time to time think reasonable and (unless applied in any other manner authorised by this Act) investing the same in statutory securities until the reserve fund so provided 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 any other undertaking to the maximum reserve for the time being prescribed by the Corporation but not exceeding in the case of the road transport undertaking of the Corporation two-fifths of the aggregate capital expenditure on that undertaking.

(2) Any reserve or renewals or contingency or depreciation fund which has been formed for the purposes of any of the Corporation undertakings and which is in existence on the first day of April nineteen hundred and thirty-four shall be carried to and form part of any reserve fund provided under this section in connection with that undertaking.

(3) The Corporation shall in every year so long as any reserve fund provided under this section is less than the maximum prescribed by or under this section transfer to that reserve 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 provided under this section may be applied in making good to the general rate fund any deficiency at any time happening in the income of the Corporation from the undertaking in connection with 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 works forming part thereof or otherwise for the benefit of that undertaking and so that if that reserve 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.

A.D. 1934.

(5) Resort may be had to a reserve fund provided under the foregoing provisions of this section although such reserve fund may not at the time have reached or may have been reduced below the prescribed maximum.

**104.**—(1) In lieu of the provisions of subsection (1) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899 and of the amendments to that subsection 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 the section of this Act of which the marginal note is “Application of revenue of undertakings”) (namely):—

Provisions  
as to  
surplus  
electricity  
revenue.

If in any year the moneys received by the Corporation on account of the revenue of the undertaking (including the interest and annual proceeds received by the Corporation in that year on the investments representing or forming part of any such fund as is referred to in paragraph (b) of subsection (1) of the section of this Act of which the marginal note is “Receipts and expenses” and as is provided in connection with the undertaking) shall exceed the aggregate of the moneys paid or expended by the Corporation in respect of the undertaking for the several purposes mentioned in paragraphs (a) to (e) of subsection (1) of the section of this Act of which the marginal note is “Accounts” then—

(a) if the reserve fund in respect of the undertaking does not amount to more than one-twentieth of the aggregate capital expended for the time being upon the undertaking a sum equal to the amount of such excess shall be credited to the revenue account of the undertaking for

A.D. 1934.

the next following year and the charges for electricity supplied by the Corporation shall be reduced by such amount or 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 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 centum of the outstanding debt of the undertaking than the difference between the said excess and that sum) shall be credited to the revenue account of the undertaking for the next following year and the charges for electricity supplied by the Corporation shall be reduced by such amount or respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the amount so deemed to be revenue.

(2) Subsection (1) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899 shall be deemed to have ceased to be incorporated with any of the Acts or Orders relating to the electricity undertaking.

## PART XI.

## MISCELLANEOUS.

Power to  
establish  
information  
bureaus.

**105.** The Corporation may establish and maintain an information bureau or information bureaus in the borough 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 bureaus or for information supplied by means thereof.

Power to  
advertise  
concerts

**106.** The Corporation may pay or contribute to the cost of providing and maintaining at railway stations

and public places in the borough and on tramcars trolley vehicles and omnibuses plying in the borough or between the borough and other places and in newspapers published in the counties of Norfolk and Suffolk advertisements of any band performances concerts sports or other entertainments exhibitions swimming contests athletic meetings regattas or amusements provided given or carried on in pursuance of the sections of this Act of which the respective marginal notes are "Powers as to entertainments on South Pier" and "Provision of concerts entertainments &c. in public halls &c."

A.D. 1934.  
—  
entertain-  
ments &c.  
on South  
Pier and  
elsewhere.

**107.** Any expenses incurred by the Corporation under the provisions of the sections of this Act of which the respective marginal notes are "Powers as to entertainments on South Pier" "Provision of concerts entertainments &c. in public halls &c." and "Power to advertise concerts entertainments &c. on South Pier and elsewhere" may be paid by the Corporation out of the general rate fund Provided always that the net amount of any payments or expenses made or incurred by the Corporation under the provisions of those sections after deducting any moneys received by them under those provisions shall not in any one year exceed the amount (calculated in accordance with the rules made from time to time by the Minister under sections 9 and 58 of the Rating and Valuation Act 1925) which would be produced by a rate of one penny halfpenny in the pound levied in that year to the general rate.

Limitation  
on certain  
expenditure.

**108.**—(1) Notwithstanding anything contained in this or any other Act or Order to the contrary the Corporation may on any occasion run and reserve trolley vehicles omnibuses stage carriages or express carriages on any route on which the Corporation are for the time being authorised to run such trolley vehicles omnibuses stage carriages or express carriages for any special purpose which the Corporation may consider necessary or desirable provided that such special trolley vehicles omnibuses stage carriages or express carriages shall be distinguished from other trolley vehicles omnibuses stage carriages or express carriages in such manner as the Corporation may direct and that during the running

Power to  
reserve  
omnibuses  
or vehicles  
for special  
purposes.

A.D. 1934. — of such special trolley vehicles omnibuses stage carriages or express carriages the Corporation shall maintain a reasonably sufficient ordinary service of such trolley vehicles omnibuses stage carriages or express carriages (as the case may be).

(2) The restrictions contained in this or any other Act or Order as to fares rates or charges for passengers shall not extend to any special trolley vehicles omnibuses stage carriages or express carriages run for such special services as aforesaid and in respect thereof the Corporation may demand and take such fares rates or charges as they shall think fit.

(3) The Corporation may make byelaws and regulations for prohibiting the use of any such special trolley vehicles omnibuses stage carriages or express carriages by any persons other than those for whose conveyance the same are reserved. Provided that any regulations made under this subsection shall be subject to any regulations relating to similar matters made by the Minister of Transport under section 84 of the Road Traffic Act 1930.

