



CHAPTER xxxiii.

An Act to empower the mayor aldermen and burgesses of the county borough of Southend-on-Sea to construct sea walls harbours street works and other works to authorise the acquisition of lands for sundry purposes and the development of lands for industrial and other purposes to confer further powers on them in reference to their pier electricity gas water transport and entertainments undertakings and the provision of trolley vehicles to enact provisions relating to houseboats &c. and to make further and better provision in reference to the foreshore and the improvement health local government and finances of the borough and for other purposes.

[31st July 1947.]

WHEREAS it is expedient to empower the mayor aldermen and burgesses of the county borough of Southend-on-Sea (in this Act called "the Corporation") to acquire certain lands in the borough and in the county of Essex and to confer powers upon them to develop lands for industrial and other purposes:

And whereas it is expedient to authorise the Corporation to construct the improvement works referred to in this Act and to reclaim the whole or part of the Leigh Marsh lands and to use part of those lands for the extension of the promenade and for the purposes of recreation and amusements:

And whereas there are on and near the foreshore and the Leigh Marsh lands certain houseboats and other boats and structures which would interfere with the carrying out of such projects and which injure the amenities of the neighbourhood:

And whereas it is uncertain whether rights adverse to the Corporation's ownership in portions of the foreshore and other lands may not exist in the owners of such houseboats and structures and it is expedient that any such rights should be extinguished and that the Corporation should be empowered to prohibit the mooring of houseboats and other boats and the maintenance and erection of structures and that the other provisions of this Act relating thereto should be enacted:

And whereas the Corporation are the owners of a pier undertaking and it is expedient that they should be empowered to construct harbours and that further provisions should be enacted in regard to that undertaking and in regard to the foreshore:

And whereas the Corporation are the owners of and are working a system of trolley vehicles within the borough and by the Southend-on-Sea Corporation (Trolley Vehicles) Order 1942 made by the Minister of War Transport in virtue of his powers under the Defence (General) Regulations 1939 the Corporation were empowered to provide equip maintain and use trolley vehicles along the route in the borough therein mentioned and it is expedient that the powers of the Corporation should be confirmed and that they should be empowered to provide equip maintain and use trolley vehicles along a new trolley vehicle route within the borough:

And whereas it is expedient to confer further powers on the Corporation in regard to their trolley vehicles public service vehicles and electricity undertakings:

And whereas it is expedient that the powers of the Corporation in relation to the health local government and improvement of the borough and other matters should be enlarged as by this Act provided:

And whereas it is expedient to make further provision in regard to the finances of the Corporation:

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 estimates have been prepared by the Corporation for and in connection with the following purposes:—

	£
(1) The purchase of lands under the powers of this Act	740,230
(2) The construction of the improvement works authorised by this Act	1,448,557
(3) The construction of the harbour works authorised by this Act ...	200,000

(4) The provision of trolley vehicles	£ 3,000
(5) The provision of trolley vehicle equipment and the construction of other works necessary for or in connection with the working of trolley vehicles	3,000

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the Corporation should be empowered to borrow money for those purposes as provided by this Act:

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed:

23 & 24
Geo. 5.
c. 51.

And whereas plans and sections showing the lines and levels of the works authorised by this Act and showing the lands required or which may be taken for the purposes or under the powers of this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the town clerk of the borough and with the clerk of the county council of the administrative county of Essex which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

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.—(1) This Act may be cited as the Southend-on-Sea Corporation Act 1947.

Short and
collective
titles.

(2) The Southend Local Board Act 1875 the Southend Local Board Act 1887 the Southend-on-Sea Corporation Act 1895 the Leigh-on-Sea Urban District Council Act 1889 the Southend-on-Sea Corporation Act 1909 the Southend-on-Sea Corporation Act 1913 the Southend-on-Sea Corporation Act 1926 the Southend-on-Sea Corporation Act 1930 and this Act may be cited jointly as the Southend-on-Sea Corporation Acts 1875 to 1947.

38 Vict. c. xxix.
50 Vict. sess. 2. c. v.
58 & 59 Vict. c. clviii.
62 & 63 Vict.
c. ccxvii.
9 Edw. 7. c. liv.
3 & 4 Geo. 5. c. cv.
16 & 17 Geo. 5.
c. civ.
20 & 21 Geo. 5.
c. clxxxiii.

PART I.
—cont.
Division
of Act
into Parts.

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

- Part I.—Preliminary.
- Part II.—Lands development &c.
- Part III.—Leigh Marshes &c. improvements.
- Part IV.—Pier and foreshore.
- Part V.—Trolley vehicles and public service vehicles.
- Part VI.—Electricity.
- Part VII.—Entertainments parks &c.
- Part VIII.—Streets and buildings.
- Part IX.—Sewers and drains.
- Part X.—Infectious disease health and sanitary provisions.
- Part XI.—Food.
- Part XII.—Sale of coke coal &c.
- Part XIII.—Finance.
- Part XIV.—Miscellaneous.
- Part XV.—General.

Interpreta-
tion.
26 Geo. 5. &
1 Edw. 8.
c. 49.

3.—(1) In this Act the several words and expressions to which meanings are assigned by sections 90 269 and 343 of the Public Health Act 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless the subject or context otherwise requires terms to which meanings are assigned by the Acts incorporated wholly or in part with this Act or which have therein special meanings have in this Act (unless varied thereby) the same respective meanings And—

“ The borough ” means the county borough of Southend-on-Sea;

“ The Corporation ” means the mayor aldermen and burgesses of the county borough of Southend-on-Sea;

“ The council ” means the council of the borough;

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

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

9 & 10 Geo. 5.
c. 57.

“ The Leigh Marsh lands ” means the lands shown on the deposited plans and thereon respectively numbered 2 to 7 (inclusive) in the borough and 1 and 2 in the urban district of Benfleet and so much of the lands shown on the deposited plans and thereon numbered 1 in the borough as lies to the landward of the embankments or sea walls (improvement works numbers 2 and 4) authorised by this Act;

“ Industrial building ” has the same meaning as in the Distribution of Industry Act 1945;

8 & 9 Geo. 6.
c. 36.

“ The harbours ” means the harbours which the Corporation are authorised by Part III (Leigh Marshes &c. improvements) and Part IV (Pier and foreshore) of this Act to make and maintain and includes all works and conveniences in connection therewith;

Each of the expressions set out in the first column of the following table means the Act or Order set out opposite thereto in the second column of that table:—

“ The Act of 1875 ”	The Southend Local Board Act 1875;
“ The Act of 1887 ”	The Southend Local Board Act 1887;
“ The Act of 1895 ”	The Southend-on-Sea Corporation Act 1895;
“ The Order of 1899 ”	The Southend-on-Sea and District Light Railways Order 1899;
“ The Order of 1904 ”	The Southend-on-Sea and District Light Railways (Extensions) Order 1904;
“ The Act of 1909 ”	The Southend-on-Sea Corporation Act 1909;
“ The Order of 1911 ”	The Southend-on-Sea Loading Pier Order 1911;
“ The Order of 1912 ”	The Southend-on-Sea Pier Order 1912;
“ The Act of 1913 ”	The Southend-on-Sea Corporation Act 1913;

PART I.
—cont.

- “ The Order of 1920 ” The Southend-on-Sea Light Railways (Extension) Order 1920;
- “ The Act of 1926 ” The Southend-on-Sea Corporation Act 1926;
- “ The Order of 1927 ” The Southend-on-Sea Pier Order 1927;
- “ The Order of 1929 ” The Southend-on-Sea Corporation (Trolley Vehicles) Order 1929;
- “ The Act of 1930 ” The Southend-on-Sea Corporation Act 1930;
- “ The Order of 1934 ” The Southend-on-Sea Corporation (Trolley Vehicles) Order 1934;
- “ The Order of 1939 ” The Southend-on-Sea Corporation (Trolley Vehicles) Order 1939;
- “ The existing pier enactments ” means the Act 10 Geo. 4 cap. xlix intituled “ An Act for making and maintaining a pier at or near Southend in the parish of Prittlewell in the county of Essex and for making convenient approaches to and from the same ” the Act 5 & 6 William 4 cap. xc intituled “ An Act to explain and amend the power of an Act of His late Majesty King George the Fourth for making a pier at Southend in the county of Essex ” the Act of 1875 the Act of 1887 the Act of 1895 the Order of 1911 the Order of 1912 and the Order of 1927;
- “ The pier undertaking ” means the pier undertaking of the Corporation authorised by the existing pier enactments and this Act and also all the right to levy rates tolls and charges and all other rights conferred upon the Corporation by the existing pier enactments and this Act;
- “ The pier ” means the piers and works authorised by the existing pier enactments and the harbours;
- “ The port authority ” means the Port of London Authority;
- “ Vessel ” includes a seaplane on the surface of the water;

- “ Seaplane ” includes a flying boat and any other aircraft designed to manoeuvre on the water; PART I.
—cont.
- “ Trolley vehicle ” means a mechanically propelled vehicle adapted for use upon roads without rails and moved by electric power transmitted thereto from some external source;
- “ Trolley vehicle equipment ” means and includes all posts poles standards brackets cables conductors tubes mains transformers feeders wires and other apparatus and equipment for the purpose of working and lighting the trolley vehicles;
- “ Public service vehicle ” and “ contract carriage ” have the same respective meanings as in the Road Traffic Acts 1930 to 1947;
- “ The electricity limits ” means the limits within which the Corporation are for the time being authorised to supply electricity;
- “ The electricity undertaking ” means the electricity undertaking of the Corporation;
- “ Electric line ” has the same meaning as in the Electric Lighting Act 1882; 45 & 46
Vict. c. 56.
- “ Contravention ” in relation to any enactment rule term condition restriction or notice includes a failure to comply with that enactment rule term condition restriction or notice and “ contravene ” shall be construed accordingly;
- “ Daily penalty ” means a penalty for each day on which an offence is continued after conviction therefor;
- “ Telegraphic line ” has the same meaning as in the Telegraph Act 1878; 41 & 42 Vict.
c. 76.
- “ 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 ” has the same meaning as in the Education Act 1944; 7 & 8 Geo. 6.
c. 31.
- “ Parking place ” has the meaning assigned to it by section 68 of the Public Health Act 1925 as amended by section 16 of the Restriction of Ribbon Development Act 1935; 15 & 16
Geo. 5. c. 71.
25 & 26
Geo. 5. c. 47.
- “ Food ” has the meaning assigned to it by the Food and Drugs Act 1938; 1 & 2 Geo. 6.
c. 56.
- “ The general rate fund ” and “ the general rate ” mean respectively the general rate fund and the general rate of the borough;

PART I.
—cont.

“ The Corporation undertakings ” means the undertakings of the Corporation from time to time existing from which revenue is derived;

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

“ Statutory security ” means any security in which trustees are for the time being authorised by law to invest trust moneys and any mortgage bond debenture debenture stock stock or other security created by a local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

“ 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;

“ Financial year ” means the period of twelve months ending on the thirty-first day of March;

“ Camping ground ” means any area of land on which one or more moveable dwellings are situated or which is provided for the placing of one or more moveable dwellings;

“ Occupier ” in relation to a moveable dwelling shall be deemed to include an owner;

“ The Minister ” means the Minister of Health;

“ The Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part II of the Town and Country Planning Act 1944 and by this Act;

“ The Act of 1892 ” means the Private Street Works Act 1892;

“ The Act of 1933 ” means the Local Government Act 1933;

“ The Act of 1936 ” means the Public Health Act 1936;

“ The Public Health Acts ” means the Public Health Act 1875 and any Acts amending or extending that Act;

“ Enactment ” includes this Act and any general or local Act Order byelaw or regulation for the time being in force within the borough.

38 & 39 Vict.
c. 83.

7 & 8 Geo. 6.
c. 47.

55 & 56 Vict.
c. 57.

38 & 39 Vict.
c. 55.

(3) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

4.—(1) The following enactments (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 with the following exceptions and modification:—

(i) Sections 92 and 127 to 132 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act; 8 & 9 Vict. c. 18.

(ii) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section;

(b) The Harbours Docks and Piers Clauses Act 1847 except sections 6 to 13 16 to 19 25 26 50 and 84 to 90 of that Act: 10 & 11 Vict. c. 27.

Provided that—

(i) in the construction of the provisions of the Harbours Docks and Piers Clauses Act 1847 incorporated with this Act the expression the “harbour dock or pier.” means the harbours and the expression “vessel” includes a seaplane on the surface of the water;

(ii) section 23 (Power to lease wharfs warehouses &c.) of that Act shall in its incorporation with this Act have effect as if the proviso were omitted therefrom;

(iii) nothing in that Act shall require or authorise the harbour-master or any other officer to require the dismantling of a seaplane or any part thereof or the making of any alteration whatever of the structure or equipment of a seaplane.

(2) (a) The limits of the pier for the purposes of the Harbours Docks and Piers Clauses Act 1847 shall comprise the pier and the area below high-water mark within a distance of two hundred yards from any part of the pier.

PART I.
—cont.

(b) Nothing contained in this subsection shall limit or affect the powers of the Corporation to levy rates tolls charges and duties under the provisions of the existing pier enactments or any of them.

(c) Section 4 (Limits) of the Order of 1927 is hereby repealed.

PART II.

LANDS DEVELOPMENT &C.

Power to
take
lands.

5. Subject to the provisions of this Act the Corporation may enter upon take appropriate and use all or any of the following lands (namely):—

- (1) The Leigh Marsh lands;
- (2) The lands numbered 152 in the borough on the deposited plans and in the deposited book of reference which form part of the foreshore of the borough;
- (3) The lands which are delineated on the deposited plans and described in the deposited book of reference and which they may require for the following purposes:—

(a) for the purposes of the improvement works authorised by Part III (Leigh Marshes &c. improvements) of this Act and for the improvement and development or redevelopment of frontages or of any lands abutting on or adjacent to any street and other purposes of that Part;

(b) for the purposes of Part IV (Pier and foreshore) of this Act;

(c) as regards the lands numbered 276 to 291 (inclusive) and 338 to 348 (inclusive) in the borough for the purposes of a parking place for vehicles;

(d) as regards the lands numbered 1 to 7 (inclusive) in the parish of Rochford and 360 to 363 (inclusive) in the borough for the extension of the aerodrome of the Corporation;

(e) as regards the lands numbered 269 to 275 (inclusive) in the borough for the improvement of the promenade;

(f) as regards the lands numbered 364 in the borough for the construction of a new footpath:

Provided that nothing in this section shall authorise the Corporation to enter upon take appropriate or use otherwise than by agreement—

- (i) any lands or any part of the bed or shores of the river Thames vested in the port authority; or

- (ii) the whole or any part of the property numbered 251 in the borough on the deposited plans:

PART II.
—cont.

Provided also that any lands acquired under the powers of this section for the purposes of a parking place for vehicles shall for the purpose of section 68 of the Public Health Act 1925 be deemed to have been acquired under that section.

6. The powers granted by this Act for the compulsory purchase of lands for the purposes mentioned in sub-paragraph (a) of paragraph (3) of section 5 (Power to take lands) of this Act shall cease on the thirty-first day of December nineteen hundred and fifty-two and for the other purposes of this Act shall cease on the thirty-first day of December nineteen hundred and fifty.

Period for compulsory purchase of lands.

7.—(1) If there is any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices having jurisdiction in the place in which the lands are situate for the correction thereof.

Correction of errors in deposited plans and book of reference.

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

(3) If the lands are situate in the borough such certificate or a copy thereof shall be deposited with the town clerk and if the lands are situate in the county of Essex such certificate or a copy thereof shall be deposited with the clerk of the county council of that county and a duplicate thereof shall also be deposited with the clerk of the county district and with the clerk of the parish council of the district and parish in which the lands are situate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with the certificate.

(4) Any certificate or copy and duplicate deposited under this section shall be kept by such clerks respectively with the other documents to which the same relate.

8. No person shall be required to sell a part only of any house building or factory or of any land which forms part of a park or garden belonging to a house if he is willing and able to sell the whole of the house building factory park or garden

Acquisition of parts only of certain properties.

PART II.
—cont.

unless the tribunal determine that in the case of a house building or factory such part as is proposed to be taken can be taken without material detriment to the house building or factory or in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house and if the tribunal so determine compensation shall be awarded in respect of the severance of the part so proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the Corporation that part of the house building factory park or garden.

Power to
develop
certain
lands.

9.—(1) The Corporation may lay out and develop any lands within the borough acquired by them with the consent of the Minister before the passing of this Act for industrial development purposes and may erect and maintain houses shops offices industrial buildings warehouses and any other buildings and may provide therein such apparatus for power heating and lighting as may be required and construct sewer drain pave flag channel kerb and maintain streets roads ways and sidings and other works and conveniences on any of such lands and may sell lease exchange or otherwise dispose of any of such lands houses shops offices industrial buildings warehouses buildings works or conveniences or any interest therein.

(2) The Corporation may also grant building leases of any of 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.

(3) The Corporation in selling or disposing of such lands houses shops offices industrial buildings warehouses buildings works or conveniences may attach to the same and may convey or lease the same upon and subject to any terms conditions and restrictions as to 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 without the consent of the Minister sell lease exchange or otherwise dispose of any lands or any interest therein under the powers conferred by this section at a price or rent or for a consideration of a value less than the current market value of such lands or interest but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained.

(5) (a) The Corporation shall not under the powers of this section—

(i) erect extend or dispose of any industrial building; or

(ii) grant a building lease in respect of any industrial building;

without the consent of the Board of Trade.

(b) Before the Corporation advance money under the provisions of section 22 (Power to Corporation to advance moneys for erection &c. of buildings) of this Act in respect of any industrial building referred to in paragraph (a) of this subsection they shall notify the Board of Trade of their intention so to do.

(6) Any electrical apparatus provided for power heating and lighting purposes pursuant to subsection (1) of this section shall be so constructed maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

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

Power to enter upon property for survey and valuation.

11. At any time after notice to treat has been served for any land which the Corporation are by this Act authorised to purchase compulsorily the Corporation may after giving to the owner and occupier of the land not less than one month's notice enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845 but subject to the payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

Further powers of entry.

12. In determining the amount of compensation or purchase money to be paid by the Corporation in respect of the acquisition under this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are contiguous to such adjoining lands arising out of the exercise of the powers of this Act shall be fairly estimated and shall be set-off against the said compensation or purchase money.

Benefits to be set off against compensation.

PART II.
—cont.Purchase
of lands
for
exchange.

13. The powers of the Corporation of purchasing lands by agreement shall be deemed to extend to and to authorise the purchase by the Corporation by agreement of any lands which they may think it desirable to purchase in order to provide substituted sites or facilities for any persons whose lands may be acquired by them for the purposes of this Act.

Extinction
of private
rights of
way.

14.—(1) Any private right of way over any land acquired otherwise than by agreement or appropriated by the Corporation under the powers of this Act shall if they so resolve and give notice of their resolution to the owner of the right be extinguished as from the acquisition or appropriation by them of the land or as from the expiration of one month from the service of the notice whichever may be the later.