(4) In this section "omnibus" has the meaning assigned to it by section 4 (Interpretation) of the Act of 1920 and "stage carriage" and "express carriage" have the same meanings as in the Road Traffic Act 1930.

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

Noise  
nuisance.

**109.**—(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 :

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.

A.D. 1934.

(3) Nothing in this section shall apply to the company or their servants exercising statutory powers.

**110.**—(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.

Silencers  
for internal  
combustion  
engines.

(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 company and used by them for the purposes of their railway undertaking or belonging to the Lowestoft Water and Gas Company and used by them for the purposes of their 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 so used shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

**111.**—(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.

Regulation  
of  
petroleum  
filling  
stations.

(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

A.D. 1934.

so as to be adjacent to any street or so that any carriage-way 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.

(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 forty-eight 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.

Recovery  
of rate from  
persons  
removing.

112. If a justice is satisfied on complaint by any rate collector of the Corporation that any person is quitting or about to quit any premises in the borough and has failed to pay on demand any general rate or any electricity charge which may be due from him and intends to evade payment of the same by departing from the borough the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said rate collector to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.



**113.** The Corporation may at any time by resolution determine with respect to any hereditament for the time being belonging to them the rent of which is payable or is collected at intervals of less than a quarter of a year to do any of the things which owners may do by agreement with the rating authority under subsection (2) of section 11 of the Rating and Valuation Act 1925 with the like conditions and consequences (other than the condition as to agreement in writing with the rating authority) as are applicable to owners under that section.

A.D. 1934.  
—  
As to  
operation  
of section 11  
of Rating  
and  
Valuation  
Act 1925.

**114.**—(1) As respects byelaws made under this Act the confirming authority for the purposes of section 250 of the Act of 1933 shall be (a) in the case of byelaws made under the sections of this Act of which the respective marginal notes are "Byelaws in regard to South Pier" and "Power to reserve omnibuses or vehicles for special purposes" the Minister of Transport (b) in all other cases the Minister.

As to  
byelaws.

(2) Notwithstanding the provisions of the Act of 1901 or the Act of 1920 in regard to the procedure for making byelaws the provisions of section 250 of the Act of 1933 shall apply to all byelaws to be made by the Corporation in respect of the road transport undertaking and in the application of those provisions to such byelaws the Minister of Transport shall be the confirming authority.

(3) No byelaws affecting any area below high-water mark of ordinary spring tides shall come into operation until the consent of the Board of Trade has been given thereto and confirmation by a confirming authority shall be sufficient evidence that such consent has been given.

**115.** The Corporation may declare any expenses incurred by them after the passing of this Act under the provisions of the Act of 1901 the Act of 1920 or this Act which are recoverable from the owner or owners of any premises to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875.

Expenses  
may be  
declared  
private  
improve-  
ment  
expenses.

A.D. 1934.

—  
Several  
sums in one  
summons.

**116.** 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.

Inquiries  
by Minister  
and Minister  
of Trans-  
port.

**117.** The Minister and the Minister of Transport may hold such inquiries as they respectively may consider necessary in regard to the exercise of any powers conferred upon them or the giving of consents under this Act and section 290 of the Act of 1933 shall apply accordingly.

As to  
appeals.

**118.**—(1) Any person aggrieved by an order made by a court of summary jurisdiction under the provisions of this Act may appeal against the order to a court of quarter sessions and the Corporation may likewise appeal against the refusal of a court of summary jurisdiction to make any such order.

(2) Any person aggrieved by an order judgment determination or requirement or by the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer thereof under the provisions of Parts VII VIII and IX of this Act may if no other mode of appeal is provided by this Act appeal in manner provided by the Quarter Sessions Act 1849 to the next practicable court of quarter sessions held not less than thirty days after notice of the decision appealed against has been sent to him and the notice of appeal shall be given to the Corporation and to the clerk of the peace.

Incorporation of  
sections  
from  
previous  
Acts.

**119.** The following sections of the Act of 1901 and of the Act of 1920 shall so far as they are applicable for the purpose extend and apply with the necessary modifications to and in relation to this Act and be incorporated with and form part of this Act (that is to say) :—

The Act of 1901—

Section 169 (Application of sections 265 305 and  
306 of Public Health Act 1875);

Section 173 (Compensation how to be determined); A.D. 1934.

Section 174 (Recovery of penalties).

The Act of 1920—

Section 118 (Power to enter premises);

Section 124 (Damages and charges to be settled by justices);

Section 126 (Recovery of demands);

Section 127 (Judges not disqualified);

Section 128 (Saving for indictments &c.);

Section 129 (Penalty on occupier refusing execution of Act);

Section 130 (Powers of Act cumulative):

Provided that for the purposes of such extension and application the said section 118 of the Act of 1920 shall have effect as if Parts VII VIII and IX of this Act were therein referred to instead of Parts IV V and VI of the Act of 1920.

**120.**—(1) The following enactments are hereby repealed as from the first day of April nineteen hundred and thirty-four:—

The Lowestoft Improvement Act 1854—

Section LVIII (Application of rents of unproductive tenements let by the Commissioners).

The Act of 1901—

Section 81 (Separate accounts and application of revenue);

Section 158 (Separate accounts for tramway undertaking application of revenue and deficiency of receipts).

The Act of 1920—

Section 105 (Application of revenue of trolley vehicle and omnibus undertaking).

(2) The following enactments are hereby repealed as from the date of this Act:—

The Act of 1901—

Section 55 (Power to retain sell &c. lands);

Section 56 (Proceeds of sale of surplus lands);

Section 152 (Sinking fund).