(2) The Corporation shall pay compensation to all persons interested in respect of any such right so extinguished and such compensation shall be of such amount as may be agreed between the Corporation and the person claiming the same or as (failing such agreement) shall be determined unless otherwise agreed between the parties by the arbitration of such one of the official arbitrators appointed under the Acquisition of Land (Assessment of Compensation) Act 1919 as may be selected in accordance with the rules referred to in section 1 of that Act and such determination shall be made in accordance (so far as applicable) with the provisions of the said Act.

Retention
and
disposal
of lands.

15.—(1) Notwithstanding anything in the Lands Clauses Acts to the contrary (but subject in regard to lands acquired under this Act to the provisions of this Act) the Corporation may retain and hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and on such terms and conditions as they may think fit and in consideration either of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under any enactment (other than the Housing Act 1936 or any Act repealed by that Act) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange:

Provided that the Corporation shall not—

(a) without the consent of the Minister of Town and Country Planning sell lease exchange or otherwise dispose of—

(i) the Leigh Marsh lands; or

(ii) any lands acquired by the Corporation under the powers of this Act for the purposes mentioned in sub-paragraph (a) of paragraph (3) of section 5 (Power to take lands) of this Act; or

(b) without the consent of the Minister sell lease exchange or otherwise dispose of any other such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests;

but a purchaser or lessee shall not be concerned to inquire whether any such consent is necessary or has been obtained:

Provided also that nothing in this section 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 other than lands acquired under any local Act applying to the Corporation in any case in which such consent would have been required if this Act had not been passed.

(2) The consent of the Minister of Town and Country Planning under proviso (a) to the foregoing subsection may be given as respects either a particular sale lease exchange or disposal or a sale lease exchange or disposal of any class and either subject to or free from any conditions or limitations.

(3) Nothing in this section shall release the Corporation or any persons purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions payable in respect of or affecting the lands other than the restrictions imposed by sections 127 to 131 of the Lands Clauses Consolidation Act 1845 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 the like manner and to the same extent as if this Act had not been passed.

(4) Section 26 (Power to retain sell &c. lands) of the Act of 1909 is hereby repealed.

16. The Corporation on selling any lands may reserve to themselves all or any part of the rights or easements belonging thereto and may make the sale subject to such reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the exercise of noxious trades or the discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Reservation
of easements
&c.

17.—(1) The Corporation may accept a surrender of any lease or letting granted by them of lands acquired under the powers of any Act or Order and in their discretion grant either to the lessee or tenant under the surrendered lease or letting or

Powers
with
reference
to leases
of surplus
lands.

PART II.
—cont.

to any other person a new lease or letting of all or any of the lands leased or let by the surrendered lease or letting and may grant reversionary leases of all or any of such lands as aforesaid.

(2) The Corporation may enter into and carry into effect any agreement for or with respect to the surrender or grant of any such lease or letting and may in any such lease letting or agreement give to the lessee or tenant or intended lessee or tenant an option or right to purchase the fee simple in reversion or other the reversionary interest of the Corporation of or in all or any of the lands leased or let or agreed to be leased or let at such times and on such terms and conditions as may be determined by the Corporation in their discretion:

(3) Provided that any lease granted by the Corporation in pursuance of this section shall be subject to similar conditions and limitations as are prescribed in section 15 (Retention and disposal of lands) of this Act with respect to leases granted thereunder.

Power to
make
allowances
to certain
persons
displaced.

18.—(1) The Corporation may pay to any person displaced from any dwelling-house or other building acquired by the Corporation under the provisions of this Act and carrying on any trade or business in any such dwelling-house or other building such reasonable allowance as they think fit towards the loss which in their opinion such person will sustain by reason of the disturbance of his trade or business consequent on his having to quit the dwelling-house or other building and in estimating that loss the Corporation shall have regard to the period for which the premises occupied by such person might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose.

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

Power to
reinstate
owners of
property.

19. 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 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.

20. Where—

PART II.

—cont.

Power for
Corpora-
tion to
enforce
covenants
against
owners for
time being
of land.

(a) the Corporation have sold or exchanged land under the powers of this Act and the purchaser of the land or the person taking the land in exchange has entered into a covenant with the Corporation concerning the land; or

(b) an owner of any land has entered into a covenant with the Corporation concerning the land for the purposes of any of the provisions of this Act;

the Corporation shall have power to enforce the covenant against the persons deriving title under the covenantor (notwithstanding that the Corporation are not in possession of or interested in any land for the benefit of which the covenant was entered into) in like manner and to the like extent as if they had been possessed of or interested in such land as last in this section mentioned.

The provisions of the Land Charges Act 1925 shall apply to any deed containing any such covenant as if it were a local land charge and the same shall be registered accordingly with the proper officer.

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Geo. 5. c. 22.

21.—(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 authority of this Act or any other Act in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act or any other Act and such application shall be 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.

Proceeds of
sale of
surplus
lands.

(2) Any capital moneys received by the Corporation on the re-sale or exchange of or by leasing any lands acquired under any Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister.

22.—(1) The Corporation may advance money to the purchaser or lessee of any lands acquired from or leased by the Corporation for the purpose of enabling or assisting him to erect houses shops offices industrial buildings warehouses or other buildings on such lands or to adapt alter extend or improve any existing buildings thereon and to provide power heating and lighting therein:

Power to
Corporation
to advance
moneys for
erection
&c. of
buildings.

Provided that any advance shall not exceed in the case of a house nine-tenths or in the case of any other building

PART II.
—cont.

three-quarters of the amount which in the opinion of the Corporation will be the market value of the interest of such purchaser or lessee in the lands with the intended buildings as erected adapted altered extended or improved thereon.

(2) Every such advance shall be repaid with interest at a rate not less than the rate for the time being in operation under the Small Dwellings Acquisition Acts 1899 to 1923 as amended by section 92 (Amendments of Small Dwellings Acts) of the Housing Act 1935 within such period not exceeding thirty years from the date of the advance as may be agreed upon between the Corporation and such purchaser or lessee.

(3) The repayment may be made either by equal instalments of principal or by an annuity of principal and interest combined and all payments on account of principal and interest shall be made at such periods not exceeding half a year as may be agreed between the purchaser or lessee and the Corporation.

(4) Any such purchaser or lessee to whom an advance has been made may at any of the usual quarter days after one month's notice and on paying all sums due on account of interest repay to the Corporation the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the instrument hereinafter referred to or as the Corporation may be prepared to accept) or a multiple of one hundred pounds (or of such less sum as aforesaid) and where the repayment is made by an annuity of principal and interest combined the amount so outstanding and the amount by which the annuity will be reduced where a part of the advance shall be paid off shall be determined by a table to be annexed to the instrument securing the repayment of the advance.

(5) Before making any advance under this section the Corporation shall be satisfied that the repayment to them of the advance is secured by a mortgage of the building in respect of the erection adaptation alteration extension or improvement of which the advance is made and of the land upon which such building is to be erected or upon which any such building is to be adapted altered extended or improved or of the lessee's interest therein to the Corporation subject to the right of redemption by the said purchaser or lessee and requiring the said purchaser or lessee to keep the building insured against fire to the satisfaction of the Corporation and to produce the receipts for the premium paid in respect of such insurance to the Corporation when required by them and to keep the building in good repair.

(6) The Corporation shall have power at all reasonable times to enter the building in respect of the erection adaptation alteration extension or improvement of which any

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Geo. 5. c. 40.

advance is made by them by any person authorised by them in writing for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are complied with.

PART II.
—cont.

(7) The said purchaser or lessee may with the permission of the Corporation (which permission shall not be unreasonably withheld) at any time transfer his interest in the building in respect of the erection adaptation alteration extension or improvement of which such advance is made and the land upon which the same is situate but any such transfer shall be made subject to the foregoing provisions of this section:

Provided that the Corporation shall not without the consent of the Board of Trade grant their permission to a transfer of interest in an industrial building under this subsection if such transfer will involve an alteration in the nature of the articles produced at such industrial building but the transferee shall not be concerned to inquire whether the consent of the Board of Trade is necessary or has been obtained.

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

23.—(1) The Corporation may purchase or take on lease dwelling-houses and other buildings for persons employed by them and may erect fit up maintain and let any such buildings upon any lands for the time being belonging to them and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation. Dwelling-houses for employees.

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

PART III.

LEIGH MARSHES &C. IMPROVEMENTS.

24. Subject to the provisions of this Act the Corporation may in the lines and according to the levels shown upon the deposited plans and sections relating thereto make and maintain the improvement works hereinafter mentioned with all necessary or convenient works and conveniences in connection therewith. Power to construct improvement works.

The works hereinbefore in this section referred to will except where otherwise stated be situate in the borough and are—

Improvement Work No. 1 In the urban district of Benfleet an embankment or sea wall to be situate at or near to the westerly end of Two Tree Island;

PART III.
—cont.

Improvement Work No. 2 (partly in the borough and partly in the urban district of Benfleet) An embankment or sea wall (including a harbour or basin) commencing at a point on Two Tree Island approximately three hundred and seventy-four yards west of the western boundary of the borough proceeding in an easterly and northerly direction to and terminating at or near to Bell Wharf by a junction with the commencement of Improvement Work No. 4;

Improvement Work No. 3 A new road (including a bridge over the railway of the London Midland and Scottish Railway Company) commencing at a point approximately eight hundred yards south of Belton Way proceeding in a northerly direction and terminating at its junction with Belton Way with a branch road to give access to the London Midland and Scottish Railway Company's goods sidings commencing at a point opposite the commencement of Improvement Work No. 5 and proceeding in a north-westerly direction;

Improvement Work No. 4 An embankment or sea wall commencing at or near to Bell Wharf by a junction with the termination of Improvement Work No. 2 and terminating at or near to Chalkwell Esplanade;

Improvement Work No. 5 A new road or promenade commencing by a junction with Improvement Work No. 3 proceeding in an easterly direction to and terminating by a junction with Chalkwell Esplanade;

Improvement Work No. 6 A new road including a bridge over the railway of the London Midland and Scottish Railway Company commencing by a junction with Improvement Work No. 5 and terminating by a junction with Leigh Hill;

Improvement Work No. 7 An approach channel or low way commencing at the proposed harbour (part of Improvement Work No. 2) proceeding in a south-easterly direction and terminating at low-water mark of ordinary tides near the Ray Gut;

Improvement Work No. 8 A sea wall or mole commencing at the south-east corner of the proposed harbour (part of Improvement Work No. 2) proceeding in a north-easterly direction for a distance of approximately two hundred yards and terminating at the proposed low way (Improvement Work No. 7);

Improvement Work No. 9 A widening and improvement of London Road on both sides thereof commencing at its junction with Elderton Road and terminating at its junction with Hamlet Court Road;

Improvement Work No. 10 A widening and improvement of West Road on the southerly side thereof commencing at its junction with London Road and terminating at its junction with Claremont Road.

25. The Corporation may reclaim the whole or any part of the Leigh Marsh lands and on the commencement of such reclamation all rights of navigation over the lands being reclaimed shall be extinguished. Power to reclaim lands.

26.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Corporation in connection with the improvement works authorised by this Part of this Act and the reclamation authorised by section 25 (Power to reclaim lands) of this Act may— Power to make subsidiary works.

- (a) make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to the said works or any of them;
- (b) make diversions widenings or alterations of lines or levels of any existing streets for the purpose of connecting the same with the said works or any of them or of crossing under or over the same or otherwise;
- (c) construct and provide carriageways bridges footways vaults cellars arches sewers drains subways and other works and conveniences;
- (d) stop up and appropriate the site and soil of so much of any streets as shall be rendered unnecessary by the exercise of the powers of this Part of this Act;
- (e) execute any works for the protection of any adjoining land or buildings;
- (f) remove alter divert or stop up any drain sewer channel watercourse launchway or slipway the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer or water in any channel or watercourse;
- (g) alter the mains pipes wires and other works for the purpose of conveying water gas or electricity to any premises; and
- (h) raise or lower the level of any lands reclaimed in exercise of the powers of this Part of this Act.

PART III.
—cont.

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

(3) Within the limits of deviation shown on the deposited plans the Corporation may make and maintain for purposes of or in connection with the harbour included in Improvement Work No. 2 all necessary or convenient cuts channels locks dock entrances quays sea walls wharves jetties slipways launchways shipping-places landing-places floats groynes walls rails sidings junctions turntables approaches roads hardways gates warehouses offices sheds hangars repairing yards weighbridges and works telephonic telegraphic electricity pumping and sluicing works and apparatus tanks pipes drains culverts sluices staiths stairs stages gantries tips cranes lifts hoists drops dolphins mooring-posts buoys and other works buildings plant machinery appliances and conveniences.

(4) Within the limits of deviation shown on the deposited plans the Corporation may raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and may remove all other obstructions.

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

(6) Any compensation payable under the foregoing provisions of this section shall be of such amount as may be agreed between the Corporation and the person claiming the same or as (failing such agreement) shall be determined unless otherwise agreed between the parties by the arbitration of such one of the official arbitrators appointed under the Acquisition of Land (Assessment of Compensation) Act 1919 as may be selected in accordance with the rules referred to in section 1 of that Act and such determination shall be made in accordance (so far as applicable) with the provisions of the said Act.

27. The Corporation may in connection with the harbour authorised by this Part of this Act—

- (a) provide construct maintain use sell lease or licence—
(i) storage sheds yards warehouses and offices;

Power to
provide
warehouses
sheds &c.

(ii) sheds yards warehouses offices and apparatus for the building or repair of boats; and

PART III.
—cont.

(b) provide construct maintain sell use operate lease or licence sheds yards warehouses offices and apparatus for crushing treating or otherwise dealing with fish shellfish and the shells therefrom.

28. Except with the previous consent in writing of the port authority neither the Corporation nor any other person under or by virtue of any provision of this Act or of any enactment incorporated with or applied for the purposes of this Act shall erect or use or cause or allow to be erected or used any building as a warehouse for the purpose of the business of a public wharfinger or warehouse-keeper if—

Ware-
houses.

(a) the building has or if erected would have a frontage on the river Thames within the limits of the port of London as defined by the Port of London (Consolidation) Act 1920; or

10 & 11
Geo. 5.
c. clxxiii.

(b) the building is or if erected would be connected or operated in conjunction with any wharf or quay fronting the river Thames within the limits aforesaid.

29.—(i) In this section—

As to
houseboats.

the “protected lands” means—

(a) the lands (being the Leigh Marsh lands and the lands numbered 152 in the borough on the deposited plans) coloured red on the map signed in triplicate by the Right Honourable Lord Terrington the chairman of the committee of the House of Lords to whom the Bill for this Act was referred one copy of which map has been deposited in each of the following offices:—

(i) The office of the Clerk of the Parliaments House of Lords;

(ii) The Committee and Private Bill Office of the House of Commons;

(iii) The office of the town clerk;

(b) any foreshore and the bed of any ooze salt-ings marshes creeks rays guts or watercourses situated within the borough as constituted on the twenty-seventh day of November nineteen hundred and forty-six and not forming part of the lands referred to in paragraph (a) of this definition;

(c) any foreshore and the bed of any ooze salt-ings marshes creeks rays guts or watercourses situated outside the borough and within a distance

PART III.
—cont.

of eight hundred yards south of the southern boundary of the lands referred to in paragraph (a) of this definition;

or any part of such lands;

“ the additional protected lands ” means the protected lands referred to in paragraph (b) of the preceding definition or any part of such lands;

“ houseboat ” means any boat or barge or any vessel or structure or any part remains or wreckage thereof whether or not the same shall be floating at any stage of the tide and whether or not the same shall be used or intended to be used for human habitation but does not include—

(a) any ship registered under the Merchant Shipping Act 1894 or any boat or vessel bona fide used for navigation; or

(b) any boat barge or vessel used by the Gas Light and Coke Company for the purposes of their undertaking; or

(c) (except in the proviso to paragraph (b) of subsection (2)) any boat barge or vessel exclusively used within the borough as a club house by the Alexandra Yacht Club the Thames Estuary Yacht Club the Essex Yacht Club Limited or the Leigh Sailing Club or any bona fide yacht club which is the successor in title to any of them or with which any of them has been amalgamated.

(2) It shall not be lawful without the written consent of the Corporation—

(a) to moor place keep or maintain upon any protected lands or in or upon any water over any protected lands any houseboat whether or not the same shall have been so moored or placed before the passing of this Act; or

(b) to erect place keep or maintain upon any protected lands any building pier jetty pile post gangway or other structure whether or not the same shall have been so placed or erected before the passing of this Act:

Provided that this prohibition shall not apply to any building pier jetty pile post gangway or other structure situate upon any additional protected lands which is not used or adapted or intended for use for the purpose of mooring or fixing or supporting or obtaining access to any houseboat or otherwise in connection with any houseboat.

(3) The Corporation shall not consent to any houseboat being moored placed kept or maintained pursuant to the provisions of subsection (2) of this section—

(a) without having first obtained the written assent of the port authority who may withhold such assent until any requirement which may be lawfully imposed with respect to such houseboat by the port authority or by the mayor and commonalty and citizens of the city of London as the port health authority shall have been complied with to the satisfaction of the port authority; or

(b) in contravention of any powers for the time being lawfully exercisable by the port authority or the port health authority with respect to any such houseboat.

(4) (a) If any building pier jetty pile post gangway or other structure shall be erected placed kept or maintained or if any houseboat shall be moored placed kept or maintained contrary to the provisions of subsection (2) of this section the Corporation may by notice in writing to be given in the manner hereinafter provided require the person having the control of the same to demolish or remove such building pier jetty pile post gangway or other structure or to remove or demolish such houseboat as the case may be and in either case to clear restore and make good the surface of the protected lands disturbed by such demolition or removal.

(b) Any such notice shall be given by leaving it or sending it in a prepaid letter addressed to the person having the control of such building pier jetty pile post gangway or other structure at his usual or last known residence or (if it is not practicable after reasonable inquiry to ascertain the name and address of such person) by posting the same in a conspicuous position on or near such building pier jetty pile post gangway or other structure or on such houseboat or on the land or foreshore near to such houseboat as the case may be to which the notice relates and shall specify the period within which such clearance restoration demolition or removal shall be completed:

Provided that where any such building pier jetty pile post gangway or other structure shall have been erected or placed upon the protected lands before the passing of this Act or any such houseboat shall have been moored or placed upon the protected lands or water over the protected lands before the passing of this Act such period shall not be less than three months from the date of posting of such notice.

(5) (a) If any person fails without reasonable cause to comply with any notice given by the Corporation under the provisions of subsection (4) of this section he shall be liable to

PART III.
—cont.

a penalty not exceeding ten pounds and to a further penalty not exceeding five pounds for each day during which such default continues and the Corporation may at any time after the expiration of the period specified in such notice clear demolish or remove the building pier jetty pile post gangway or other structure referred to in the notice and restore and make good the surface of the ground disturbed by such removal or remove or demolish the houseboat referred to in the notice as the case may be.

(b) Subject as is provided in subsection (7) of this section the costs and expenses reasonably incurred by the Corporation in or in connection with any such clearance demolition or removal and such restoration and making good of the surface of the protected lands may be recovered by the Corporation either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt from the person having the control of such building pier jetty pile post gangway or other structure or of such houseboat as the case may be unless a penalty shall have been recovered from that person under paragraph (a) of this subsection.

(6) For the purposes of subsections (4) and (5) of this section the owner of any building pier jetty pile post gangway or other structure or of any houseboat shall until the contrary be proved be deemed to be the person having the control thereof.

(7) (a) Where any building pier jetty pile post gangway or other structure or houseboat shall have been cleared demolished or removed by the Corporation as aforesaid the Corporation may retain the same or the materials thereof and may and shall if so required by the owner sell or dispose of the same or of such materials and subject as hereinafter provided retain the proceeds of such sale or disposal.

(b) For the purpose of ascertaining the amount recoverable by the Corporation under paragraph (b) of subsection (5) of this section in respect of the costs and expenses incurred by them in or in connection with the clearance demolition or removal of any such building pier jetty pile post gangway or other structure or any such houseboat and the restoration and making good (if any) of the surface of the protected lands credit shall be given for the net amount (if any) received by the Corporation of the proceeds of the sale or disposal (after deduction of any costs and expenses incurred by the Corporation in effecting the same) of such building pier jetty pile post gangway or other structure or such houseboat or the materials thereof. If such net amount shall exceed the amount of the costs and expenses incurred by the Corporation in or in connection with such clearance demolition removal restoration

or making good as aforesaid they shall pay the amount of such excess to the owner of such building pier jetty pile post gangway or other structure or such houseboat which shall have been cleared demolished or removed or to his executors or administrators.

(8) (a) Any person being entitled to any interest in any part of the protected lands shall upon proof of title and subject as hereinafter provided be entitled to receive and shall be paid by the Corporation compensation for such loss if any as may have been or may be sustained by him by the extinguishment or restriction under subsection (2) of this section of any rights with reference to such part which he might have lawfully exercised if this Act had not been passed provided that within twelve months after the date of the passing of this Act or such longer period as the Corporation may in any case allow he delivers to the Corporation notice in writing of his claim for compensation containing—

(i) such particulars as are required by subsection (2) of section 5 of the Acquisition of Land (Assessment of Compensation) Act 1919 to be given in such notices of claim as are referred to in that section; and

(ii) a description of the part of such protected lands in which he claims to be entitled to an interest.

(b) Within two months after the passing of this Act the Corporation shall publish a notice in a local newspaper circulating in the borough stating the effect of this subsection.

(c) A copy of a newspaper containing such notice shall be sufficient evidence of the publication of the notice.

(9) Any compensation payable under the provisions of subsection (8) of this section shall be of such amount as may be agreed between the Corporation and the person claiming the same or as (failing such agreement) shall be determined unless otherwise agreed between the parties by the arbitration of such one of the official arbitrators appointed under the Acquisition of Land (Assessment of Compensation) Act 1919 as may be selected in accordance with the rules referred to in section 1 of that Act and such determination shall be made in accordance (so far as applicable) with the provisions of the said Act.

(10) Any compensation payable under the provisions of subsection (8) of this section shall be paid to the person entitled thereto as soon as practicable after the amount thereof has been agreed or determined as aforesaid together with interest thereon at the rate of four per centum per annum which except where otherwise agreed shall be calculated from the date of the expiration of the notice referred to in paragraph (a) of subsection (4) of this section or (if it has not

PART III.
—cont.

proved necessary for the Corporation to serve such notice) from the date of the passing of this Act to the date of payment.

(II) In any case in which under the provisions of subsection (5) of this section the Corporation are authorised to remove or demolish any building or houseboat on protected lands but the owner or the person in occupation of such building or houseboat refuses to give up the possession thereof or hinders or obstructs the Corporation from entering upon and taking possession of the same the Corporation may take the same proceedings as are authorised by section 91 of the Lands Clauses Consolidation Act 1845 in the case of refusal to deliver possession of lands and the said last-mentioned section shall apply in all respects as if any such building or houseboat were "lands" within the meaning of the said section.

As to
yacht
club
premises.

30. (1) In this section—

"yacht club" means the Alexandra Yacht Club the Thames Estuary Yacht Club the Essex Yacht Club Limited the Leigh Sailing Club and shall include any bona fide yacht club which is the successor in title to any of them or with which any of them have been amalgamated;

"vessel" means any boat barge or vessel being or intended to be used as the club premises of a yacht club.

(2) Before making application to the Corporation under section 48 (Mooring on the foreshore) of this Act for registration of the moorings of a vessel after the date on which that section comes into force and before mooring a vessel within the borough the yacht club to whom that vessel belongs shall submit to the Corporation an application accompanied by such particulars as the Corporation may reasonably require to enable them to determine whether or not the size shape and external appearance of the vessel are suitable having regard to the situation in which it is proposed to be moored and the effect upon the amenities of the neighbourhood of the mooring of such vessel and no vessel shall be or remain moored except with the permission of the Corporation which may be granted subject to such terms and conditions as the Corporation may think fit:

Provided that if within six weeks after the receipt by the Corporation of an application under this section the Corporation do not signify that it is granted they shall be deemed to have refused such permission.

(3) If a vessel is moored or remains moored in contravention of the provisions of this section or of any term or condition imposed thereunder the yacht club to whom that vessel belongs shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

(4) If the Corporation refuse permission or are deemed to have refused permission for the mooring of a vessel or for a vessel to remain moored or attach any terms or conditions to such permission the yacht club to whom that vessel belongs may within six weeks after receiving notification of such refusal or of such terms and conditions or after permission is deemed to have been refused appeal to the Minister of Town and Country Planning who if he is of the opinion that the permission of the Corporation has been unreasonably refused or that any such term or condition is unreasonable may direct the Corporation to grant such permission subject to such terms and conditions (if any) as the said Minister may think fit.

(5) In the case of a vessel which is moored within the borough at the passing of this Act an application under subsection (2) of this section shall be deemed to have been made by the yacht club to whom that vessel belongs as on the date of the passing of this Act:

Provided that it shall be a good defence to any proceedings taken under this section in respect of such vessel to prove that at the time at which the offence is alleged to have been committed—

- (a) the time for appealing to the Minister of Town and Country Planning against a refusal by the Corporation of permission for the vessel to remain moored or against any terms or conditions sought to be imposed by the Corporation as a condition of permitting the vessel to remain moored had not expired; or
- (b) an appeal to the Minister of Town and Country Planning against such refusal or against such terms or conditions had been duly brought and had not been determined.

(6) If in pursuance of section 29 (As to houseboats) of this Act the Corporation refuse consent to the user by either the Essex Yacht Club Limited or the Leigh Sailing Club of a gangway for the purpose of connecting the vessel with the shore or as a condition of the user or continued user of such a gangway at any time impose terms which in the opinion of the yacht club concerned are unreasonable the yacht club may appeal to the Minister of Town and Country Planning who may disallow or amend any such terms which in his opinion are unreasonable and may if he thinks fit impose other terms.

31. The Corporation shall not be liable to any action indictment or other proceeding for nuisance by reason of the execution of Improvement Work No. 7 authorised by this Part of this Act or the reclamation of the whole or any part of the Leigh Marsh lands:

As to
liability
for
nuisance.

PART III.
—cont.

Provided that this section shall not apply to anything done or omitted to be done after the expiration of five years from the passing of this Act.

PART IV.

PIER AND FORESHORE.

Power to
construct
harbour
works.

32. Subject to the provisions of this Act the Corporation may on the bed of the sea make and maintain in the lines and according to the levels shown on the deposited plans and sections a harbour to be formed by the harbour works which are hereinafter described (that is to say):—

Harbour Work No. 1 A mole or breakwater commencing at the west side of the old pier head proceeding southwards and terminating at the south-west corner of the present pier head;

Harbour Work No. 2 A mole or breakwater commencing at the east side of the old pier head proceeding eastward turning southward then westward and terminating at a point near the eastern extremity of the present pier head.

Subsidiary
works for
harbour
works.

33. The Corporation within the limits of deviation shown on the deposited plans may from time to time make and maintain for the purposes of or in connection with the harbour works authorised by this Part of this Act all necessary or convenient cuts channels locks dock entrances quays sea walls wharves jetties slipways shipping-places landing-places floats groynes walls rails sidings junctions turntables approaches roads gates warehouses offices sheds hangars repairing yards weighbridges and works telephonic telegraphic electricity pumping and sluicing works and apparatus tanks pipes drains culverts sluices staiths stairs stages gantries tips cranes lifts hoists drops dolphins mooring-posts buoys and other works buildings plant machinery appliances and conveniences.

Period for
completion
of harbour
works.

34. If the harbour works authorised by this Part of this Act are not completed within ten years from the passing of this Act or such extended time as the Minister of Transport may upon the application of the Corporation allow then on the expiration of that period or such extended time (as the case may be) the powers by this Act granted for the making thereof shall cease except as to so much thereof as is then completed:

Provided that the Corporation may at any time and from time to time within the limits of deviation shown on the deposited plans make and maintain all such extensions improvements and enlargements of the said harbour works as they find requisite.

35. For all purposes of or in connection with the jurisdiction of the justices of the borough the Harbour Works No. 1 and No. 2 by this Part of this Act authorised shall be deemed to be within the borough.

PART IV.
—*cont.*
As to
jurisdiction
of justices.

36. Subject to the provisions of this Act the harbours shall for all purposes be deemed to be part of the pier undertaking and the following provisions of the Act of 1875 the Act of 1895 the Order of 1911 and the Order of 1912 shall apply mutatis mutandis to the harbours and to the works authorised by the Order of 1927 as if the same were re-enacted in this Act and in the Order of 1927 respectively:—

Applica-
tion of
existing
enact-
ments.

The Act of 1875—

Section 5 (Power for local board to maintain and use existing works and conveniences on pier &c.):

The Act of 1895—

Section 9 (Applying sections of Act of 1887);

Section 65 (Separate account of pier undertaking and foreshore);

Section 66 (Application of pier and foreshore revenue);

Section 67 (Providing for any deficiency in revenue from pier undertaking and foreshore):

The Order of 1911—

Section 12 (Penalty for injuring works);

Section 15 (Power to purchase dredgers &c.);

Section 21 (Separate account of pier undertaking to be kept and sent to Board of Trade annually);

Section 22 (Board of Trade may reduce rates);

Section 23 (Byelaws);

Section 24 (Provision for life-saving apparatus);

Section 25 (Life-saving apparatus may be attached to pier);

Section 26 (Lifebuoys to be kept);

Section 30 (Appointment of officers to enforce byelaws and regulations):

The Order of 1912—

Section 11 (Restriction on mooring);

Section 13 (Power to improve works);

Section 14 (Power to erect pavilions and other buildings):

PART IV.
—cont.

Provided that the following provisions of the Act of 1887 shall not apply to the harbours:—

Section 7 (Limits of lateral and vertical deviation for new piers);

Section 8 (Powers to dredge &c.);

Section 9 (Lights on works);

Section 10 (Local board to exhibit lights);

Section 12 (Abatement of work abandoned or decayed):

Provided also that the Corporation shall not themselves show in any pavilion saloon assembly room concert room lecture room or other room erected constructed altered enlarged improved or maintained under the powers of the Act of 1895 or the Order of 1912 (as applied by this section) any cinematograph film other than—

(a) a film illustrative of questions relating to health or disease;

(b) a film relating to the borough; or

(c) a film of which—

(i) the length does not exceed two thousand four hundred feet; and

(ii) the width does not exceed sixteen millimetres;

nor shall the Corporation grant or let the use of any such premises or any part thereof to any person solely for the purposes of a cinematograph theatre except for the best rent and on the best terms that can be obtained and the Corporation shall not undertake any liability for any loss that may be sustained by such person.

Harbour
rates.

37. The Corporation may demand receive and recover for the use of the harbours in respect of vessels boats vehicles persons goods animals fish and things and for the use of slipways shipping-places landing-places floats groynes sidings turntables weighbridges and cranes rates not exceeding such maximum rates as may from time to time be approved by the Minister of Transport.

Rates on
seaplanes.

38. Subject to the provisions of the Air Navigation Acts 1920 to 1938 or of any Order made in pursuance thereof and to the provisions of this Act the Corporation may demand levy collect and receive in respect of seaplanes entering or using the harbours slipways shipping-places landing-places floats groynes or cranes such reasonable rates as may from time to time be approved by the Minister of Transport which rates shall be in lieu of the rates leviable by the Corporation on or in respect of vessels.

39.—(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 pier for all or any of the following matters:—

- (a) For regulating the collection and levying of the rates tolls duties and charges authorised by this Part of this Act;
- (b) For regulating the conditions of the user and the temporary closing against the public of any portion of the pier and buildings and other property thereon or attached thereto;
- (c) For preventing injury to and protecting the pier and the buildings vehicles and other property thereon or attached thereto;
- (d) For preventing refuse of any kind being thrown into the sea within the limits of the pier;
- (e) For regulating the conduct of persons frequenting the pier and for preserving order thereon;
- (f) For preventing nuisance or annoyance by smoke and noise caused by vessels and the machinery and appliances thereof (while such vessels are moored at or near to or cruising near to the pier);
- (g) For regulating the removal and disposal of ballast brought by vessels to the pier and for preventing ballast being thrown overboard from vessels within the limits of the pier or so as to obstruct or assist the silting up of the access to the pier or any harbour wharf or quay forming part of the pier undertaking.

(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 Part of this Act or by section 83 of the Harbours Docks and Piers Clauses Act 1847 may provide for imposing a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws.

(3) The provisions of section 250 (Procedure &c. for making byelaws) of the Act of 1933 shall apply to byelaws made under the powers conferred by this Part of this Act or by section 83 of the Harbours Docks and Piers Clauses Act 1847 and the confirming authority for the purposes of the said section 250 shall be the Minister of Transport.

40.—(1) Subject to the Corporation having first obtained a licence so to do from the port authority and in accordance with the terms and conditions thereof the Corporation may deepen dredge scour and excavate any portion of the foreshore and bed of the sea to the extent necessary to secure and maintain a sufficient waterway and approach to any of the works authorised by this Act for vessels using the same.

Power to
dredge.

PART IV.
—cont.

(2) All sand mud and other materials dredged up or removed for the purposes and to the extent aforesaid shall be the property of the Corporation and they may sell or otherwise dispose of or remove or deposit the same as they think fit:

Provided that it shall not be lawful for the Corporation to deposit any sand mud or other materials so dredged as aforesaid—

- (a) except on land above high-water mark of ordinary tides or with the consent of the Minister of Transport at sea in an area approved for the deposit of dredged material; or
- (b) on any land not belonging to the Corporation except with the consent of the owner thereof.

Power to
close pier
on special
occasions.

41.—(1) The Corporation may on any special occasions but not on more than twelve days in any one year or for more than three days consecutively close the pier or any part thereof against the public and may on such occasions admit any person to the pier or such part on payment of such special rates of admission not exceeding one shilling for each person as the Corporation may determine.

(2) On all such occasions the Corporation shall reserve a sufficient passage along the pier between the landing steps and the shore for any persons landing or embarking at the pier the reserved passage to be open for use by those persons at the ordinary charge and without payment of any special rates so long only as they use the pier as a passage and do not remain upon it.

(3) The special rate charged under this section shall be in lieu of and not in addition to the rate prescribed by the existing pier enactments and any person paying the special rate shall not be liable to pay any further or other rate or sum for admission to the pier on the occasion for which the special rate is charged.

(4) During at least two days before the day on which the pier is to be closed the Corporation shall exhibit conspicuously at the entrance to the pier a notice of their intention to close the pier under this section.

Power to
convey
goods &c.
on pier
tramways.

42. For the removal of doubt it is hereby enacted that the Corporation may convey goods animals and chattels on any of their tramways on or connected with the pier and may demand and take in respect of any goods animals or chattels so conveyed and in respect of any personal luggage exceeding twenty-eight pounds in weight of any passenger using the tramways such rates and charges not exceeding the rates specified in the First Schedule to the Act of 1887 as they may think fit.

43.—(1) The Corporation may grant pass tickets or family tickets to passengers and promenaders or others for the use of the pier or any part thereof (either inclusive or exclusive of admission to any building or room for the time being thereon) at such rates on such terms and for such periods not exceeding one year as the Corporation may determine and may issue books containing any number of pass tickets at a reduced rate and day tickets available for one day or part of a day only for any number of admissions on such day or part of a day at a reduced rate but so that no preference be given to any person.

PART IV.
—cont.
Pass and
family
tickets.

(2) The Corporation shall have power to prescribe the conditions on which pass tickets and family tickets are issued and the persons by whom such tickets may be used.

(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 or family ticket 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 upon 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.

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

Power to
vary
exemptions
and
compound
for rates.

45.—(1) If it is represented by application in writing to the Minister of Transport—

(a) by any chamber of commerce or shipping or any representative body of traders or any person who in the opinion of the Minister of Transport is a proper person for the purpose; or

(b) by the Corporation;

Revision of
pier and
harbour
rates &c.

that in the circumstances then existing the rates tolls charges and duties which the Corporation are for the time being authorised to demand and take in respect of any of their piers harbours or wharves (in this section referred to as "the authorised rates") or any of them should be revised the

PART IV.
—cont.

Minister of Transport if he thinks fit may make an order revising the authorised rates referred to in the application or any of them and may fix the date as from which such order shall take effect and thenceforth such order shall remain in force until the same expires or is revoked or modified by a further order of the Minister of Transport made in pursuance of this section.

(2) An application made to the Minister of Transport under this section shall be accompanied by such information and particulars as the said Minister may consider relevant certified in such manner as he may require.

(3) Where upon an application for revision of the authorised rates or an authorised rate an order has been made or the Minister of Transport has decided not to make an order no further application for a revision of the rates tolls charges and duties to which the application related shall be made within twelve months from the date of such order or decision as the case may be.

(4) (a) Applicants for any order under this section shall publish once at least in each of two successive weeks in one or more local newspapers circulating in the borough a notice—

- (i) stating the general effect of their proposals;
- (ii) stating that during a period of twenty-eight days from the date of the first publication of the notice any person may by notice to the Minister of Transport object to the application.

(b) If before the expiration of the period of twenty-eight days referred to in this subsection an objection is received by the Minister of Transport from any person appearing to him to be affected by the application the said Minister before making an order under subsection (1) of this section shall cause an inquiry to be held in reference thereto and the provisions of section 212 (Inquiries by Minister of Transport) of this Act shall apply to such inquiry as if it were an inquiry held in pursuance of that section:

Provided that in cases where any objection which has been made has either been withdrawn or appears to him to be of a trivial nature the Minister of Transport may if he thinks fit dispense with such inquiry.

46.—(1) If and when the Corporation provide adequate alternative facilities to the satisfaction of the Minister of Transport all rights (if any) of—

- (a) mooring launching beaching examining repairing and storing boats or other vessels;
- (b) embarking and disembarking persons cargo goods fishing gear and other apparatus;

Extinction
of certain
rights at
Bell
Wharf.

(c) drying making and repairing fishing gear nets and lines; and

(d) landing fish shell fish and other catches;

PART IV.
—cont.

at any place on that part of the foreshore including existing wharves and launchways which lies between a point one hundred and seventy yards east of Bell Wharf and the new road Improvement Work No. 3 shown on the deposited plans shall if the Corporation so resolve and give notice of their resolution by publishing the same on such part of the foreshore as aforesaid and in a local newspaper circulating in the borough be extinguished on the expiration of one month from the date of such publication. Any such notice shall state the effect of subsection (2) of this section. A copy of a newspaper containing such resolution shall be sufficient evidence of the publication of the resolution.