A.D. 1934.

## The Act of 1920—

- Section 40 (Building line in new streets);
- Section 41 (Development scheme may be required in connection with new streets);
- Section 60 (Amendment of section 19 of Public Health Acts Amendment Act 1890);
- Section 72 (Extended meaning of "infectious disease" for certain purposes);
- Section 84 (Regulation dustbins);
- Section 103 (Incorporation of sections from Act of 1901) (so much thereof only as incorporates with the Act of 1920 section 152 of the Act of 1901);
- Section 106 (Power to use sinking fund instead of borrowing);
- Section 131 (Summons or warrant may contain several sums).

Crown  
rights.

**121.** 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 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.

Costs of  
Act.

**122.** 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 the general rate or out of moneys to be borrowed under this Act for that purpose.

The SCHEDULES referred to in the  
foregoing Act.

A.D. 1934.

---

THE FIRST SCHEDULE.

---

THIS LEASE made the twentieth day of February nineteen hundred and thirty-four between THE LONDON AND NORTH EASTERN RAILWAY COMPANY (hereinafter called "the Company" which expression shall where not repugnant to the context include the persons deriving title under them) of the one part and THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF LOWESTOFT (hereinafter called "the Corporation" which expression shall where not repugnant to the context include the persons deriving title under them) of the other part.

WITNESSETH that in consideration of the rent and other payments covenants and conditions hereinafter reserved and contained and on the part of the Corporation to be paid performed and observed the Company hereby demise unto the Corporation All that the pier of the Company situate in the borough of Lowestoft aforesaid and known as "the South Pier" which is for the purpose of identification more particularly delineated upon the plan hereto annexed and thereon coloured red Together with (a) the pavilion and refreshment rooms (with concert hall above) band stand and all other buildings and structures erected on the said pier except as hereinafter mentioned (b) the underground lavatory at the pier entrance and the heating chamber with two boilers therein under the pavilion (c) the yacht basin steps and the pier head steps shown on the said plan and the right to use the same for embarking and landing passengers on and from speed and other small boats subject to the harbour requirements from time to time permitting and to the directions of the Company's harbour master and to the payment to the Company of the harbour dues in force for the time being and provided that such boats do not travel at a greater speed than four miles per hour when approaching or leaving the said respective steps All which premises hereinbefore demised and any additional buildings or structures for the time being erected thereon are hereinafter where not repugnant to the context included in the expression "the premises" Together with the furniture fixtures and fittings specified in the list dated the date hereof which for the purpose of identification has been signed by Cornelius James

Stamps.

One pound  
seven shillings  
and  
threepence.

A.D. 1934.

Selway on behalf of the Company and Charles Ashton Stray on behalf of the Corporation and all other (if any) furniture fixtures and fittings belonging to the Company in or upon the premises (all which are hereinafter where not repugnant to the context included in the expression "the said furniture and fixtures") Except and reserving unto the Company (a) The whole of the foundations pillars girders and substructure (except the said underground lavatory and heating chamber) under the deck of the said pier (all hereinafter where not repugnant to the context included in the expression "the pier substructure") (b) The lighthouse and all navigation lights signals fog bell bollards mooring posts capstans or other apparatus connected with navigation (all hereinafter where not repugnant to the context included in the expression "the navigation lights and apparatus") (c) The right to permit telegraph telephone and other wires (whether existing or additional) to be fixed upon attached to erected over or placed under or through the premises and also the right of access to the premises at any reasonable time in the daytime or in case of emergency in the night time for the purpose of fixing erecting maintaining renewing or removing such telegraph telephone or other wires with the fixtures or attachments the Company making good any damage caused thereby (d) The right to permit any existing or carry any additional electric or other cables under over or through the premises and to repair renew or use the same or any of them the Company making good any damage caused thereby (e) The right to maintain all existing and construct and maintain any additional drains channels and sewers in or under the premises and the free passage and running of water and soil from all neighbouring lands and buildings of the Company through all such existing and additional drains channels and sewers (f) Full liberty of building upon any property of the Company adjoining the premises without payment of any compensation for loss of or damage to light or air or otherwise (g) The right to enter upon the premises by themselves their officers servants agents contractors or workmen at any time (i) for the purpose of inspecting the same or for any other reasonable purpose and of executing thereon any works and alterations which the Company may consider desirable in connection with their harbour undertaking or the working or maintenance thereof or for the purpose of executing any repairs or alterations to the pier substructure or the navigation lights or apparatus and for such last-mentioned purpose to remove the decking of the said pier whenever the engineer (southern area) for the time being of the Company (hereinafter called "the engineer") shall consider it necessary so to do without payment of any compensation whatsoever to the Corporation the Company nevertheless restoring and making good such decking with all convenient despatch and (ii) for the purpose of maintaining repairing lighting working and using the navigation lights and apparatus and of carrying