(2) The Corporation shall pay or make compensation (if any) for the rights so extinguished to the persons (being persons entitled to exercise such rights immediately before such extinction) who have lawfully exercised such rights at any time during the period of ten years immediately preceding the twenty-seventh day of November nineteen hundred and forty-six and who shall within a period of two months after the publication of the notice referred to in subsection (1) of this section deliver to the Corporation a claim in writing to such compensation.

(3) The compensation to be paid or made by the Corporation under the foregoing provisions of this section to any person entitled to such compensation shall be of such amount as may be agreed between the Corporation and the person so entitled or as (failing such agreement) shall be determined unless otherwise agreed between the parties by the arbitration of such one of the official arbitrators appointed under the Acquisition of Land (Assessment of Compensation) Act 1919 as may be selected in accordance with the rules referred to in section 1 of that Act and such determination shall be made in accordance (so far as applicable) with the provisions of the said Act:

Provided that in assessing any such compensation account shall be taken of all relevant circumstances including on the one hand the additional expenses and on the other hand the financial benefits resulting from the alternative facilities provided by the Corporation.

47.—(1) Notwithstanding anything contained in the Port of London (Consolidation) Act 1920 (hereafter in this section called "the Act of 1920") the provisions of the following sections of that Act:—

Exception of application of enactments in parts of river Thames.

Section 243 (Port authority may license docks piers embankments &c.);

PART IV.
—cont.

- Section 247 (Power to license stages cranes &c. in Thames for discharging vessels);
- Section 249 (Mooring chains to be put down and maintained);
- Section 250 (Private mooring chains may be purchased);
- Section 251 (No erections or works in Thames or on bed or shores thereof without licence);
- Section 252 (No mooring chains to be put down without permission of port authority);
- Section 253 (Private mooring chains in tideway may be removed);
- Section 254 (Consideration for licence to be previously approved);
- Section 255 (Land embanked to vest in the owner of the land in front of which the embankment is made);
- Section 257 (Port authority may erect piers and landing places);
- Section 258 (Port authority may let piers and landing-places);
- Section 259 (Notice to be given previously to the erection or licensing of any pier);
- Section 260 (Piers to be kept in repair lighted and cleansed);
- Section 261 (Preservation of order &c. at piers);
- Section 262 (Free public stairs or landing-places to be provided in lieu of those taken away by the port authority);
- Section 263 (Port authority may take tolls from steam-boats using the piers);
- Section 355 (Boat not to be used unless licence granted and particulars painted on boat);

and so much of section 279 (Power to make byelaws for the river) of the Act of 1920 as relates to the regulation of bathing and the fixing of the hours during which persons may bathe shall not apply in the areas comprised in the borough and described in subsection (2) of this section which areas are additional to the area described in section 303 (Saving for borough of Southend-on-Sea and urban district of Sheerness) of the Act of 1920.

(2) The areas referred to in subsection (1) of this section are the following:—

- (a) So much of the Thames as defined by the Act of 1920 as is within that part of the borough which immediately before the passing of the Act of 1913 formed part of the urban district of Leigh-on-Sea and which is bounded on the east by the western boundary of

the area described in the said section 303 on the south by a line continuing in the direction 286 degrees true the straight line referred to in that section and on the west by a line drawn 180 degrees true from the point at which the western boundary of the borough as constituted on the twenty-seventh day of November nineteen hundred and forty-six joins the line of high-water mark of ordinary tides at Leigh Marsh;

- (b) So much of the Thames as defined by the Act of 1920 as is within that part of the borough which immediately before the coming into operation of the Southend-on-Sea Extension Order 1933 under the provisions of the Local Government Act 1929 formed part of the urban district of Shoeburyness and which is bounded on the east by a line drawn 180 degrees true from the point at which the eastern boundary of the borough as constituted on the twenty-seventh day of November nineteen hundred and forty-six joins the line of high-water mark of ordinary tides on the south by a line drawn 90 degrees true from the most south-easterly point of the area described in the said section (which point is approximately 1.40 miles $197\frac{1}{2}$ degrees from the line of high-water mark of ordinary tides at the eastern boundary of the borough as constituted as aforesaid) and on the west by the eastern boundary of the area described in the said section;

19 & 20 Geo. 5.
c. 17.

being the areas coloured blue on the map signed in duplicate by Archibald Glen on behalf of the Corporation and by Frederick William Nunneley on behalf of the port authority one copy of which is retained by the Corporation and the other by the port authority.

(3) Nothing in this section shall prejudice lessen affect or interfere with any powers rights authorities privileges or property of the Corporation under any Act now in force.

(4) Nothing in this section shall be construed as a recognition by the port authority of any right or interest of the Corporation in any part of the bed or shore of Thames as defined in the Act of 1920.

48.—(1) The Corporation may from time to time put down or place and maintain in such situations on the foreshore in the borough as they think fit all such moorings as they think necessary or convenient and may remove any such moorings:

Moorings
on the
foreshore.

Provided that the Corporation shall not put down or place or remove any mooring on any part of the foreshore owned

PART IV.
—cont.

by Major Ynyr Alfred Burges or his successors in title except with the consent of the owner thereof.

(2) The Corporation may from time to time purchase by agreement any private moorings.

(3) As from the commencement of this section no person other than the Corporation shall put down place or retain a mooring on the foreshore within the borough unless such mooring is registered by the Corporation:

Provided that the Corporation shall register every existing mooring in respect of which an application for registration is made within three months from the commencement of this section.

(4) Prior to putting down a new mooring application to the Corporation for registration thereof shall be made in writing in a form to be prescribed by the Corporation by the person intending to put down and to use the mooring and the Corporation may allow or refuse the registration of such mooring as they may think fit:

Provided that any person aggrieved by a refusal of the Corporation to register a new mooring may appeal to the Minister of Transport who may if he thinks fit require the Corporation to register such mooring.

(5) Upon registration of a mooring the Corporation may impose such reasonable terms and conditions as they may think fit including—

(a) in the case of an existing mooring the power for the Corporation—

(i) to require the removal of such mooring from time to time to a different position; and

(ii) to prescribe the size type and shape of any mooring which may be substituted for a mooring which has become defective or which has not been maintained to the standard prescribed under paragraph (c) of this subsection or of any mooring which may be removed as a result of a requisition of the Corporation under sub-paragraph (i) of this paragraph;

(b) in the case of a new mooring—

(i) the prohibition on the retention of the mooring beyond the period (not being less than twelve months) prescribed in such terms and conditions; and

(ii) the power for the Corporation at any time after the expiration of the period referred to in sub-paragraph (i) of this paragraph on giving not

less than one week's notice in writing to require the person who shall have put down or placed the mooring to remove the same:

Provided that the Corporation shall not without the consent of the Minister of Transport require the removal of any mooring which has been registered by the Corporation as a result of a requirement by the said Minister;

(iii) the power for the Corporation to prescribe the size type and shape of the mooring;

(c) in the case of any mooring—

(i) the power for the Corporation—

(a) to prescribe a standard of condition to which a mooring is to be maintained;

(b) to require a defective mooring to be taken up and removed;

(c) to require the payment to the Corporation by the person in whose name the mooring is registered of an annual fee not exceeding ten shillings;

(ii) a prohibition on the letting of a mooring or in the case of a mooring on the part of the foreshore owned by Major Ynyr Alfred Burges or his successors in title a prohibition on the sub-letting of the mooring.

(6) For the purpose of section 45 (Revision of pier and harbour rates &c.) of this Act the annual registration fee shall be regarded as a rate toll or charge in respect of a pier harbour or wharf owned by the Corporation.

(7) Any person who puts down places removes or continues any moorings on the foreshore in the borough in contravention of the provisions of this section or of any requirement made by the Corporation under this section shall be liable to a penalty not exceeding five pounds and the Corporation may remove and reinstate where necessary such moorings and recover the expense incurred by them in so doing from such person.

(8) The Corporation may let moorings owned by them.

(9) In the exercise of the powers conferred on them by this section the Corporation shall not do or permit the doing of anything which interferes with the public right of navigation (not being a right of mooring for the regulation of which provision is made by this section) on the river Thames.

(10) In this section the expression—

“ mooring ” includes all kinds of mooring whether fixed or not;

PART IV.
—cont.

“ existing mooring ” means a mooring which has been put down or placed before the date of the passing of this Act and is in existence at that date and includes any mooring substituted for the first-mentioned mooring on the site thereof and any mooring which has been removed to a different position as a result of a requisition of the Corporation under paragraph (a) of subsection (5) of this section;

“ new mooring ” means any mooring other than an existing mooring; and

“ the borough ” means the borough as constituted on the twenty-seventh day of November nineteen hundred and forty-six.

(11) Nothing in this section shall apply to or affect the existing pier of the Gas Light and Coke Company in the borough or any renewal alteration extension or enlargement of that pier.

Prohibition
on placing
boats on
highways
&c.

49.—(1) It shall not be lawful within the borough without the written consent of the Corporation (which may be given subject to such reasonable terms and conditions as the Corporation think fit) to place jack up or lay up any boat upon any highway promenade sea wall square court alley or passage to which the public have access or which is required by law to be left free from obstructions.

(2) Any person who shall contravene the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Facilities
for storage
of boats.

50. The Corporation may within the borough provide and let land sheds yards and other accommodation and facilities for the storage of boats.

PART V.

TROLLEY VEHICLES AND PUBLIC SERVICE VEHICLES.

Definitions
for Part V
of Act.

51. In this Part of this Act—

“ The emergency trolley vehicle route ” means the following trolley vehicle route in the borough along which the Corporation were by the Southend-on-Sea Corporation (Trolley Vehicles) Order 1942 authorised to use trolley vehicles:—

A route (135 yards or thereabouts in length) commencing in London Road at its junction with Leigh Road by a junction with trolley vehicle route No. 1 authorised by the Order of 1939 thence proceeding along London Road and Nelson Road

and terminating at the junction of Nelson Road with Wellington Avenue by a junction with trolley vehicle route No. 5 authorised by the Act of 1930.

“ The new trolley vehicle route ” means the trolley vehicle route authorised by section 53 (Power to use trolley vehicles on new route) of this Act.

52.—(1) The provision maintenance and equipment by the Corporation of the emergency trolley vehicle route are hereby sanctioned and confirmed and the Corporation may as part of and for the purposes of their trolley vehicle undertaking—

- (a) maintain and use trolley vehicles along that route; and
- (b) retain hold and use all or any standards brackets conductors mains cables wires posts poles and any other apparatus and equipment placed or erected by the Corporation in under or over the surface of any streets or roads forming the emergency trolley vehicle route.

(2) The Southend-on-Sea Corporation (Trolley Vehicles) Order 1942 is hereby repealed but without prejudice to the validity of anything done in pursuance thereof.

53.—(1) The Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may (subject to the restrictions contained in the proviso to subsection (1) of section 60 (Minister of Transport may authorise use of trolley vehicles) of the Act of 1926) use trolley vehicles upon the following route within the borough (that is to say):—

A route (6 furlongs 5 chains or thereabouts in length) commencing at the junction of Southchurch Road with Lifstan Way passing along Lifstan Way and terminating at its junction with Eastern Esplanade.

(2) The Corporation may also with the consent of the Minister of Transport use trolley vehicles along any other street or road within the borough which the Corporation think it necessary or convenient to use for the purpose of providing a turning point.

(3) (a) Before equipping the new trolley vehicle route to include a turning point or before arranging for a new turning point thereon the Corporation shall submit plans of the turning point to the Minister of Transport for approval.

(b) If the Corporation shall not have commenced to use trolley vehicles upon the new trolley vehicle route within five years from the passing of this Act or such extended time as the Minister of Transport may upon the application of the Corporation allow the powers conferred by this Act shall so far as they relate to the use of trolley vehicles upon that route cease to be exerciseable.

PART V.
—cont.
Application
of provisions
of previous
enactments.
33 & 34 Vict.
c. 78.

54.—(1) The provisions of the Lands Clauses Acts the Tramways Act 1870 the Order of 1899 the Order of 1904 the Act of 1909 the Southend-on-Sea Light Railways (Revival and Extension of Time) Order 1909 the Act of 1913 the Order of 1920 the Southend-on-Sea Corporation (Trolley Vehicles) Order 1927 the Order of 1929 the Act of 1930 and the Order of 1934 as applied to the Order of 1939 by section 6 (Application of provisions of previous enactments) of that Order shall so far as applicable and with any necessary modifications extend and apply to the exercise of the powers of this Part of this Act as if the same were set out in this Act.

(2) Notwithstanding anything contained in section 9 (Approval of vehicles by Minister of Transport) of the said Order of 1927 as applied to this Act before applying to the Minister of Transport for his approval of the weight of any trolley vehicle to be used under this Act upon any road which crosses a bridge belonging to and repairable by a railway company the Corporation shall give to such railway company notice of the weight of the trolley vehicles proposed to be used by them and the Minister of Transport shall consider and determine after such inquiry as he may think fit any objections which may be submitted by the railway company to him on the ground that the strength of such bridge is insufficient to carry trolley vehicles of such weight:

Provided that notice of such objections shall be forwarded by such railway company to the Corporation at the same time as the same are submitted to the Minister of Transport.

(3) Section 7 (Application of byelaws) of the Order of 1934 shall with any necessary modifications extend and apply to the exercise of the powers of this Part of this Act as if the same were set out in this Act.

55. The provisions of section 4 (For protection of London Midland and Scottish Railway Company) of the Order of 1939 shall extend and apply with respect to the new trolley vehicle route authorised by this Act as if the said section with any necessary modifications were re-enacted in this Act.

56. The Corporation may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of trolley vehicles by mechanical power:

Provided that—

(1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction who shall have power having regard to the character of the building and to the other circumstances of the case

For
protection
of London
Midland
and Scottish
Railway
Company.

Attachment
of brackets
to buildings.

to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid:

- (2) Any consent of an owner and any order of a court of summary jurisdiction under this section shall not have effect after that owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the court shall have the same powers as under proviso (1):
- (3) The owner may require the Corporation to remove temporarily the attachments where necessary during any reconstruction or repair of the building:
- (4) Notwithstanding anything contained in this section no brackets wires or apparatus shall be attached to any bridge or building forming part of the railway undertaking of the London and North Eastern Railway Company or of the London Midland and Scottish Railway Company without the previous consent in writing of that company or if such consent be unreasonably withheld the consent of the Minister of Transport.

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

57. Nothing in this Part of this Act shall impose any obligation on any railway company to strengthen adapt alter or reconstruct any bridge or road belonging to or maintainable by or at the expense of a railway company or enlarge any existing obligation of a railway company.

For
protection
of railway
companies.

58. The trolley vehicles of the Corporation shall not be deemed to be stage carriages for the purposes of sections 13 to 15 of the Railway Passenger Duty Act 1842 but for the purpose of calculating the number of passengers in excess of the seating capacity that may be carried thereon shall be deemed to be public service vehicles.

Trolley
vehicles not
to be deemed
stage
carriages.
5 & 6 Vict.
c. 79.

59. The Public Service Vehicles (Lost Property) Regulations 1934 made by the Minister of Transport in exercise of the powers vested in him under or by virtue of the Road Traffic Acts 1930 to 1947 and any regulations amending extending

As to lost
property.

PART V.
—cont.

or in substitution for the said regulations shall extend and apply mutatis mutandis in respect of property found in the trolley vehicles of the Corporation as if such trolley vehicles were public service vehicles.

Power to
operate
contract
carriages.

60.—(1) In this section the “co-ordinated area” means the area to which that meaning is assigned by an agreement dated the twenty-fourth day of May nineteen hundred and forty-six and made between the Corporation of the first part the Westcliff-on-Sea Motor Services Limited of the second part and the Eastern National Omnibus Company Limited of the third part being the borough and so much of the administrative county of Essex as is shown surrounded with a continuous red line on the map signed in triplicate by the Right Honourable Lord Terrington the chairman of the committee of the House of Lords to whom the Bill for this Act was referred one copy of which map has been deposited in each of the following offices:—

- (a) The office of the Clerk of the Parliaments House of Lords;
- (b) The Committee and Private Bill Office of the House of Commons;
- (c) The office of the town clerk.

(2) It shall be lawful for the Corporation for the purposes and during the continuance of the agreement referred to in subsection (1) of this section or of any agreement amending or replacing that agreement to run any public service vehicle belonging to them as a contract carriage on any road within the co-ordinated area:

Provided that during the running of such contract carriages the Corporation shall maintain a reasonably sufficient ordinary service of public service vehicles on any routes for the time being operated by them.

20 & 21 Geo. 5.
c. 43.

(3) Nothing in this section shall relieve the Corporation of the necessity of complying with the provisions of the Road Traffic Acts 1930 to 1947 (other than paragraph (a) of subsection (2) of section 101 of the Road Traffic Act 1930) in relation to the exercise of the powers conferred by this section.

PART VI.

ELECTRICITY.

Acquisition
of land for
sub-stations.

61.—(1) The Corporation may be authorised by the Minister of Fuel and Power to purchase land within the electricity limits compulsorily for the purpose of the erection thereon in pursuance of the powers of the Acts and Orders relating to the electricity undertaking of a station for transforming converting or distributing electricity.

(2) The provisions of the Acquisition of Land (Authorisation Procedure) Act 1946 shall apply to the authorisation of any compulsory purchase under this section as if this section were an enactment contained in a public general Act and in force immediately before the commencement of the said Act of 1946.

62. The Corporation may hold and use for the purposes of electricity transformer stations any lands in the electricity limits acquired or taken on lease or to be acquired or taken on lease by them and any buildings or structures from time to time erected thereon notwithstanding—

Power to use lands for transformer stations notwithstanding restrictive covenants &c.

(a) any covenant condition restriction or stipulation inconsistent with such holding or use contained in any deed lease or agreement to which the Corporation are not a party where such deed lease or agreement was granted or entered into in or before the year nineteen hundred and thirty-six; or

(b) any covenant by the Corporation or any other party contained in any subsequent deed lease or agreement to comply with any such covenant condition restriction or stipulation as aforesaid:

Provided that in the use for the purposes aforesaid of any lands affected by any such covenant condition restriction or stipulation the Corporation their servants or agents shall not cause permit or suffer any nuisance to the owner or owners or occupier or occupiers of any adjoining land or premises.

63.—(1) For the purpose of supplying electricity to any premises to which the Corporation are for the time being authorised to supply electricity the Corporation may lay down place maintain and use electric lines in order to connect such premises to a service line already laid for the purpose of affording a supply of electricity to adjoining premises and for that purpose may cut or otherwise interfere with any party wall or fence to or open up any yard footpath or garden forming part of such premises and adjoining premises.

Power to lay down connecting lines in certain cases.

(2) In relation to any such electric lines as aforesaid the Corporation shall have the powers and be subject to the provisions of sections 17 18 20 and 77 of the schedule to the Electric Lighting (Clauses) Act 1899 and those provisions so far as applicable shall be incorporated with this Act and the Corporation shall be deemed to be the undertakers.