A.D. 1934.  
—

out any duties or performing any acts which the Company may consider desirable or necessary in connection with their harbour undertaking including the navigation of vessels in the harbour or the mooring or un-mooring of vessels at the said pier and for any of the purposes aforesaid or for the purpose of placing and storing temporarily on the premises any materials and plant required for the reconstruction or repair of the pier substructure or for any purpose in connection with the harbour undertaking of the Company and (h) The right to maintain repair and renew the railway advertising boards now being upon the premises and to exhibit and replace thereon advertisements relating to the undertaking of the Company And reserving to the Company the Royal National Lifeboat Institution and all fishing insurance clubs or societies and their respective officers servants and workmen the right to enter upon the premises at all times by day or by night for all purposes connected with the salvage of life or property And reserving to the officers and men of His Majesty's customs and coast guard the like right of entry at all times by day or by night for all purposes connected with the performance of their respective duties Provided always that the Company shall not in exercising the rights hereinbefore reserved to them unreasonably interfere with the user of the premises by the Corporation and shall cause as little inconvenience as possible to the Corporation To hold the premises (except and reserving as aforesaid) unto the Corporation from the first day of April nineteen hundred and thirty-three for the term of forty-two years (determinable nevertheless by the Corporation as hereinafter mentioned) Paying therefor yearly during the said term and so in proportion for any less time than a year the yearly rent of five pounds to be paid without any deduction (except for landlord's property tax in respect of the said rent) on the first day of April in every year the first of such payments to be made on the first day of April nineteen hundred and thirty-four And also yielding and paying to the Company (subject as next hereinafter provided) on the first day of April nineteen hundred and thirty-four and on the same day in each subsequent year of the said term (or as soon thereafter respectively as the accounts of the Corporation for the immediately preceding financial year shall have been audited) and also on (or so soon as may be reasonably possible after) the expiration or sooner determination of the said term a sum equal to one-third of the net profits (as hereinafter defined) derived by the Corporation from the use and enjoyment of the premises from all sources whatsoever during such last preceding financial year or portion thereof (as the case may be) The said net profits shall be deemed to be the total moneys received by the Corporation on revenue account in respect of the premises during or in respect of the last preceding financial year or portion thereof (as the case may be) after deducting all expenses incurred by them on revenue account in respect of the premises during such period

A.D. 1934. — other than expenses which fall under the following headings namely (a) Any proportion of the overhead expenditure of the Corporation which would have been incurred by them in any event if this lease had not been granted (b) Depreciation of the buildings or structures which the Corporation are liable to maintain repair and renew in accordance with this lease other than moneys actually expended during such period on works of maintenance repair or renewal and (c) Interest on capital expenditure or on moneys borrowed for capital expenditure in connection with the premises unless such expenditure shall have been incurred in respect of structural alterations or improvements which have been previously approved in writing by the surveyor for the time being of the Company and such surveyor has also agreed in writing that interest on such expenditure may be so deducted Provided always that the before-mentioned proportion of net profits shall not be payable in any year unless and until the aggregate amount of any net losses incurred by the Corporation in any previous year or years on revenue account in respect of the premises shall have been recouped out of subsequent net profits but in calculating the amount of such losses no allowance shall be made in respect of the before-mentioned overhead expenditure or depreciation (except as aforesaid) nor (unless the said surveyor has agreed to such deduction of interest as aforesaid) of the before-mentioned interest on capital expenditure or on moneys borrowed for capital expenditure And the Corporation hereby covenant with the Company in manner following that is to say :—

- (1) To pay during the continuance of the term hereby granted the said yearly rent and proportion of net profits hereinbefore reserved and made payable at the times and in manner aforesaid without any deduction (except as aforesaid);
- (2) From time to time and at all times during the said term to pay and discharge all rates duties taxes charges assessments and outgoings whatsoever whether parliamentary parochial local or of any other description which are now or may at any time hereafter be assessed charged or imposed upon the premises or the owner or occupier in respect thereof And in case the premises shall not be separately assessed then the Corporation shall from time to time on demand pay to the Company a due proportion (to be determined failing agreement by arbitration as hereinafter provided) of all such rates duties taxes charges assessments and outgoings payable by the Company and attributable to the premises (payments by the Company to the railways freight rebates or other fund under the provisions of the Local Government Act 1929 being treated and considered



as payments of rates) and the amount so determined shall be recoverable by the Company from the Corporation summarily as a civil debt;

A.D. 1934.

- (3) From time to time and at all times during the said term well and substantially to repair cleanse amend and keep and when necessary renew the premises (which expression shall for the purposes of this covenant include any bearers provided solely for the purpose of carrying the pier decking) and also the electricity and other mains and the water hydrants contained in the trench under the pier decking (but not including repairs rendered necessary owing to damage attributable to navigation or to decay of the pier substructure) and all additions which may at any time during the said term be made thereto and the said furniture and fixtures and any other fixtures or fittings therein and the drains and appurtenances thereof and the fire buckets and/or fire equipment and life buoys on the premises with all necessary reparations cleansings and amendments whatsoever Provided that nothing herein contained shall render the Corporation liable to cleanse the before-mentioned bearers and electricity or other mains And at the expiration or sooner determination of the said term quietly to yield up the premises unto the Company Together with all permanent additions and improvements made thereto in the meantime and any additional fixtures then in or upon the premises or which during the said term may be affixed or fastened to or upon the same And also to yield up the said furniture and fixtures in a condition equivalent to that in which the same were at the commencement of the said term or in default to pay to the Company the value as shown in the before-mentioned list of the whole or any part thereof which may not be yielded up in such condition as aforesaid;
- (4) And in particular once in every three years of the term (unless otherwise agreed between the Corporation and the Company) and also during the last year thereof in a workmanlike manner to make good the outside work where necessary and paint with three coats of best oil paint or grain and varnish or treat in some other manner to be reasonably approved by the Company all outside work of the premises (including the seats on the said pier) now or usually painted or grained and varnished And in every fifth year of the term and also during the last year thereof in a workmanlike manner to whiten distemper or colour or treat in some other manner to be reasonably approved by the Company

A.D. 1934.