62 & 63 Vict. c. 19.

(3) The provisions of section 14 of the said schedule so far as they relate to the Postmaster-General shall extend and apply to the laying down or construction by the Corporation of any electric line under the provisions of this section.

(4) The provisions of this section shall not apply to any premises (not being a dwelling-house) belonging to a railway

PART VI.
—cont.

company or the Gas Light and Coke Company or the Southend Waterworks Company except with the consent of such company.

Power of
entry for
substitution
of cables &c.

64. In any case in which the proper and efficient supply of electricity necessitates the substitution of a new cable or other work for a cable or other work situate in or upon the private property of a consumer the Corporation after giving forty-eight hours' notice in writing to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which such cable or work is laid or fixed may enter such house building or land between the hours of nine in the morning and four in the afternoon or with the authority in writing of a justice at any other time for the purpose of effecting such substitution repairing all damage caused by such entry or substitution:

Provided that the Corporation shall not exercise the powers of this section in respect of any premises which form part of the railway of a railway company except with the consent of such company or if such consent be unreasonably withheld the consent of the Minister of Transport.

Attachment
of brackets
&c. to
buildings
and bridges.
10 & 11 Vict.
c. 15.

65.—(1) Notwithstanding anything in section 7 (Undertakers not to enter on private land without consent) of the Gasworks Clauses Act 1847 the Corporation may with the consent in writing of the owner of any building or wall 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) any building or wall forming part of an aerodrome; or
- (b) any building which is designated in a list compiled or approved by the Minister of Town and Country Planning as being a building of architectural or historic interest or any building or wall which the owner thereof alleges to be a building or wall of such interest; or
- (c) any building or wall or bridge owned by any highway authority railway company or water or gas undertakers;

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 or wall or bridge they may appeal in the case of a building or wall or bridge owned by any highway authority or railway company to the Minister of Transport in the case of a building or wall owned by water undertakers to the Minister of Health and in any other case to the Minister of Fuel and Power and the Minister of Transport the Minister of Health or the Minister of Fuel and Power as the case may be may by order either allow the attachments subject to such terms (if any) as to compensation or rent or otherwise as he thinks fit or disallow the attachments.

(4) Where any attachments have been affixed to a building or wall 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 wall or bridge the subsequent 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.

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

(6) In this section—

the expression “owner”—

(a) in relation to a building or wall occupied under a tenancy for a term of years whereof five years or more remain 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 or wall forming part of an aerodrome means (notwithstanding anything in this subsection) the person having control of the aerodrome;

and the expression “own” shall be construed accordingly;

PART VI.
—cont.10 & 11 Geo. 5.
c. 80.

the expression "rack rent" means in relation to the building a rent which is not less than two-thirds of the full net annual value of the building; and the expression "aerodrome" means an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same.

(7) The provisions of section 290 (Power of government departments to direct inquiries) of the Act of 1933 shall apply to the determination by the Minister of Fuel and Power of any difference referred to him under this section.

Prepayment
meters.34 & 35 Vict.
c. 41.45 & 46 Vict.
c. 56.

66. Any person who frequently or habitually places in the coin-box of a prepayment meter used in connection with the consumption of electricity supplied by the Corporation a coin not being an appropriate current coin of the realm or any article not being such a current coin shall for the purposes of section 38 (Penalty for injuring meters) of the Gasworks Clauses Act 1871 as incorporated with the Electric Lighting Act 1882 be deemed to have fraudulently abstracted or used electricity of the Corporation:

Provided that no proceedings shall be taken under the said section 38 of the Gasworks Clauses Act 1871 as extended by this section if within seven days after demand payment is made of the amount due to the Corporation.

PART VII.

ENTERTAINMENTS PARKS &C.

Use of
certain lands
for sports
and games &c.

67.—(1) The Corporation may by agreement purchase or acquire or take on lease any lands within the borough which in their opinion it is desirable that the Corporation should acquire for the purposes of this section:

Provided that nothing in this section shall empower the Corporation for the purpose of carrying on any activities under paragraph (d) of subsection (2) of this section to purchase or acquire or take on lease any premises which at the date of such purchase acquisition or taking on lease are licensed for the sale of intoxicating liquor.

(2) The Corporation may upon any of the following lands—

- (A) the Leigh Marsh lands;
- (B) the property numbered 152 in the borough on the deposited plans;
- (C) any lands acquired under subsection (1) of this section; and
- (D) any other lands of which for the time being they may be the owners or lessees;

(which lands in this section are referred to as "the said lands") and upon all buildings now or hereafter erected on the said lands exercise the following powers:—

PART VII.
—cont.

(a) They may—

(i) fence and improve the said lands and plant on the said lands trees shrubs and plantations for the purpose of shelter or ornament;

(ii) construct lay out and maintain on the said lands gardens roads footpaths ways walks bridges lakes streams and other ornamental waters and swimming boating and paddling pools;

(iii) form fence construct and maintain on the said lands sports grounds sports pitches bowling greens tennis courts running riding and racing tracks children's playgrounds model yacht ponds and miniature railways;

(iv) construct and maintain on the said lands shelters bandstands concert rooms offices buildings sports pavilions sports stadiums changing rooms stands refreshment rooms shops garages car parks (whether above or below ground level) lavatories and cloak-rooms;

(v) provide upon the said lands or in any buildings thereon facilities and equipment for indoor or outdoor games sports entertainments and recreations including indoor ice and roller skating and indoor bowls;

and may for any of the aforesaid purposes adapt extend or otherwise deal with any existing buildings or other structures upon the said lands:

Provided that the Corporation shall not themselves in connection with any such garages undertake repairs to or the rendering of services for motor vehicles or the supply of fuel or spare parts for use in connection with motor vehicles but this restriction shall not apply to any persons to whom such garages are let;

(b) They may close the said lands and buildings against the public and make and recover such reasonable charges as they may think fit for admission to and for the use of the whole or any part of the said lands and buildings and for any facilities or amenities provided thereon or therein and for the use of chairs and for parking motor vehicles and other vehicles in any part of the said lands;

- (c) They may provide or arrange for the provision or carrying on of suitable concerts entertainments exhibitions swimming contests athletic meetings races regattas naval military or air force displays or pageants tattoos agricultural shows flower shows and gymkhanas:

Provided 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 theatrical 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 save as aforesaid 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:

Provided also that no cinematograph film other than—

(a) a film illustrative of questions relating to health or disease;

(b) a film relating to the borough; or

(c) a film of which—

(i) the length does not exceed two thousand four hundred feet; and

(ii) the width does not exceed sixteen millimetres;

shall be shown on the said lands;

Provided further that the Corporation shall not themselves carry on on the said lands any entertainment which consists of or includes any or all of the following whether or not in combination with any other forms of entertainment that is to say any merry-go-round roundabouts switchback railway cocoanut shy hoop-la shooting gallery swings dodgems or automatic machines or anything similar to any of the foregoing;

- (d) They may themselves supply and sell or may enter into any agreement or arrangement with any other person or body for the letting of the right to sell and supply refreshments including the sale of intoxicating liquors and tobacco to the public resorting to and using any of the said lands buildings and other

amenities to which the public have access and may erect or permit the erection for those purposes of such buildings and the enclosure and provision of such spaces and accommodation as may be requisite or necessary for adequate and proper catering;

- (e) They may let for such term not exceeding twenty-one years and subject to such covenants and conditions as they think fit the whole or any part or parts of the said lands and any suitable buildings thereon for games or for the purposes of recreation;
- (f) They may make and enforce byelaws with respect to the said lands buildings and other amenities thereon and for regulating the use thereof respectively and the conduct of persons using the same or resorting thereto;
- (g) (i) They may from time to time let to any club company or body or persons any portions of the said lands which may have been or which may be intended to be laid out and maintained for games and recreation together with the buildings and other amenities thereon equipment conveniences appliances and apparatus (if any) provided in connection therewith;
- (ii) Any lessee or tenant of the Corporation under this paragraph shall have the like powers of making and recovering reasonable charges for admission to and the use of the lands buildings and other amenities equipment conveniences appliances and apparatus as are conferred upon the Corporation by this subsection;
- (h) They may exercise over and in respect of the said lands buildings and other amenities thereon any powers conferred upon the Corporation by the Public Health Acts so far as such Acts relate to public walks pleasure grounds open spaces or playing fields;
- (i) They may appoint and pay officers servants and workmen to perform any services in connection with the said lands and buildings and may remove any such officers servants and workmen;

Provided always that the Corporation shall not in the exercise of any of the powers conferred by this section either by themselves or by any lessee or tenant or person licensed by them permit or suffer the said lands to be used for any purpose which by its noisy character or its tendency to create disorder would cause nuisance or damage to the residents or

PART VII.
—cont.

occupiers or users of property or land in the neighbourhood of the said lands:

Provided also that the Corporation shall not grant or let the use of the said lands or any portion thereof or of any of the said buildings or any part thereof to any club company or body or persons solely for the purposes of a cinematograph theatre except for the best rent and on the best terms that can be obtained and the Corporation shall not undertake any liability for any loss that may be sustained by such club company body or persons.

(3) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for the public performance of stage plays or for public music or dancing or any public contest or display of boxing or wrestling or other public entertainment of the like kind or a cinematograph exhibition or of any enactment relating to the sale of intoxicating liquor refreshments or tobacco.

(4) (a) The powers conferred upon the Corporation by this section shall not be exercised as regards the said lands outside the borough except with the consent of the council of the county district in which such lands are situate which consent shall not be unreasonably withheld and may be given subject to such reasonable conditions as the said council may impose.

(b) Any question or dispute under this section as to whether any consent has been unreasonably withheld or as to the reasonableness of any conditions shall be determined by the Minister of Town and Country Planning.

(5) Nothing in this section shall authorise the use of any lands acquired by the Corporation or by their predecessors in title from the Salvation Army or from Colonel Ynyr Henry Burges in contravention of any covenant in favour of the Salvation Army or the said Colonel Ynyr Henry Burges as the case may be or their successors in title which may be contained in the deed by which such lands were conveyed to the Corporation or their predecessors in title.

Transmission
of entertain-
ments.

68.—(1) The Corporation may provide erect maintain and use such apparatus and conveniences as they may consider necessary for the purpose of transmitting any concert or entertainment or any part thereof from a building or recreation ground belonging to the Corporation at which such concert or entertainment is provided to any other building or recreation ground at which concerts or entertainments may be provided by the Corporation and for that purpose may erect and maintain posts and wires in any street.

(2) Nothing in this section shall affect the exclusive privileges conferred upon the Postmaster-General by the Telegraph Act 1869 or exempt the Corporation or any other body or person from any obligation to obtain any licence under the Wireless Telegraphy Acts 1904 to 1926 and any electrical apparatus posts or wires which may be erected under this section shall be so constructed maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

PART VII.
—cont.
32 & 33 Vict.
c. 73.

69. For the removal of doubt it is hereby enacted that the powers conferred upon the Corporation by section 23 of the Act of 1926 to provide suitable concerts include the power for the Corporation to employ and pay members of an orchestra or band.

Municipal
orchestras.

70. When any portion of any park or place of public resort or recreation is set apart by the Corporation for any purpose under section 76 of the Public Health Acts Amendment Act 1907 the Corporation may permit the exclusive use by any club or other body or persons of any such portion so set apart as aforesaid and of any pavilions buildings or refreshment or other rooms or conveniences subject to the payment of such charges and the observance of such conditions as the Corporation may think fit:

Charges for
and letting of
parks &c.
for games.
7 Edw. 7.
c. 53.

Provided that nothing in this section shall empower the Corporation to permit at one and the same time the exclusive use of more than one-third of the total area of any park or place of public resort or recreation for the time being belonging to them or under their control.

71. No power conferred upon the Corporation by sections 67 (Use of certain lands for sports and games &c.) and 70 (Charges for and letting of parks &c. for games) of this Act shall be exercised in such a manner as to be at variance with any trust subject to which any lands or buildings are held managed or controlled by the Corporation without an order of the High Court or of the Charity Commissioners or the Minister of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of such donor or other person.

Saving for
trusts
covenants
&c. in
conveyances
and leases.

72.—(1) The Corporation may from time to time make byelaws—

Byelaws
as to
pleasure
fairs.

(a) for regulating the hours during which pleasure fairs and any place kept or used for any boxing or wrestling entertainment or for public roller skating may be open to the public;

PART VII.
—cont.

- (b) for securing safe and adequate means of ingress to and egress from the ground upon which any pleasure fair is held or to any place kept or used for any boxing or wrestling entertainment or for public roller skating;
- (c) for the prevention and suppression of nuisances and for preserving sanitary conditions cleanliness order and public safety at any pleasure fair or any place kept or used for any boxing or wrestling entertainment or for public roller skating.

(2) In this section—

the expression “pleasure fair” means any entertainment for admission to which or for the use of which a charge is made and which comprises any or all of the following whether or not in combination with any other forms of entertainment that is to say any circus exhibition of human beings or performing animals merry-go-round roundabouts switchback railway cocoanut shy hoop-la shooting gallery swings dodgems or other mechanical driving or riding devices automatic or other machines intended for entertainment or amusement and anything similar to any of the foregoing:

Provided that the expression “pleasure fair” does not include—

(a) any fair held by statute royal charter royal licence letters patent or ancient custom; or

(b) any entertainment which is not run for profit and is not carried on for more than seven consecutive days;

the expression “boxing or wrestling entertainment” means any public contest or display of boxing or wrestling except such as may be provided or given—

(i) by travelling showmen at pleasure fairs;

(ii) in premises licensed under the Theatres Act 1843 if and so long as the conditions attached to the licence under the said Act are complied with as though such contest or display were a stage play;

(iii) by bona fide associations clubs hospitals or societies which are not carried on for profit;

(iv) by members of the Boy Scouts Association or of any organisation formed by the Boy Scouts Association in pursuance of their charter; or

(v) by any school.

(3) Before making any byelaws under this section the Corporation shall give to the Amusement Caterers Association and the Association of Amusement Park Proprietors of Great Britain not less than one month's notice of the intention of the Corporation to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the Corporation shall confer with the said associations thereon before they submit them to the Secretary of State for confirmation.

73.—(1) If any person after the commencement of this section carries on the business of providing any entertainments to which this section applies without being registered in respect of each of the premises at which any such entertainments are provided he shall be liable to a penalty not exceeding five pounds and a daily penalty not exceeding forty shillings.

Registration
of entertain-
ment
proprietors.

(2) An application for registration under this section shall be made in writing to the Corporation by or on behalf of the person (hereinafter referred to as "the proprietor") carrying on or proposing to carry on the business of providing entertainments to which this section applies and every such application shall state—

- (a) the address or situation of the premises to which the application relates;
- (b) the full name and address of the proprietor and if the proprietor is a company or firm or other body the registered or principal office of such company firm or body;
- (c) the periods (if any) in the twelve months preceding the commencement of this section during which the premises were being used wholly or mainly for the purpose of providing entertainments;
- (d) the extent to which it is proposed to use the premises for the purpose of providing entertainments and the general nature of the entertainments proposed to be provided at the premises;
- (e) the nature of the interest of the proprietor in the premises;

and where the proprietor is a prospective purchaser lessee or licensee of the premises shall be accompanied by a statement in writing signed by the person who proposes to sell lease or license the premises to the proprietor to the effect that the application is being made with his knowledge and consent.

(3) Subject as hereinafter provided the Corporation shall as soon as practicable and not later than two months after the

PART VII.
—cont.

receipt of an application under this section register the proprietor in respect of the premises to which the application relates:

Provided that (except where the premises were used wholly or mainly for the purpose of providing entertainments during a continuous period of not less than eight weeks in the twelve months immediately preceding the commencement of this section) the Corporation may refuse to register the proprietor in respect of the premises if—

- (a) the Corporation are of opinion that the premises cannot be made to conform to the requirements of any byelaws made under paragraph (b) or paragraph (c) of subsection (1) of section 72 (Byelaws as to pleasure fairs) of this Act;
 - (b) there are circumstances connected with the proprietor which in the opinion of the Corporation render it undesirable that he should be registered in respect of the premises;
 - (c) the Corporation are not satisfied that the premises will be used wholly or mainly for the purpose of providing entertainments.
- (4) If—
- (a) since the date of the registration circumstances connected with the proprietor have arisen which render it undesirable in the opinion of the Corporation that the proprietor should continue to be registered in respect of all or any of the premises in respect of which he is registered under this section; or
 - (b) since the said date circumstances connected with the management by the proprietor of any premises in respect of which he is registered as aforesaid have arisen which render it undesirable in the opinion of the Corporation that he should continue to be registered in respect of the premises in relation to which such circumstances have arisen as aforesaid; or
 - (c) while any premises are being used for the provision of entertainments to which this section applies the business carried on at those premises does not consist wholly or mainly in the provision of entertainments; or
 - (d) the entertainments provided at any premises in respect of which the proprietor is registered under this section have offended against public decency; or

- (e) any premises in respect of which the proprietor is registered as aforesaid do not conform to the requirements of any byelaws made under paragraph (b) or paragraph (c) of subsection (1) of section 72 (Byelaws as to pleasure fairs) of this Act;

the Corporation may cancel the registration of the proprietor in respect of such premises:

Provided that the Corporation shall not on the grounds mentioned in the foregoing paragraph (e) of this subsection cancel the registration of the proprietor in respect of any premises—

- (i) (in the case of any premises which have been used for the purpose of providing entertainments during a continuous period of not less than eight weeks in the twelve months immediately preceding the commencement of this section) until the expiration of a period of three years from the twenty-seventh day of November nineteen hundred and forty-six; and
- (ii) (in any case) unless the proprietor has had a reasonable opportunity to make the premises conform to the requirements of any such byelaw as is referred to in that paragraph.

(5) The Corporation shall not refuse to grant an application for registration under this section and shall not cancel any such registration until they have given the proprietor an opportunity of appearing before and of being heard by a committee of the Corporation and if so required by him shall within seven days of their decision give to him a statement of the grounds on which it was based.

(6) The entertainments to which this section applies are entertainments for admission to which or for the use of which a charge is made and which comprise any or all of the following whether or not in combination with any other forms of entertainment that is to say any circus exhibition of human beings or performing animals merry-go-round roundabout switchback railway roller skating rink boxing or wrestling coconut shy hoop-la shooting gallery swings dodgems or other mechanical driving or riding devices automatic or other machines intended for entertainment or amusement and anything similar to any of the foregoing but this section shall not apply to any entertainments provided at a fair held by statute royal charter royal licence letters patent or ancient custom or at any travelling circus or travelling fair of a temporary character or to any entertainment which is not run for profit and is not carried on for more than seven consecutive days.

PART VII.
—cont.

(7) In this section the expression—

“ premises ” includes any part of a building which is structurally divided from the remainder of the building and land on which buildings have not been erected;

“ boxing or wrestling ” means any public contest or display of boxing or wrestling except such as may be provided or given—

(a) in premises licensed under the Theatres Act 1843 if and so long as the conditions attached to the licence under the said Act are complied with as though such contest or display were a stage play;

(b) by bona fide associations clubs hospitals or societies which are not carried on for profit;

(c) by members of the Boy Scouts Association or of any organisation formed by the Boy Scouts Association in pursuance of their charter; or

(d) by any school.

PART VIII.

STREETS AND BUILDINGS.

74.—(1) It shall be lawful for the Corporation—

(a) at all times of ceremonies public processions rejoicings fairs exhibitions carnivals races sports or illuminations or on emergencies to cause barricades to be erected across any of the streets of the borough; and

(b) at all times of ceremonies public processions fairs exhibitions carnivals races sports or illuminations to cause flagpoles and pylons to be erected in any of such streets for the purpose of displaying decorations;

and to continue the same for such time as may be deemed reasonably necessary and any person who wilfully removes damages or interferes with any such barricade flagpole or pylon or any part thereof shall be liable to a penalty not exceeding forty shillings.

(2) For the purpose of the erection of such barricades flagpoles and pylons the Corporation may construct or place and maintain in and under the surface of the streets of the borough such sockets or slots as may in their opinion be necessary or convenient.

75. The powers conferred by section 21 (Power to make orders for preventing obstructions in the streets during public processions &c.) of the Town Police Clauses Act 1847 shall within the borough extend to enable the Corporation at all times of ceremonies public processions rejoicings fairs exhibitions carnivals races sports illuminations or similar occasions to direct the passage and stoppage of vehicles along or in particular streets to direct particular routes to be taken for particular descriptions of traffic and to prohibit the passage or stoppage of particular vehicles through or in certain streets at certain hours:

PART VIII.
—cont.Power to
make
regulations
as to
traffic on
carnival
&c. days.
10 & 11 Vict.
c. 89.

Provided that nothing in this section or in any direction given thereunder shall prohibit the vehicles of the Gas Light and Coke Company or the Southend Waterworks Company in case of emergency from passing along or stopping in any street where it is necessary so to do by reason or in consequence of such emergency.

76. The Corporation shall not exercise the powers of the last two preceding sections of this Act in such manner as to cause obstruction to the access to or exit from any station or depot of a railway company except with the consent of such company or if such consent be unreasonably withheld the consent of the Minister of Transport.

For further
protection
of railway
companies.

77.—(1) Any person intending to organise or form a public or ceremonial procession or a circus procession or a procession of wild animals through the streets of the borough (other than a public or ceremonial procession which is regularly held through such streets) shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the Corporation by leaving such notice at the office of the town clerk thirty-six hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets.

Notice of
processions
to be given.

(2) If any such procession passes through the streets of the borough without such notice having been previously given or otherwise than in accordance with such notice any person organising or conducting such procession shall be liable to a penalty not exceeding five pounds.

78. The powers conferred upon the Corporation by section 17 (Power to vary position or direction and to fix beginning and end of new streets) of the Public Health Acts Amendment Act 1907 to vary the intended position of a new street so far as is necessary for the purpose of securing more direct easier or more convenient means of communication with any other street or intended street shall be extended so as to enable them (subject to the provisions of that section) to require that the corners formed at the junction of a new street with another

Rounding
of corners
at street
junctions.

PART VIII.
—cont.

street (whether new or existing) shall for the purposes of safety be rounded off so as to be coincident with the arc of a circle tangential to the adjacent boundaries of the two streets and having such radius as may be determined by the Corporation.

Power to
place fences
near school
entrances
&c.

79. For the purpose of preventing danger to pedestrians from traffic the Corporation may as respects roads (not being highways repairable by the inhabitants at large) adjacent to the entrances to or exits from any schools Sunday schools public baths public parks public halls recreation grounds playing fields alleyways and passageways exercise the like powers of placing fences rails and posts on the sides of any footways or carriageways of such roads as under section 149 (Vesting of streets &c. in urban authority) of the Public Health Act 1875 are exercisable by them as respects roads so repairable and the Corporation may from time to time repair renew maintain or remove any fences rails or posts so placed by them.

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

80.—(1) Before placing or erecting any hoarding wall (not being a wall forming part of the structure of a permanent edifice) or fence at or within a distance of ten yards from the corner of any street the person proposing to place or erect such hoarding wall or fence shall give notice of his intention so to do to the Corporation and such notice shall be accompanied by plans and particulars of the hoarding wall or fence proposed so to be placed or erected.

(2) If the placing or erection of such hoarding wall or fence would constitute a danger to the traffic in the streets upon adjoining or near to which the same is proposed to be placed or erected by obstructing the view of any foot passenger or the driver of any vehicle in a street of vehicular or pedestrian traffic the Corporation may within five weeks 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 five weeks of the receipt of the said notice the Corporation shall not have prohibited such placing or erection or allowed the same subject to a condition or to a modification of such plans or particulars they shall be deemed to have allowed such placing or erection.

(3) Any person who places or erects any hoarding wall or fence in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and the Corporation may remove the hoarding wall or fence so placed or erected and may recover the expense incurred by them in so doing from such person.

(4) 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).

(5) The provisions of this section shall not apply to any part of a street with respect to which restrictions have been imposed under section 4 (Prevention of obstruction to view at corners) of the Roads Improvement Act 1925 or by section 1 (Power to adopt standard widths for roads) or section 2 (Restriction of building development along frontages of certain roads) of the Restriction of Ribbon Development Act 1935. 15 & 16 Geo. 5.
c. 68.

81.—(1) Any person erecting setting up or placing any blind shade covering or awning over any footway shall so erect set up or place the same that no part thereof shall project over any part of the footway which is less than one foot six inches from the outer edge of the kerb of such footway. Window
blinds &c.

(2) Every such blind shade covering or awning shall be constructed and maintained so as to secure in accordance with the requirements of the Corporation the safety and convenience of the public.

(3) Every person who shall offend 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.

82.—(1) Any person who shall wilfully or negligently obstruct or interfere with the convenient access to any police telephone call box or police shelter or box or who shall remove or efface any plate or mark indicating the position of such call box shelter or box or any fire hydrant shall be liable to a penalty not exceeding five pounds and the Corporation may recover the expenses of replacement and making good from such person. Interference
with telephone
call boxes
&c.

(2) Any person who shall knowingly and improperly use or cause to be used by means of any false or malicious statement message or otherwise any police telephone call box or (for the purposes of requiring the services of the police or an ambulance) any telephone call box of the post office telephone service shall for every such offence be liable to a penalty not exceeding five pounds.

83. Every person who negligently breaks throws down or otherwise damages any street refuge street sign public lamp or lamp-post or street orderly bin or other receptacle for the temporary deposit and collection of dust ashes and rubbish or street sand bin or life-saving apparatus or any other property of the Corporation shall make full compensation to the Corporation for the damage done and such compensation to an amount not exceeding twenty pounds may (without prejudice to any other right or remedy of the Corporation) be recovered summarily as a civil debt. Compensation
for injuring
lamps &c.

PART VIII.

—cont.

Power to
lay out
grass
margins &c.
in streets.

84. The Corporation may lay out with grass margins or plant with trees or lay out as gardens any part of any street repairable by the inhabitants at large and may erect guards or fences for the protection of such grass margins trees or gardens and the Corporation may maintain in good order any grass margins trees gardens guards and fences in any such street and alter or renew the same and may add to the carriageway or footway of any such street any part of such grass margins parts planted with trees or parts laid out as gardens as aforesaid and may alter or re-arrange the parts of any street laid out as carriageway or footway respectively:

Provided that—

- (1) Nothing in this section contained shall empower the Corporation to prevent any person residing in any premises in or abutting on any such street having full and free right and liberty of access to and from such premises from and to the metalled or paved portion of such street:
- (2) For the purposes of section 7 (Provision as to work which involves alteration in telegraphic line) of the Telegraph Act 1878 any work done in exercise of the powers conferred by this section shall be deemed to be work done in the execution of an undertaking authorised by Act of Parliament and the Corporation shall be deemed to be the undertakers.

Signs over
streets.

85.—(1) In this section “sign” means any banner streamer notice board sign or lettering for the purposes of advertisement or announcement (including the supports thereof) which is suspended or extends for more than two feet over any street or which extends for more than six inches over any street and is more than two feet six inches in height from the top to the bottom thereof.

(2) (a) After the date of the passing of this Act no person shall without the consent of the Corporation place any sign over any street.

(b) The consent of the Corporation under this subsection shall not be withheld except on the ground that in their opinion the sign would be a nuisance or a source of danger or objectionable by reason of its size construction or situation or an injury to the amenities of the borough and such consent may be given subject to such conditions as the Corporation may think fit.

(3) Any person who after the date of the passing of this Act places any sign over any street without the consent of the Corporation or without complying with any conditions attached to any such consent shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not

exceeding ten shillings and the Corporation may themselves remove any such sign and any expense incurred by them in so doing may be recovered by them from such person.

(4) The provisions of this section shall not apply to any sign erected by a railway company over any street belonging to and forming part of any station or depot of such company or the approach thereto.

86.—(1) Any person who lays out or intends to lay out a new street or part of a new street shall before any building is begun to be erected abutting on such new street or part of a new street if required by the Corporation so to do construct the carriageway of such new street or such part of the new street as may be required by the Corporation in accordance with the byelaws for the time being in force with respect to new streets or in accordance with any planning scheme for the time being in force and shall also if required sewer such street or such part of such street:

No buildings to be erected until street formed.

Provided that where any new street is or is intended to be constructed of a length exceeding one hundred yards the Corporation shall not be empowered to require such new street to be constructed in its entire length by one operation but such new street may be constructed in parts and in such event nothing in this section shall prevent the erection of a new building abutting on any part of such street in reference to which the foregoing provisions of this section have been complied with.

(2) The execution of any works under the provisions of this section shall not relieve any person of any liability under section 150 (Power to compel paving &c. of private streets) of the Public Health Act 1875 or under the Act of 1892 or under the local Acts for the time being in force within the borough.

(3) Any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

87.—(1) At any time within five weeks after the deposit of the plans of any new building intended or adapted for use as a dwelling-house (or where such plans have been approved but the erection of the building has not been begun before the passing of this Act at any time before the erection thereof has been commenced) the Corporation may by notice in writing require the provision either before the building is erected or before it is sold let or occupied (as the Corporation shall specify) of sufficient means of communication between the building and a street which is either a highway repairable by the inhabitants at large or has been laid out and constructed in accordance with the byelaws or other provisions for the time being in force with respect to new streets.

Means of access to buildings.

PART VIII.
—cont.

(2) If it appears to the Corporation to be necessary that the means of communication to be provided under this section shall be in the form of a street the Corporation may by their notice require a new street to be laid out and if the construction of such means of communication appears to them necessary they may by their notice require constructional work in connection with such means of communication not exceeding that required for a new street by the byelaws or other provisions in force with respect to the construction of new streets.

(3) Where notice of a requirement under this section has been given by the Corporation to any person such person shall not begin to erect or proceed with the erection of any building to which the notice relates nor sell let or occupy such building (as the notice shall specify) until the notice of the Corporation has been complied with or until security has been given to the satisfaction of the Corporation that the notice will be complied with.

(4) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

As to
termination
of new
streets.

88.—(1) The Corporation may on the deposit of a plan and sections of a new street in pursuance of any byelaw in force in the borough by order prohibit the erection or retention on land belonging to the owner of the land upon which such new street is proposed to be constructed or laid out of any wall or fence hedge or other obstruction at either end of such new street in order to secure means of communication between such new street and any other street or intended street or for the purpose of securing an adequate opening at either end of the new street:

Provided that such prohibition shall not become operative until the streets on both sides of such wall or fence hedge or other obstruction shall become highways repairable by the inhabitants at large.

(2) If any person acts in contravention of any order made by the Corporation under the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Byelaws as
to alteration
of streets.

89. The Corporation may make byelaws to prevent streets which have been laid out or constructed in accordance with byelaws made under the Public Health Acts from being altered in such a way that if at first so laid out or constructed they would have contravened the byelaws.

90. Section 17 (Power to vary position or direction and to fix beginning and end of new streets) of the Public Health Acts Amendment Act 1907 shall in its application to the borough be read and have effect as if subsection (2) of the said section were omitted therefrom.

Amendment
of section 17
of Public
Health Acts
Amendment
Act 1907.

91.—(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 applicant or the person giving such notice to furnish them with plans and particulars of the proposed development of any neighbouring land belonging to him the development of which is in their opinion likely substantially to affect or be affected by the determination of the site of the proposed street 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 and particulars required as aforesaid shall be so furnished.

Development
scheme may
be required
in connection
with new
streets.

(2) In this section the expression "lay out a new street" includes the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street.

(3) If after receiving the plans 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 and particulars neither the owner of the land nor his successors in title shall carry out the development of such land in such a manner as to conflict substantially with such plans and particulars as approved.

(4) If any person 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.

(5) (a) The Corporation may remove pull down or alter so as to bring into conformity with such plans and particulars as approved any building or other work which conflicts substantially with such plans and particulars as approved or in the erection or carrying out of which any of such plans and particulars have not been complied with and (unless a penalty shall have been imposed upon the owner under subsection (4) of this section) may recover the expense incurred by them in so doing from the owner.

(b) Before taking any action under this subsection the Corporation shall serve notice in writing on the owner and occupier of the building or land in respect of which the action is proposed to be taken and on any other person who in their opinion may be affected thereby specifying the nature thereof and the grounds upon which they propose to take that action.

PART VIII,
—cont.

(c) Any notice served under this subsection shall notify the right of appeal conferred by section 208 (As to appeals) of this Act.

(6) The owner may at any time submit to the Corporation for their approval any alteration in the said plans and particulars and the Corporation may if they think fit approve such alteration.

(7) Nothing in this section shall be deemed to authorise any contravention of any byelaw or statutory provision in force in the borough.

Provision for
intersecting
streets.

92.—(1) On the approval of any plan for a new street or new streets submitted to the Corporation under any byelaw or enactment for the time being in force the Corporation may require provision for such intersecting streets as may be reasonably required.

(2) The expression “ intersecting street ” in subsection (1) of this section means a side or cross street forming a junction with another street.

(3) Any person who fails to comply with any requirement of the Corporation under subsection (1) of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

Adjustment
of boundaries
of streets.

93.—(1) The Corporation may enter into and carry into effect agreements with persons having a legal interest in lands adjoining any street for the adjustment of the boundary of any such street and for such purpose may give 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 same in accordance with an agreement entered into in pursuance of this section.

(2) 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 during such period of one month any four inhabitant householders of the borough by themselves or their agent may appeal to a court of summary jurisdiction against the proposals and subsections (2) to (7) of section 208 (As to appeals) of this Act shall apply to any such appeal as if the proposals were a decision of the Corporation.

(3) 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:

Provided that if the Corporation or any person in whom such site is vested desires that such telegraphic line should be altered the enactments of section 7 (Provision as to work which involves alteration in telegraphic line) of the Telegraph Act 1878 shall thereupon apply in all respects as though the Corporation or the said person (as the case may be) were "undertakers" within the meaning of the said Act.

(4) Notwithstanding any agreement entered into under this section the Central Electricity Board and the County of London Electric Supply Company Limited shall continue to have the same powers and rights in respect of any electric lines belonging to or used by them which shall remain in under upon over along or across the site of any street which shall have been conveyed in accordance with such agreement as if the same had continued to be part of the street and if by reason or in consequence of any such agreement it shall be necessary for the Central Electricity Board or the said company to alter the position of any such electric lines they shall be at liberty so to do and the reasonable expenses incurred by them in so doing shall be paid to them by the Corporation.

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

94.—(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) 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 and the provision so to be made and the terms and conditions upon 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:

Adjustment
of boundaries
of estates.

PART VIII.
—cont.

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 in any case be agreed to be inapplicable or be determined by the arbitrator to be inapplicable the same shall be indicated in any agreement or award made under the provisions of this section.

(4) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid the Corporation may themselves purchase any land and may sell or lease the land so purchased in whole or in part at such time or times at such price or prices and on such conditions as they may think fit or may appropriate the same for any public purpose approved by the Minister and until such sale or appropriation may occupy manage or let the same or any part thereof in such manner as the Corporation may think reasonable.

Power to
vary width
of carriage-
ways and
footways.

95.—(1) The Corporation may if they think fit in any case vary the relative widths of the carriageway and footway or footways in any street repairable by the inhabitants at large:

Provided that twenty-one days before commencing any work under this section which will materially reduce the width of any carriageway or footway the Corporation shall send notice of the proposed work to the Minister of Transport.

(2) Whenever the Corporation in the exercise of the powers of this section shall add to the carriageway of a street any portion of the footway in which there are any electric lines works or apparatus of the Central Electricity Board or of the County of London Electric Supply Company Limited

that board or that company as the case may be may and shall if so required by the Corporation alter the position of such electric lines works or apparatus to such a depth below the surface of the carriageway or to such a position under the footway as may be reasonable and the Corporation shall repay to that board or that company as the case may be the reasonable expenses of and in connection with such alteration as aforesaid.

PART VIII:
—cont.

(3) The Corporation shall not exercise the powers of this section in respect of any street situate upon a bridge over the railway of a railway company or upon the approaches thereto without the previous consent in writing of the railway company or if such consent be unreasonably withheld the consent of the Minister of Transport.

96.—(1) In any case in which the forecourt of any premises adjoining a street or any steps or projection placed in any such forecourt or any goods placed therein whether for sale or not is or are a source of danger obstruction or inconvenience to the public the Corporation may require the owner of the premises well and sufficiently to fence such forecourt from the street.

Fencing of
forecourts.

(2) Any person who shall fail to comply with any requirement under this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

97.—(1) It shall be lawful for the owner or occupier of any property with the consent in writing of the Corporation to construct in any pavement forming part of any street in the borough any means (in this section referred to as "pavement lights") for the admission of light or air through such pavement to any room or premises situate under or adjoining the same.

As to
pavement
lights.

(2) In giving their consent to the construction of any pavement lights the Corporation may attach thereto such terms and conditions as they may think fit.

(3) Any agreements entered into by the Corporation with any person prior to the passing of this Act which would have been valid under the provisions of this section if made after the passing thereof are hereby confirmed.

98.—(1) In connection with the purposes mentioned in section 154 (Power to purchase premises for improvement of streets) of the Public Health Act 1875 and section 68 (Power to provide parking places for vehicles) of the Public Health Act 1925 the Corporation may temporarily stop up and divert and interfere with any street and may for any reasonable time divert the traffic therefrom and prevent all persons

Temporary
stoppage
of streets.

PART VIII.
—cont.

other than those bona fide going to or from any land house or building in the street from passing along and using the same.

(2) The Corporation shall provide reasonable access for foot passengers bona fide going to or from any such land house or building.

(3) The Corporation shall not exercise the powers of this section so as to prevent reasonable access for foot passengers and vehicular traffic bona fide going to or from any railway station or depot of any railway company.

Stopping
up and
diversion
of highways.

99.—(1) Subject to the provisions of this section a court of summary jurisdiction if satisfied on the application of the Corporation that a highway within the borough is unnecessary may by order authorise the stopping up thereof and if so satisfied that a highway within the borough can be diverted so as to make it nearer or more commodious to the public may by order authorise it to be so diverted.

(2) Any such application or order may be made with respect to any length of a highway and in the subsequent provisions of this section any reference to a highway shall be construed as a reference to that length thereof to which the application or order relates.