- all inside work now or usually whitened distempered or coloured paint with three coats of best oil paint or grain and varnish or treat in some other manner to be reasonably approved by the Company all inside work now or usually painted or grained and varnished strip and repaper with paper of the same quality as at present or treat in some other manner to be reasonably approved by the Company all parts now or usually papered and redecorate in the same style as at present or in some other manner to be reasonably approved by the Company all parts now or usually decorated;
- (5) To permit the Company or their surveyor or other proper officer at all reasonable times by day or by night to enter the premises and examine the state of repair and condition thereof;
  - (6) To repair make good and amend all defects for which the Corporation may be liable of which notice in writing shall be given by the Company to the Corporation within three calendar months after the giving of such notice;
  - (7) That if the Corporation shall at any time make default in the performance of any of the covenants hereinbefore contained for or relating to the repair cleansing painting graining and varnishing whitening distempering colouring papering or amendment of the premises it shall be lawful for the Company (but without prejudice to the right of re-entry under the proviso hereinafter mentioned) to enter upon the premises and to repair cleanse paint grain and varnish whiten distemper colour paper and amend the same at the expense of the Corporation in accordance with the covenants and conditions of these presents and the reasonable expense incurred by them in so doing shall be repaid by the Corporation to the Company on demand;
  - (8) Not to assign transfer underlet or part with the possession of the premises or any part thereof Provided always that the subletting to respectable and responsible persons of the concert hall refreshment rooms or any existing or future kiosks buildings works or conveniences on the said pier or forming part of the premises shall not be deemed a breach of this covenant;
  - (9) To pay for all gas water and electricity consumed on the premises (except as mentioned in the Company's covenant No. 3 hereinafter contained) and also for any separate meters which it may be necessary to provide;
  - (10) Not at any time to break into disturb injure or interfere with the structure of the premises or any part

thereof nor make any alterations or additions whatsoever to the same without (in either case) the previous consent in writing of the Company or their surveyor which consent shall not be unreasonably withheld;

A.D. 1934.  
—

- (11) Not at any time during the said term without the previous consent in writing of the Company or their said surveyor to have or permit or suffer any sale by auction to be held in or upon the premises nor put up or exhibit or permit or suffer to be put up or exhibited in or upon the same any bill notice sign or advertisement except a name sign or facia, to be previously approved in writing by the said surveyor of the Company and announcements relating to the business of the pier;
- (12) At their own expense to execute all such works as are or may under or in pursuance of any Act or Acts of Parliament already or hereafter to be passed be directed or required by any public authority to be executed at any time during the said term upon or in respect of the premises and to save harmless and indemnify the Company from and against all liability in respect of any of the matters aforesaid the Company in case of default being at liberty to carry out the necessary works at the cost of the Corporation such cost until repaid by the Corporation to be a charge on the premises and recoverable summarily as a civil debt;
- (13) To use and occupy the premises (except as next hereinafter mentioned) for the purpose only of a place of public entertainment and resort or as regards the before-mentioned steps for embarking and landing passengers on and from speed and other small boats and to use their best endeavours to make the premises attractive to the public and to increase the patronage thereof and in connection with such use and occupation not to do or permit or suffer to be done in or upon the premises or any part thereof any act or thing which shall or may be or become a nuisance damage annoyance or inconvenience to the Company or their tenants or the occupiers of any adjoining property or the neighbourhood and in particular not to store or permit or suffer to be stored in or upon the premises or any part thereof any combustible explosive inflammable or dangerous goods or materials whatsoever nor without in each case previously obtaining the consent in writing of the engineer of the Company (which consent shall not be unreasonably withheld) use the premises for the display of fireworks Provided always that nothing herein contained shall be deemed to prohibit the use of the said concert hall for the purpose of conferences;

A.D. 1934.

- (14) That the Corporation and their servants shall at all times during the said term duly observe the byelaws and regulations of the Company dated the twenty-fourth day of January nineteen hundred and twenty-eight and any further byelaws and regulations made after the date of this lease for the time being in force so far as the same relate to or affect the premises and the Corporation shall also use their best endeavours to secure the observance of such byelaws and regulations by other persons using the premises Provided that the Company shall give to the Corporation reasonable notice of any proposed further byelaws and regulations affecting the premises and the Corporation shall be entitled to make representations to the confirming or approving authority with regard thereto;
- (15) Not to permit or suffer any vehicles of any description exceeding two tons in weight to pass on to any part of the said pier which has not yet been reconstructed nor over the before-mentioned trench under the pier decking nor to permit or suffer any such vehicles having an axle load exceeding three tons or which are not fitted with rubber tyres to pass on to any part of the said pier;
- (16) During the said term to keep the premises insured against damage by fire storm tempest earthquake and aircraft or otherwise in a sum to be agreed from time to time with the Company as representing the full value of the premises such insurance to be effected in an insurance office approved by the Company in the joint names of the Company and the Corporation and to produce to the Company whenever required the policy and also within seven days of the same having become due the receipt for the last premium in respect of each such insurance And that in case of the destruction or damage of the premises or any part thereof by fire storm tempest earthquake aircraft or otherwise to expend the moneys received in respect of every such insurance in rebuilding or reinstating the same and in case such moneys shall be insufficient for such purpose the deficiency shall be made good by the Corporation Provided that if the premises shall not be kept insured as aforesaid the Company may insure the same and pay the premium and the amount thereof shall be repaid by the Corporation and in the meantime shall be a charge on the premises and be recoverable summarily as a civil debt;
- (17) Not to allow any encroachment to be made or easement acquired on or over the premises by persons other