(3) No order shall be made under subsection (1) of this section unless the court is satisfied that notice of the intention to make the application specifying the time and place at which it is to be made and the order which will be asked for and embodying a plan showing what will be the effect of the order asked for—

(a) has at least twenty-eight days before the date on which the application is made been served either personally or by registered post on the owners or reputed owners and the occupiers of all land abutting on the highway; and

(b) has during at least twenty-eight days been exhibited in such manner and in such positions on or near the highway as are reasonably sufficient for notifying persons using the highway of the application;

and that a similar notice (except that there may be substituted for the plan a statement of the place where such a plan can be inspected at all reasonable hours without payment) has been inserted once at least in each of four successive weeks in a local newspaper circulating in the borough.

(4) On the hearing of such an application the Corporation and any person who is interested in land abutting on or served by the highway or uses the highway or is otherwise aggrieved shall have a right to be heard and an appeal against

the decision of the court may be brought to quarter sessions either by the Corporation or by any such person as aforesaid who was or claimed to be heard by the court.

PART VIII.
—cont.

(5) For the purposes of the provisions of the Summary Jurisdiction Act 1879 as amended by the Summary Jurisdiction (Appeals) Act 1933 with respect to appeals to quarter sessions—

42 & 43 Vict.
c. 49.
23 & 24 Geo. 5.
c. 38.

- (a) a refusal by a court of summary jurisdiction to make an order under this section shall be deemed to be an order;
- (b) in a case where more than two persons were heard or claimed to be heard in opposition to an application under this section it shall be sufficient if a notice of appeal against a refusal to make an order upon that application is served upon any two of those persons in addition to the clerk to the court of summary jurisdiction but any of those persons whether served with such a notice or not may appear at quarter sessions as respondents to the appeal;
- (c) any appeal under this section whether against an order or against a refusal to make an order shall be in the nature of a re-hearing.

(6) Every order made under this section shall have annexed thereto a plan signed by the chairman of the court and shall be binding on all persons whatsoever.

(7) Provided that—

- (i) nothing in this section shall authorise the diversion over any land of any highway unless the written consent of every person having a legal interest in that land is produced to and deposited with the court; and
- (ii) an order under this section authorising the diversion of a highway shall not authorise the stopping up of any part thereof until the new part to be substituted for the part stopped up has been completed to the satisfaction of two justices and a certificate to that effect signed by them has been transmitted by their clerk to the town clerk.

(8) Where an order is made by a court of summary jurisdiction under this section authorising the stopping up or diversion of a highway the clerk of the court shall forthwith transmit the order to the town clerk together if the order be for diverting a highway with the written consents produced to the court and the town clerk shall enrol any documents so transmitted to him and any certificates transmitted to him under subsection (7) of this section among the records of the Corporation.

PART VIII.
—cont.

(9) Where any highway is diverted in accordance with an order made under this section the substituted highway shall be repairable by the person (if any) by whom the original highway was repairable.

(10) Any application or order under this section—

(a) may include two or more highways which are connected with each other;

(b) may relate to the stopping up or diversion of a highway for the purposes of all traffic or subject to the reservation of a bridle-way or footway.

(11) The provisions of this section shall be in addition to and not in derogation of any other provisions relating to the stopping up and diversion of highways.

Restrictions
on rights
of breaking
up streets.

100.—(1) If not less than three months before commencing any work involving the closing to vehicular traffic of any street or part of a street in the borough either absolutely or to the extent of one third or more of the width of the carriage-way thereof the Corporation shall give notice in writing of their intention to execute such work to all undertakers having statutory powers to break up that street then when such work has been executed by the Corporation it shall not be lawful for any such undertakers within twelve months of the completion of such work to break up the street or part of a street so closed without the consent of the Corporation which consent shall not be unreasonably withheld and the Corporation may if they think fit and without prejudice to their other rights and powers attach to any consent given under this section such conditions as may be reasonable with respect to the times at which and the period within which the work of the undertakers shall be executed and completed:

Provided that as respects any work executed by any undertakers which but for the provisions of this section would have been lawfully executed nothing in this section shall deprive such undertakers of any right or immunity as between themselves and any person other than the Corporation to which but for the said provisions such undertakers would have been entitled in respect of such work.

(2) Any dispute or difference which may arise between the Corporation and any undertakers under the provisions of the preceding subsection shall be referred to arbitration the arbitrator in the absence of agreement being appointed by the President of the Institution of Civil Engineers.

(3) Nothing in this section shall prevent any such undertakers as aforesaid from carrying out extending or enlarging works in any street in case of emergency or prevent any such undertakers from carrying out any works necessary to enable

them to perform their statutory duties as such undertakers or their obligations under any contract subsisting at the date of the giving of the notice by the Corporation in default of which they would be liable to any penalty or damages or from making altering repairing extending enlarging or disconnecting communication pipes or service connections or laying service lines between premises and distributing mains or altering repairing extending enlarging or disconnecting any service line or from laying mains or pipes for the supply of property not previously supplied with gas or water as the case may be.

In this subsection the expression "service line" has the meaning assigned thereto by the schedule to the Electric Lighting (Clauses) Act 1899.

101.—(1) When any street repairable by the inhabitants at large shall be opened or broken up by any person he shall with all convenient speed complete the work on account of which the same shall have been broken up and fill in the ground and reinstate and make good to the reasonable satisfaction of the surveyor and with materials to be reasonably approved by him the street so opened or broken up:

Reinstatement
of streets
broken up.

Provided that if the Corporation give notice to such person before he commences to reinstate and make good such street the Corporation may themselves reinstate and make good the street so opened or broken up and may recover the cost reasonably incurred by them in so doing from such person.

(2) 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 forty shillings.

102. If—

As to
evasion by
owners of
private street
works
expenses.

- (i) any owner of land fronting adjoining or abutting on a street within the meaning of section 5 (Interpretation) of the Act of 1892 and situate in the borough conveys sells leases or otherwise disposes of the part or any portion of the part of that land which fronts adjoins or abuts on that street; and
- (ii) any expenses of works executed by the Corporation under the Act of 1892 in or in relation to that street are apportioned on such part or portion of that land; and
- (iii) the Corporation are unable to recover such expenses in whole or in part from the person to whom such part or portion of that land was conveyed sold leased or disposed of or by the sale of such part or portion of that land; and
- (iv) a court of summary jurisdiction is satisfied that such conveyance sale lease or disposal was intended for the purpose of evading the payment of any expenses under the Act of 1892;

PART VIII.
—cont.

then such expenses or so much thereof as has not been recovered by the Corporation may to such extent as the court may determine be recovered from that owner in the same manner as expenses of the execution of works under the Act of 1892 may be recovered as though he had not made such conveyance sale lease or disposal and as though the said amount of the said expenses had been apportioned on the land of that owner which before such conveyance sale lease or disposal was made fronted adjoined or abutted on such street.

As to
urgent repairs
of private
streets.

103. Where in the opinion of the Corporation repairs the cost of which will not exceed one hundred pounds are required in the case of any street not being a highway repairable by the inhabitants at large to obviate or remove danger to any passenger or vehicle in the street the Corporation may execute such repairs as they deem necessary and may themselves pay such cost and the execution of such repairs and the payment of such cost shall not prejudice or affect any statutory provisions for the time being in force relating to private street works and private improvement expenses or similar matters or of section 19 (As to urgent repairs to private streets) of the Public Health Acts Amendment Act 1907.

Application
of Act of
1892 to
parts of
public streets.

104.—(1) In this section the expression "private street works" has the same meaning as in section 6 (Private street works) of the Act of 1892.

(2) Notwithstanding anything contained in the Act of 1892 where it appears to the Corporation that by reason of additions made otherwise than by the giving up for the purpose by the Corporation of lands owned by them to an existing footpath bridle-path or other right of way repairable by the inhabitants at large (not being or comprising a carriageway) a new street has been formed the Corporation may in respect of such street or any part of such street carry out private street works under the provisions of the Act of 1892 and apportion the expenses thereof on the premises fronting adjoining or abutting on such street or such part thereof as if no part of the said street was so repairable.

(3) Notwithstanding anything contained in the Act of 1892 the Corporation may under the provisions of that Act carry out private street works throughout the width of a street notwithstanding that part of the width consists of a highway repairable by the inhabitants at large but save in a case falling within the provisions of subsection (2) of this section the Corporation shall be entitled to apportion against the premises liable to be charged therewith only such part of the expenses as relates to the portion of the street which is not so repairable.

(4) For the purposes of any apportionment under subsection (3) of this section premises fronting adjoining or abutting on a street shall be deemed to front adjoin or abut on the portion of the street which is not repairable by the inhabitants at large.

105.—(1) The Corporation may serve a notice on the owner or occupier of any land or building in respect of any serious injury to the amenities of any public open space which may be caused by the display of advertisements on such land or building requiring him within a reasonable time not being less than twenty-eight days to be specified in the notice to take such action and to execute such works including works of removal as may be necessary to abate the injury. Display of advertisements.

(2) If the person on whom the notice is served fails to comply therewith the Corporation may cause a complaint relating to the injury to be made to a court of summary jurisdiction and that court may issue a summons requiring the person to appear before them and if satisfied that the alleged injury exists may make an order requiring the person to comply with the requisition or otherwise to abate the injury and to do any works necessary for the purpose within a time specified in the order.

(3) If any person fails to comply with the requirements of an order made under subsection (2) of this section he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

(4) Any order made under subsection (2) of this section may also empower the Corporation themselves to undertake the necessary works and to recover the cost from the person against whom the order is made if such person fails to comply with the order.

(5) The provisions of this section in regard to advertisements shall be in addition to and not in derogation of the provisions of the Advertisements Regulation Acts 1907 and 1925. 7 Edw. 7.
c. 27.

(6) Nothing in this section shall apply to—

15 & 16 Geo. 5.
c. 52.

(a) advertisements on houses relating to the letting or sale thereof or upon land relating solely to any trade or business carried on or to any entertainment or meeting auction or sale to be held upon or in relation to such land or any property thereon or to advertisements on the door or in the window of a building if the advertisements do not in either case contain letters figures or advertising emblems exceeding six inches in height and do not (except where affixed to and not projecting above a vertical wall of a building) exceed a height of twelve feet from the ground;

PART VIII.
—cont.

- (b) (for a period of five years from the twenty-seventh day of November nineteen hundred and forty-six) hoardings or similar structures erected or in use for advertising purposes prior to that date advertising stations used by advertisement contractors at that date and any advertisement displayed thereon during that period or any other advertisement displayed at the date of the passing of this Act;
- (c) advertisements on or upon any railway station yard platform or railway approach belonging to a railway company.

(7) The provisions of this section shall to the extent that the subject-matters thereof are dealt with by provisions in a planning scheme coming into operation after the passing of this Act cease to have effect upon the coming into operation of such provisions.

Amendment
of section 36
of Act of
1926.

106. Section 36 (Restrictions on advertisement hoardings &c.) of the Act of 1926 shall have effect as if instead of the words "abutting on or adjoining" in subsection (1) there were inserted the words "within fifteen feet of".

Elevation of
buildings
erected on
front lands
to require
approval.

107.—(1) Where by reason of any improvement made by the Corporation within the borough any land shall become land which adjoins or abuts on any street the following provisions shall apply:—

(a) If the owner lessee or occupier of any such land shall construct—

(i) any door or entrance in an existing building communicating with that street; or

(ii) any wall or fence by the side of that street; he shall construct the door entrance wall or fence in such position and in accordance with such elevations as may be approved by the Corporation;

(b) If the Corporation within five weeks after particulars of position and elevations shall have been submitted to them under this section shall have failed to notify their determination in writing to the person submitting the same the Corporation shall be deemed to have approved of the position and elevations.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) The Corporation shall make compensation to the owner of any land for any loss or damage he may suffer by reason of the setting back or bringing forward of any wall or fence under the provisions of this section.

(4) This section shall not apply to any street which for the time being is subject to restrictions under the Restriction of Ribbon Development Act 1935.

PART VIII.
—cont.

108.—(1) Before any person shall erect on any land 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 may be approved by the Corporation.

As to
erection of
retaining
walls.

(2) Any person who shall erect a retaining wall contrary to the provisions of this section or any owner who after erection shall after reasonable notice in writing from the Corporation requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Corporation be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) The provisions of this section shall not extend or apply to any land belonging to or which may hereafter be acquired by a railway company or the Gas Light and Coke Company or the Southend Waterworks Company or to any retaining wall erected on any such land.

109.—(1) In case any building within the borough is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall if required by the Corporation and if it is reasonably practicable at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised or the top of such last-mentioned building whichever may be the higher.

Erection of
buildings
to greater
height than
adjoining
building.

(2) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding five pounds and a daily penalty not exceeding forty shillings.

110.—(1) The Corporation may by order prohibit or restrict—

Prohibition
on use of
unsuitable
land for
erection of
dwelling-
houses.

(a) the erection of buildings intended or adapted for use as dwelling-houses on any land which in their opinion is liable to flooding; or

(b) the erection of dwelling-houses on land which in their opinion would by reason of the nature of the sub-soil involve danger or injury to health.

(2) Before any order made under this section shall come into force the Corporation shall submit the order to the

PART VIII.
—cont.

Minister for his approval and shall give notice of the proposals of the order to the owner of any land affected by the order and by advertisement in a local newspaper circulating in the borough and in the London Gazette and in such other manner (if any) as the Minister may direct.

The said notice shall name a place where copies of the order can be obtained free of charge and shall state a date (not being less than twenty-one days from the date of the notice) by which and the manner in which any person aggrieved by the order may make representations thereon to the Minister and that any such person shall at the same time send a copy of his representations to the town clerk.

(3) The Minister shall consider any order submitted to him by the Corporation and any representations thereon which may be duly made and may approve the order submitted to him with or without modifications or may disapprove the order.

(4) Before approving any such order the Minister may and if any representation is duly made and is not withdrawn shall (unless the representation appears to him to be frivolous) direct a local inquiry to be held.

(5) The Corporation shall give at least fourteen days' notice of the intention to hold such local inquiry with particulars of any proposed order by advertisement in a local newspaper circulating in the borough and shall also give similar notice in writing to each person who has duly made any representation and has not withdrawn the same.

(6) The order shall take effect as approved by the Minister and shall come into force on a date to be fixed by him.

(7) The Corporation shall give notice of the provisions of any order approved by the Minister under this section by advertisement in a local newspaper circulating in the borough and in such other manner (if any) as may be directed by the Minister.

(8) Any person who commits any breach of any order which has come into force under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(9) (a) If at any time it appears to the Corporation that by reason of the execution of works of drainage or for any other reason an order made under this section may properly be revoked in whole or in part or any conditions imposed by such an order may properly be relaxed the Corporation may by order revoke the original order in whole or in part or relax any conditions imposed thereby.

(b) The Corporation if requested by the owner of any land affected shall take into consideration the question of making an order under this subsection and if any difference arises between the Corporation and an owner as to whether the original order ought to be revoked in whole or in part or whether the conditions thereof ought to be relaxed and if so to what extent that difference may be referred by either party to the Minister and the Minister (whose decision shall be final) may make any order in the matter which the Corporation might have made.

111.—(1) For the purposes of Part II (Provisions for securing the repair maintenance and sanitary condition of houses) of the Housing Act 1936 any dwelling-house which is occupied or is of a type suitable for occupation by persons of the working-classes the person having control of which fails to keep such dwelling-house sufficiently repaired and painted and the interior surface of the walls thereof sufficiently papered or distempered with washable distemper of a suitable quality so as to prevent the dilapidation thereof and so as to secure reasonable amenities for the occupier or occupiers shall be deemed to be a house not in all respects fit for human habitation and the powers of the Corporation under the said Part II shall apply in respect of such dwelling-house accordingly.

Further provisions as to working-class houses.

(2) On an appeal to the county court by the person having control of a dwelling-house upon whom the Corporation have served notice under section 9 (Power of local authority to require repair of insanitary house) of the Housing Act 1936 in consequence of his failure to comply with the provisions of this section the county court judge shall take into consideration—

- (a) if the person upon whom the notice is served is a lessee or agent for a lessee the length of the unexpired period of the lease;
- (b) the period for which the dwelling-house is likely to continue occupied;
- (c) the expenditure incurred by the person having control of the house or the owner during the preceding three years upon the dwelling-house;
- (d) whether the condition of the dwelling-house is or is not due to the wilful default or neglect of the tenant.

112.—(1) Where it appears to the Corporation that any building which is let in flats or tenement dwellings is without satisfactory means of access for the purpose of the removal of refuse—

Means of access to houses for removal of refuse.

- (a) from each of such flats or tenement dwellings to a satisfactory place of storage of refuse; and

PART VIII.

—cont.

(b) from such place of storage to a street;

the Corporation may require the owner of the flat or tenement dwelling to provide such satisfactory means of access for those purposes.

(2) 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 two pounds.

Powers on
inspection.

113.—(1) In exercising any powers of entry upon and inspection of any building or works in course of construction or repair the surveyor or the medical officer or the sanitary inspector or their assistants shall have from the builder or contractor for such building or works free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works.

(2) Any person who shall refuse such use and assistance as aforesaid or shall obstruct the surveyor the medical officer the sanitary inspector or their assistants in the use of such ladders scaffolding and plant as aforesaid shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Provisions
as to tents
vans &c.51 & 52 Vict.
c. 52.

114.—(1) Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of section 3 (Buildings not to be brought forward) 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.

As to
neglected
sites.

115.—(1) In this section "neglected site" means the site of a demolished building which is in such a condition as to be prejudicial to the property in or the inhabitants of the neighbourhood.

(2) A court of summary jurisdiction on complaint by the Corporation may order the owner of any neglected site to remove from the site any material or rubbish within a reasonable time to be fixed by the order.

(3) If the order is not obeyed within the time thereby prescribed the Corporation at any time after the expiration of such time may enter upon the neglected site and execute the order.

(4) All expenses incurred by the Corporation under subsection (3) of this section in relation to a neglected site may be recovered by the Corporation from the owner of the neglected site.

116. Nothing contained in the following sections of this Act (namely):— Saving for railway companies.

Section 94 (Adjustment of boundaries of estates); and

Section 107 (Elevation of buildings erected on front lands to require approval);

shall extend or apply to any building (not being a house or building used as offices other than a building so used which forms part of a railway station) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers or to any land held or acquired or which may hereafter be held or acquired by such 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 IX.

SEWERS AND DRAINS.

117. For the purpose of facilitating the disposal of surface water and sewage the powers of the Corporation under section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 shall extend to the making of byelaws requiring any person constructing a new street within the borough to provide separate sewers for the reception of surface water and of sewage respectively. Separate sewers for sewage and surface water.

118.—(1) Where the Corporation resolve to construct a sewer in a street or part of a street repairable by the inhabitants at large which has not been previously sewered and the resolution states that the construction of the sewer will in the opinion of the Corporation increase the value of premises fronting adjoining or abutting on such street or part of a street then subject to the provisions of section 120 (Provisions applicable to the last two preceding sections) of this Act the expenses incurred by the Corporation in constructing the sewer so far as they do not exceed the sum authorised by the last-mentioned section shall be apportioned by the Corporation on the premises fronting adjoining or abutting on the Apportionment to frontagers of expenses of sewer constructed under public highway.