A.D. 1934.  
—

than the Company and in particular not to allow the right of the access of light or air from or over the premises to any neighbouring property to be acquired and if any encroachment or easement shall be made or threatened to be made or if any window or opening shall be opened or made or threatened to be opened or made in any neighbouring building (whether already or hereafter to be erected) which if not obstructed might by lapse of time confer the right of such access of light or air on the owner of any neighbouring property or if anything shall be done or threatened to be done on any neighbouring property which might interfere with or obstruct the access of light and air to any existing windows or openings in the premises forthwith to give notice thereof to the Company and permit them and their servants to enter upon the premises to inspect the same and at the cost of the Company to do all such things as may be proper for the purpose of preventing the making of such encroachment or the acquisition of such easement or right including where necessary the making and maintaining of a hoarding for the purpose of preventing the access of light or air to such window or opening;

- (18) To use their best endeavours to secure that the necessary licences are obtained or renewed for allowing the refreshment rooms forming part of the premises during the said term to be used for the sale and consumption therein of ale beer wines spirits and tobacco by retail and for allowing the premises to be used for the purpose of musical and other entertainments and dancing and to pay or arrange for the payment of the excise and other duties for the said respective licences and not to surrender the same licences or any of them;
- (19) To keep open the said refreshment rooms for the sale of the articles aforesaid at all reasonable times during the said term;
- (20) At all times to manage and conduct the business of the premises in a lawful orderly and proper manner and not to permit any gaming rioting or disorderly practices therein or do or suffer anything whereby the above-mentioned licences or any of them or any renewed licence may be or become liable to be forfeited or endorsed or the renewal thereof withheld or whereby the said business of the premises or the goodwill thereof may in any way be or be liable to be prejudicially affected and not to break the laws for the time being in force affecting keepers of refreshment houses or places for public entertainment dancing or resort either by an act of commission or omission it being expressly agreed that

A.D. 1934.  
—

any conviction of the Corporation or their tenant or manager (whether endorsed on a licence or not) for any offence against the licensing or other Acts for the time being in force affecting keepers of refreshment houses or places of public entertainment dancing or resort shall be conclusive evidence of a breach of this present covenant;

- (21) During the said term to keep the licences in respect of the said refreshment rooms and every renewed licence insured against forfeiture or refusal to renew in the name of the Company for the sum of one thousand pounds in the Licences and General Corporation Limited or in some other office to be approved by the Company in writing and any moneys received by the Company in respect of such policy shall be retained by the Company for their own use;
- (22) At the expiration or sooner determination of the said term to deliver up to the Company or their nominees or nominee and do all necessary acts for transferring to them or him the then existing dancing singing and music licences in respect of the premises and also the then existing licences (magisterial excise or otherwise) in respect of the said refreshment rooms on being paid the fair proportion for the unexpired terms thereof respectively And that such last-mentioned licences if not so delivered and transferred shall be considered as lost or wilfully withheld by the holder thereof so that the magistrates may receive a copy thereof under section 43 (3) of the Licensing (Consolidation) Act 1910;
- (23) At their own expense to attend if required before the justices by their authorised representatives in person and consent to any such transfer or renewal;
- (24) To keep such books and accounts as shall be necessary to show the net profits (as hereinbefore defined) derived by the Corporation from the use and enjoyment of the premises and within seven days from the thirtieth day of June in each year during the said term or from such other date upon which the accounts of the Corporation for the last financial year shall have been audited and also so soon as is reasonably possible after the expiration or sooner determination thereof to make out and deliver to the chief accountant for the time being of the Company a correct statement of account showing the results of the use and enjoyment by the Corporation of the premises during the immediately preceding financial year terminating on the thirty-first day of March or part of a year (as the case may be)

and the net profits made thereby And to afford to the said chief accountant such reasonable information in relation thereto as he shall from time to time require and to produce to the authorised officers or auditor of the Company the said books and accounts and all relative vouchers and to furnish all reasonable information and explanations for the purpose of ascertaining the amount from time to time payable to the Company as aforesaid by way of proportion of such net profits;

A.D. 1934.

- (25) To bear the risk of and be responsible for all damage injury or loss whatsoever howsoever and whensoever caused arising directly or indirectly out of or in connection with the use and enjoyment of the premises except damage injury or loss attributable to accidents caused by vessels navigating in the harbour or otherwise due to operations connected with navigation or except damage injury or loss attributable to decay or want of repair of the pier substructure or to the exercise by the Company of any of the rights hereinbefore reserved to them and to keep the Company and the managing committee of any accident fund formed for the benefit of the Company's servants freed from and indemnified against all liabilities claims and demands whatsoever in respect of such damage injury or loss as aforesaid or in respect of any breach of any of the covenants herein contained;
- (26) To perform and carry out the provisions of any statute affecting the premises so far as the same ought to be performed and carried out by the Corporation (but this covenant shall not apply to or in respect of any obligations relating to the mooring unmooring or navigation of vessels or the lighting sounding or exhibition of signals on the said pier) and to keep the Company freed from and indemnified against all claims demands or liability whatsoever which may arise in respect of any breach of this covenant:

Provided always and these presents are upon the condition that if the said yearly rent hereby reserved or any part thereof shall at any time be in arrear and unpaid for twenty-one days after the same shall have become due (whether any formal or legal demand thereof shall have been made or not) or if the Corporation shall at any time fail or neglect to perform or observe any of the covenants conditions or agreements herein contained and on their part to be performed and observed then and in every such case it shall be lawful for the Company or any person or persons duly authorised by them in that behalf into and upon the premises or any part thereof in the name of the

A.D. 1934. whole to re-enter and the premises peaceably to hold and enjoy thenceforth as if these presents had not been made without prejudice to any right of action or remedy of the Company in respect of any antecedent breach of any of the covenants by the Corporation hereinbefore contained.

And the Company hereby covenant with the Corporation—

- (1) To complete with all reasonable despatch having regard to the Company's programme for works of repairs or renewal the decking of those portions of the said pier the decking of which has not at the date of this lease been completed by the Company;
- (2) At all times during the said term to keep the pier substructure (except the before mentioned bearers hereinbefore covenanted to be repaired by the Corporation) and the existing and any future concrete parapets of the said pier which the Company may construct and the navigation lights and apparatus in good and substantial repair and also to carry out any repairs to the premises which may become necessary owing to damage attributable to navigation but the Corporation shall as soon as practicable give notice in writing to the Company of any defects or want of repair which the Company are liable to make good and which may come to the knowledge of the Corporation;
- (3) To pay to the Corporation the cost of the electric current consumed in lighting the navigation lights (except as hereinafter mentioned) and working the fog bell on the said pier as shown by the existing separate meter and to pay at the rate of 5s. per quarter in respect of the electric current consumed in lighting the navigation light adjoining the said pavilion and also to pay the cost of any water which the Company may take from the existing water main on the pier for reconstruction repair or other purposes which electric current and water the Corporation undertake to supply to the Company subject however in the case of such water to the same being supplied to the Corporation by the Lowestoft Water and Gas Company through or by means of the said main;
- (4) That the Corporation paying the rent and proportion of profits hereby reserved and made payable and performing and observing the several covenants conditions and agreements herein contained and on their part to be performed and observed shall and may peaceably and quietly hold and enjoy the



premises during the term hereby granted without any lawful interruption or disturbance from or by the Company subject nevertheless to the proviso next hereinafter contained : A.D. 1934.

Provided always and it is hereby agreed that if the Corporation shall be desirous of determining this present lease at the expiration of the third or twenty-first years of the term hereby granted and of such their desire shall give six calendar months' previous notice in writing to the Company and shall pay or reasonably secure to the Company all the rent and proportion of profits and perform and observe all the covenants hereinbefore reserved and contained and on the part of the Corporation to be paid performed and observed up to such determination then and in such case immediately after the expiration of the said third or twenty-first years (as the case may be) this present lease and everything herein contained shall cease and be void without prejudice to any claim by either party against the other in respect of any antecedent breach of any covenant or condition herein contained :

Provided also that it shall be lawful for the Company by giving to the Corporation notice in writing twenty-four calendar months before the expiration of the said twenty-first year to require that the before-mentioned rent and/or proportion of profits shall be increased and if any difference shall arise between the parties as to whether having regard to all the circumstances it is reasonable that there shall be any and if so what such increase the same shall be referred to arbitration in accordance with the proviso hereinafter contained And during the last twenty-one years of the said term the Corporation shall pay to the Company in lieu of the rent and/or proportion of profits hereinbefore provided for such increased amounts (if any) as shall be agreed or settled by arbitration as aforesaid.

It is hereby declared that if at any time hereafter any dispute doubt or question (including any matter which under the Landlord and Tenant Act 1927 is to be determined by the tribunal therein mentioned) shall arise between the Company and the Corporation touching the construction meaning or effect of these presents or any clause or thing herein contained or their respective rights or liabilities under these presents or otherwise in relation to the premises then every such dispute doubt or question shall be determined by a single arbitrator who failing agreement between the parties shall be appointed by the president for the time being of the Chartered Surveyors' Institution and subject as aforesaid these presents shall be deemed to be a submission to arbitration within the Arbitration Act 1889 or any statutory modification or re-enactment thereof for the time being in force.

A.D. 1934.  
—

And it is hereby agreed that any notice to be served upon the Company shall be addressed to their secretary and be either sent by registered post to or delivered at their head offices for the time being and any notice to be served upon the Corporation shall be addressed to their town clerk and be either sent by registered post to or delivered at the town hall Lowestoft.

The costs and expenses of the Company of and incidental to the preparation and execution of this lease and the counterpart thereof shall be paid by the Corporation according to the scale charge and such costs and expenses and also the costs and expenses of the Corporation of and incidental to the perusal and completion of this lease according to the scale charge (but not any costs or expenses incurred by the Corporation in connection with such application to Parliament as hereinafter mentioned) shall (if the Corporation so determine) be treated as expenses incurred by the Corporation on revenue account in respect of the premises during the financial year ending on the thirty-first day of March nineteen hundred and thirty-five.

The Corporation shall promote and use their best endeavours to procure the passing in the session 1933-34 of an Act confirming this lease and conferring upon the Corporation such powers as the Corporation may deem necessary for enabling them effectively to carry on the undertaking comprised in or relating to the premises freed from any restriction in the exercise of such powers to which the Corporation shall be unwilling to submit and the Company's officers and servants shall render to the Corporation such reasonable assistance as may be within their power in obtaining the passing of such Act and shall for that purpose supply to the Corporation free of charge such information particulars and evidence in the possession of the Company or of any of such officers and servants as the Corporation may reasonably require and shall assist in relation to the Bill by giving evidence or otherwise as may be requisite.

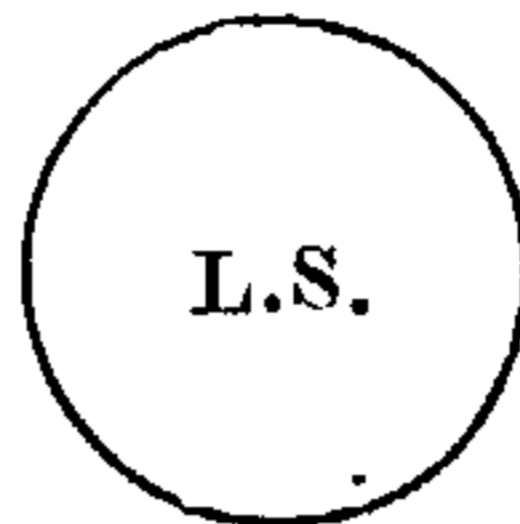
This lease is subject to the passing of such an Act of Parliament as aforesaid and to such alterations (if any) as Parliament may require to be made therein but in the event of either House of Parliament requiring any material alteration to be made in this lease to the prejudice of either party thereto it shall be lawful for such party by notice in writing to the other party to cancel this lease and in the event of either House of Parliament being unwilling to vest in the Corporation any such powers as aforesaid or requiring that any restriction shall be imposed upon such powers to which the Corporation shall be unwilling to submit it shall be lawful for the Corporation by notice in writing to the Company to cancel this lease and in that case or in the event of such intended Act of Parliament failing to become law this lease shall be void and of no effect

without prejudice to any claim by either party against the other in respect of any antecedent breach of any covenant or condition herein contained. A.D. 1934.

In witness whereof the Company and the Corporation have caused their respective common seals to be hereunto affixed the day and year first before written.

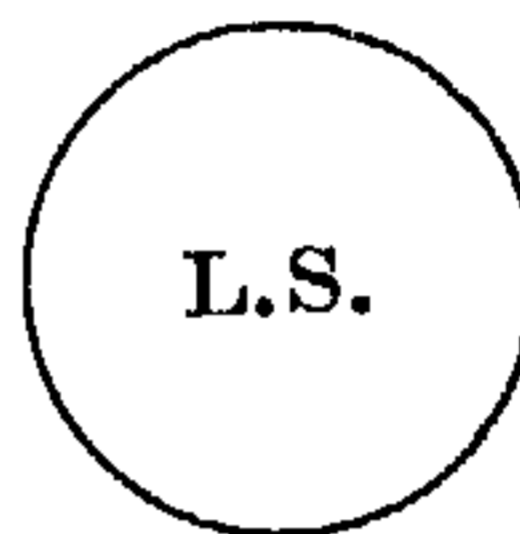
The common seal of the above-named Company was hereunto affixed in the presence of

P. J. DOWSETT  
Assistant secretary.  
5883.



The common seal of the mayor aldermen and burgesses of the borough of Lowestoft was hereunto affixed by order of the council of the said borough

J. W. WOODROW }  
GEO. BROWN } Two members of the town council.  
C. ASHTON STRAY Town clerk.




---

**THE SECOND SCHEDULE.**

---

**RATES FOR USE OF SOUTH PIER.**

---

	£	s.	d.
For every person using the pier for the purpose of walking for exercise pleasure or any other purpose (except as provided for hereunder) for each time any sum not exceeding - - - - -	0	0	3
For every bath chair (including one attendant and one passenger) taken on the pier for each time any sum not exceeding - - - - -	0	0	6
For every perambulator including one attendant taken on the pier for each time any sum not exceeding - - - - -	0	0	4
For every person using the pier for the purpose of bathing for each time any sum not exceeding -	0	0	4
For every person using the pier for the purpose of fishing for each time and for each rod or line used any sum not exceeding - - - - -	0	0	6

---

A.D. 1934.

## THE THIRD SCHEDULE.

## PROVISIONS AS TO CORPORATION 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) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce 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 the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the town hall Lowestoft 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.

4.—(1) The treasurer 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. A.D. 1934.

(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.....

**BOROUGH OF LOWESTOFT.**

**Lowestoft Corporation Bonds.**

—per centum Lowestoft Corporation bond repayable at par.....19..... at the town hall Lowestoft.

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 Lowestoft under the Lowestoft Corporation Act 1934 at.....

Signed.....  
Borough treasurer.

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 Corporation bond shall be by deed in the following form or in a form substantially to the like effect :—

**FORM OF DEED OF TRANSFER.**

**Lowestoft Corporation Bonds.**

I ..... in consideration of the sum of..... paid by .....

A.D. 1934.

(hereinafter called "the transferee") do hereby assign and transfer to the 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 transferee do hereby agree to accept and take the said.....  
subject to the conditions aforesaid.

As witness our hands and seals this.....  
day of.....in the year of our Lord  
one thousand nine 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 Lowestoft 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.

(6) The Corporation before registering a transfer of a bond may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

8.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of title as the Corporation may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the Corporation shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the Corporation the Corporation shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

[24 & 25 GEO. 5.]

*Lowestoft  
Corporation Act, 1934.*

[Ch. lxxv.]

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them. A.D. 1934.  
—

9. The Corporation shall not be required to pay any executors or administrators any interest on bonds 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 for registration.

10. The Corporation before paying any interest on any bonds may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

---

Printed by EYRE AND SPOTTISWOODE LIMITED

FOR

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

---

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses  
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh 2  
York Street, Manchester 1; 1, St. Andrew's Crescent, Cardiff  
80, Chichester Street, Belfast  
or through any Bookseller

1870  
The first of the year  
was a very dry one  
and the crops were  
very poor. The  
winter was also  
very cold and  
the snow was  
very deep. The  
spring was very  
warm and the  
crops were very  
good. The summer  
was very hot and  
the crops were  
very good. The  
autumn was very  
warm and the  
crops were very  
good. The winter  
was very cold and  
the snow was very  
deep.

1871  
The first of the year  
was a very dry one  
and the crops were  
very poor. The  
winter was also  
very cold and  
the snow was  
very deep. The  
spring was very  
warm and the  
crops were very  
good. The summer  
was very hot and  
the crops were  
very good. The  
autumn was very  
warm and the  
crops were very  
good. The winter  
was very cold and  
the snow was very  
deep.