PART IX.
—cont.

street or part of a street according to the frontages of the respective premises as existing at the date when the resolution becomes operative.

(2) Such resolution as aforesaid shall not become operative unless and until notice thereof has been published in a local newspaper circulating in the borough but shall become operative as from the date of such publication.

Copies of the newspaper containing the notice shall be sufficient evidence of the publication thereof.

(3) Nothing in this section shall authorise the apportionment of any sum on any land in contravention of any agreement between the Corporation and the owners of the land.

Apportionment to frontagers of expenses of construction of sewer before land became a street.

119.—(1) Where the Corporation have incurred expenses in constructing after the passing of this Act a length of sewer in land and that land has subsequently become a street (whether repairable by the inhabitants at large or not) then subject to the provisions of the next succeeding section the expenses so incurred so far as they do not exceed the sum authorised by that section shall be apportioned by the Corporation on the premises fronting adjoining or abutting on the street according to the frontages of the respective premises.

(2) Where on the construction of the length of sewer compensation became due to the owner of any land in which the length of sewer was constructed in respect of the damage he sustained by reason of such construction and any sum was set off against such compensation on account of the value of the land belonging to such owner having been enhanced by the construction of the length of sewer this section shall not apply to the length of sewer or to such part thereof as was constructed in such land as aforesaid.

(3) Nothing in this section shall authorise the apportionment of any sum on any land in contravention of any agreement between the Corporation and the owner of the land.

Provisions applicable to the last two preceding sections.

120.—(1) The sum apportionable under either of the two last preceding sections of this Act shall not exceed the sum certified by the surveyor to be at the time the average cost per lineal yard of providing a sewer having an internal diameter of nine inches in a private street in the borough multiplied by the extent in lineal yards (as so certified) of the sewer or length of sewer in question.

(2) As soon as the apportionment has been made the Corporation shall serve on the owners of the several premises affected notice in writing of the sums respectively apportioned to them and the notice shall state the right of appeal hereinafter conferred.

(3) Any owner on whose premises any sum has been apportioned shall be entitled within fourteen days of the service upon him of such notice as aforesaid to appeal to a court of summary jurisdiction against the amount of the sum so apportioned and may on such appeal dispute the correctness of the surveyor's certificate.

If the court finds that the certificate of the surveyor is erroneous the court shall order the revision of the sums apportioned not only to the appellant but also to the owners of the other premises affected.

(4) Whenever a new building (other than a building not requiring a foul water drainage system) is erected on any premises fronting adjoining or abutting on the street or part of the street after the date when the resolution became operative or the street was laid out (as the case may be) the sum apportioned on those premises shall be recoverable to an extent proportional to the frontage on the street or part of the street of the site of and the land occupied with the new building:

Provided that where the drains of such new building are at the time of its erection made to connect with a sewer other than the sewer the expenses of the construction of which are apportioned no sum shall be recoverable in respect of the building unless and until the drains thereof are connected with the last-mentioned sewer.

For the purposes of this subsection—

- (a) a building shall be deemed to be a new building erected after the date in question unless the erection of the building was completed before that date;
- (b) any such re-erection alteration or extension of a building as is mentioned in the Third Schedule to the Restriction of Ribbon Development Act 1935 shall be deemed to be the erection of a new building:

Provided that references in the said schedule to the date on which the restrictions came into force shall for the purposes of this subsection be construed as references to the date when the resolution became operative or the street was laid out as the case may be.

(5) The sum apportioned on any premises shall notwithstanding that no part thereof is immediately recoverable be treated as a local land charge for the purposes of the Land Charges Act 1925 and where part thereof has become recoverable the balance shall be so treated.

(6) No interest shall be chargeable on any apportioned sum or any part thereof until it becomes recoverable.

PART IX.
—cont.

(7) Where such a resolution as is mentioned in section 118 (Apportionment to frontagers of expenses of sewer constructed under public highway) of this Act has been passed but the construction of the sewer to which it relates has not been completed within two years from the date when the resolution became operative all liabilities of frontagers consequent thereon shall cease to have effect.

(8) If any person from whom an apportioned sum or any part thereof becomes recoverable proves that by reason of the length of frontage of the land occupied with the building in respect of which the sum so recoverable is payable the amount recoverable is disproportionate to the benefit accruing to the premises the Corporation or on appeal a court of summary jurisdiction may remit such part of that sum as they may think just but in such case if another new building is subsequently erected on the land occupied with the first-mentioned building the sum remitted or such part thereof as is proportional to the frontage of the site of and land occupied with that other building shall become recoverable.

(9) Where under this section any sum becomes recoverable in respect of any premises that sum together with interest from the date of service of a demand therefor may be recovered either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt by the Corporation from the person who is the owner of the premises at the date when a demand for payment is served and as from that date that sum and interest accrued due thereon shall until recovered be a charge on the premises and on all estates and interests therein and the following provisions of the Act of 1936 shall apply as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

Subsections (2) to (4) of section 291 (Certain expenses recoverable from owners to be a charge on the premises; power to order payment by instalments);

Subsection (2) of section 293 (Recovery of expenses &c.);
and

Section 329 (Saving for certain provisions of the Land Charges Act 1925).

121. If on a complaint by the Corporation to a court of summary jurisdiction it is proved to the satisfaction of the court—

- (i) that the owner of any land has conveyed sold leased or otherwise disposed of a portion of the land; and
- (ii) that by reason of such disposition any part of the land has ceased to be or has not become land fronting adjoining or abutting on a street within the

As to
evasion by
owners of
sewerage
expenses.

meaning of section 118 (Apportionment to frontagers of expenses of sewer constructed under public highway) of this Act or as the case may be of section 119 (Apportionment to frontagers of expenses of construction of sewer before land became a street) of this Act; and

- (iii) that the disposal of such portion of the land was effected with the intention and for the purpose of the evasion of the payment of expenses under the sections in question;

then the court shall order that such expenses shall be apportioned on the land which immediately before the date of such conveyance sale lease or disposal included the land so conveyed sold leased or disposed of and thereafter such expenses may be recovered from the owner of any part of that land on which a new building within the meaning of the last preceding section of this Act is erected and shall be a charge on any such part of that land and on all estates and interests therein to the same extent and in the same manner as any sum apportioned under either of the said sections 118 and 119 of this Act may be recovered and is charged on the premises under the said last preceding section of this Act.

122.—(1) In any case where it appears to the medical officer or the sanitary inspector that any drain private sewer water-closet or soil-pipe (not being the property of a railway company) is stopped up the medical officer or the sanitary inspector shall give notice to the owner or occupier of the premises to remedy the defect and if such notice is not complied with within forty-eight hours from the service thereof the Corporation may carry out the work necessary to remedy the defect and may subject as hereinafter provided recover the expenses incurred in that behalf from such owner or occupier.

As to
defective
drains &c.

(2) Upon any proceedings under this section the court may inquire whether any requirements 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 under the circumstances of the case.

123. The powers of section 48 (Power of local authority to examine and test drains &c. believed to be defective) of the Act of 1936 may be exercised in pursuance of any general or special directions given by the Corporation in any case where it appears to the medical officer or the sanitary inspector that

Further
power to
examine
and test
drains &c.
believed to
be defective.

PART IX.
—cont.

there are reasonable grounds for believing that a sanitary convenience drain private sewer or cesspool is in such a condition as to be prejudicial to health or a nuisance or that a drain or private sewer communicating directly or indirectly with a public sewer is so defective as to admit subsoil water.

As to
repair of
drains.

124. If any drain or private sewer shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Corporation it shall be lawful for the Corporation if in their opinion such drain can be sufficiently repaired at a cost not exceeding fifty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners of such drain in such proportions as the surveyor shall determine:

Provided that where such expenses do not exceed forty shillings the Corporation may remit the payment of the same by the owner or owners if the Corporation think fit.

Cleansing of
sinks and
gullies.

125. The Corporation at the request of the owner or occupier of any premises may undertake the cleansing of any water-closets drains sinks or gullies in or connected with such premises for such remuneration as may be determined by the Corporation and the amount thereof shall be recoverable from the person by or on behalf of whom the request is made.

Penalty for
damage to
surface
water
drains &c.

126.—(1) Any person who stops up damages injures or removes any surface water drain or land drain by means of which water is conveyed from lands which do not belong to that person shall unless—

- (a) before stopping up damaging injuring or removing such drain he shall have provided a proper substitute to the satisfaction of the Corporation; or
- (b) he shows to the satisfaction of the Corporation that no material detriment is caused to such lands by stopping up damaging injuring or removing such drain;

be liable to a penalty not exceeding five pounds and the Corporation may give notice to such person requiring him to restore the drain to its former condition.

(2) If within the period of fourteen days the said person shall not commence the work of restoration or replacement or if having commenced such work he does not complete the same with all diligence the Corporation may themselves carry out the work necessary in that behalf and may recover the expense incurred by them in so doing from any such person in any court of competent jurisdiction.

PART X.

INFECTIOUS DISEASE HEALTH AND SANITARY PROVISIONS.

127. In this Part of this Act "notifiable disease" has the same meaning as is assigned thereto by the Act of 1936 but also includes dysentery acute poliomyelitis (including polio-encephalitis and polio-encephalo-myelitis) encephalitis lethargica whooping cough measles and cerebro-spinal fever.

Definition
of notifiable
disease.

128.—(1) The occupier of any building which is used for human habitation and in which there is or has been any person suffering from a notifiable disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the existence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

Information
to be
furnished
in case of
notifiable
disease.

(2) Any occupier refusing to furnish such information or knowingly furnishing false information shall be liable to a penalty not exceeding forty shillings.

129.—(1) As from the commencement of this section 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 notifiable disease in any person residing with him or is himself suffering from such a disease 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.

Parents &c.
to notify
certain
diseases.

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.

130.—(1) As from the commencement of this section no person of or exceeding the age of sixteen years who has the custody charge or care of a child—

Restrictions
on attendance
at schools
and places
of assembly.

(a) who is or has been attending any school or any part thereof which for the time being is closed by order of the Corporation or of the education committee of the council with the view of preventing the spread of a notifiable disease; or

PART X.
—cont.

- (b) who is suffering from a notifiable disease; or
 (c) who with the view of preventing the spread of a notifiable disease has been prohibited from attending school by the medical officer or school medical officer;

shall permit such child to attend any Sunday school or day school or place of public entertainment or assembly without having procured from the medical officer or school medical officer or the medical practitioner attending the child a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or day school or place of public entertainment or assembly without undue risk of communicating disease to others.

(2) In this section the expression "day school" means a school (not being a school provided by a local education authority) at which some or all of the children are not boarders but the provisions of this section shall not apply to the attendance at a day school of children who are boarders at that school.

(3) Any person who offends against the provisions of this section shall be liable to a penalty not exceeding forty shillings.

Power to close schools and exclude children from entertainments.

131.—(1) If the Corporation or any committee of the council acting on the advice of the medical officer with the view of preventing the spread of a notifiable disease require the closing of any Sunday school or day school or any department thereof or the exclusion of certain children therefrom for a specified time or the exclusion of children from places of public entertainment or assembly for a specified time such requirements shall be at once complied with.

(2) Any person responsible for the conduct or management of any Sunday school or day school or any department thereof or place of public entertainment or assembly wilfully failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding five pounds.

(3) In this section the expression "day school" means a school (not being a school provided by a local education authority) at which some or all of the children are not boarders but the provisions of this section shall not apply to the attendance at a day school of children who are boarders at that school.

Compensation to persons for ceasing employment to prevent spread of disease.

132. If any person at the request in writing of the Corporation or the medical officer stops his employment for the purpose of preventing the spread of a notifiable disease or of a milk-borne disease as defined in section 37 of the Food and Drugs Act 1938 or of food poisoning the Corporation may make compensation to him for any loss occasioned by reason of such stoppage.

133.—(1) If the medical officer has reasonable cause to believe that in any premises there is a person who is suffering or who has recently suffered from a notifiable disease he may on obtaining a warrant from a justice of the peace which such justice is hereby authorised to grant enter such premises and examine any person found therein with a view to ascertaining whether he is suffering or has recently suffered from such disease:

PART X.
—cont.
Entry into
premises
in case of
disease.

Provided that the medical officer shall not under the powers of this section—

- (a) enter any premises except between the hours of seven in the morning and ten in the evening; or
- (b) examine a person who is already under the treatment of a medical practitioner except with the consent of the latter.

(2) Any person who obstructs the medical officer in the exercise of his powers under this section shall in addition to any other punishment to which he may be subject be liable to a penalty not exceeding five pounds.

134.—(1) If the medical officer certifies in writing—

- (a) that any person in the borough (in this section referred to as "the patient")—

Removal of
infirm and
diseased
persons in
certain cases.

- (i) 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

- (ii) is suffering from any grave chronic disease; and

- (b) that the patient is unable to devote to himself or to receive from persons with whom he resides proper care and attention; and

- (c) that thorough inquiry and consideration have shown the necessity in the interest of the health of the patient or 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 under this section to a court of summary jurisdiction.

(2) On any such application the court upon oral proof of the allegations in the certificate and subject (if they think fit) to examination of the patient by a registered medical practitioner nominated by the court may make an order for the removal of the patient to a suitable institution and for his detention and maintenance therein so long as the order remains in force.

PART X.
—cont.

(3) Where an order is for the time being in force for the detention and maintenance of the patient in a suitable institution a court of summary jurisdiction acting for the same place as the court which made the order may on the application of the medical officer make a further order for the transfer of the patient to another suitable institution and for his detention and maintenance therein so long as the further order remains in force.

(4) An order made under the foregoing provisions of this section shall unless rescinded under the next following subsection remain in force for such period not exceeding three months as may be determined by the order or such further period or periods each not exceeding three months as may be determined by a further order or orders made on the application of the medical officer by a court of summary jurisdiction acting for the same place as the court which made the original order:

Provided that no such further order shall be made unless the court are satisfied by the certificate of the medical officer of the institution in which the patient is for the time being detained and such further evidence (if any) as the court may require that the conditions which led to the making of the original order continue or would recur if the patient were no longer detained.

(5) At any time after but not before the expiration of six clear weeks from the making of an order under the foregoing provisions of this section an application for the rescission of the order may be made by or on behalf of the patient to a court of summary jurisdiction acting for the same place as the court which made the order and the court may rescind the order accordingly if having regard to the circumstances of the case they are of the opinion that it is right and proper that it should be rescinded.

(6) No application shall be made under this section unless not less than three clear days' notice of intention to make the application and of the time and place when and where the application will be made has—

- (a) in the case of an application under the last foregoing subsection been given by the patient or other person making the application to the medical officer; and
- (b) in the case of any other application been given by the medical officer to the patient or to some person being in charge or formerly in charge of the patient.

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

(8) The expenses of the removal or transfer of the patient to or from a suitable institution 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 the patient is so detained the Corporation—

- (a) may and if so required by the court shall make towards the maintenance of the dependants of the patient such contributions as the Corporation think fit or as may be directed by the court as the case may be; and
- (b) may if they think fit pay the whole or any part of any rent which the patient may be liable to pay in respect of that period or the cost of storing his furniture during that period:

Provided that—

(i) where the institution to which the patient is to be removed is a public assistance institution the authority to which the institution belongs may in the exercise of their powers under any scheme made under Part I of the Local Government Act 1929 assume such obligations with regard to the maintenance of the patient and his dependants as may be agreed between that authority and the Corporation; and

(ii) nothing in this subsection shall apply to the cost of maintenance of the patient in a hospital vested in the Minister under the National Health Service Act 1946.

9 & 10 Geo. 6.
c. 81.

(9) The Corporation shall recover from the patient or from any person legally liable to maintain him or from the patient's estate if he has died any expenses incurred by them under subsection (8) of this section or if the Corporation are satisfied that the persons from whom the expenses are under this subsection recoverable cannot reasonably having regard to their financial circumstances be required to pay the whole of such expenses such part thereof (if any) as those persons are in the opinion of the Corporation able to pay.

(10) The powers of this section shall not be put into operation by the medical officer unless he is authorised by a resolution of the Council 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 this section for the removal or transfer of any person to a suitable institution without the consent in writing of the authority or body having the control thereof and such consent may be given subject to such conditions as may be agreed.

PART X,
—cont.

(II) In this section the expression "suitable institution" means a suitable hospital infirmary or other institution or other suitable place provided within the borough or within a convenient distance of the borough.

Cleansing
of filthy
or verminous
premises.

135. Section 83 (Cleansing of filthy or verminous premises) of the Act of 1936 shall within the borough have effect as if the following were substituted for subsection (1) of that section:—

"(1) Where it appears to the local authority upon a certificate of the medical officer of health or any sanitary inspector that any premises—

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

(b) are verminous;

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

(i) by cleansing and disinfecting them;

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

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

Prohibition on
sale of
verminous
articles.

136.—(1) No dealer shall—

(a) prepare for sale;

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

(c) deposit for the purpose of sale or preparation for sale;

any furniture mattress bed linen clothing or similar article (in this section called "article") if the same are to his knowledge infested with bugs or other vermin or if by taking reasonable precautions he could have known the same to be so infested.

(2) If a dealer contravenes the provisions of this section he shall be liable to a penalty not exceeding five pounds and the Corporation upon a certificate of the medical officer or the sanitary inspector may remove any such verminous article and cause the same to be cleansed purified disinfectated or destroyed as the case may require and may recover the cost of so doing from such dealer.

(3) (a) The medical officer and the sanitary inspector may enter any premises in which any article is sold or exposed for sale for the purpose of examining whether there be any contravention of the provisions of this section or for the purpose of removing any verminous article.

(b) Every person who refuses to permit the medical officer or the sanitary inspector to enter any premises or make any inspection which he is authorised under the provisions of this section to enter or make or obstructs him in the execution of his duty under such provisions shall be liable to a penalty not exceeding five pounds.

(4) For the purposes of this section—

“dealer” means any person who trades or deals in any of the articles referred to in this section;

“preparation for sale” shall not include disinfestation.

137.—(1) The contractor engaged in or upon the construction or reconstruction of any work not being a work to which section 107 (Building operations) or section 108 (Works of engineering construction) of the Factories Act 1937 applies shall where practicable and if required by the Corporation provide to the reasonable satisfaction of the Corporation and until the completion of any such construction or reconstruction maintain such water or other closets and urinals in or in connection with such work as may be sufficient for the accommodation of the workmen employed.

Sanitary
conveniences
for workmen.
1 Edw. 8. and
1 Geo. 6.
c. 67.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

138.—(1) Every parking place for vehicles (not being part of a street) which has an area exceeding three thousand five hundred square feet and for the use of which payment is demanded or made shall be provided by the owner with sufficient and satisfactory accommodation in the way of sanitary conveniences (including separate accommodation for persons of each sex):

Sanitary
conveniences
&c. at
parking
places.

Provided that—

(a) this subsection shall not apply to—

(i) a parking place any part of which is situate within two hundred and twenty yards of any public convenience; or

(ii) a parking place which is used exclusively by public service vehicles and at which no passengers are taken up or set down;

PART X.
—cont.

(b) for a period of four years from the twenty-seventh day of November nineteen hundred and forty-six the provisions of this subsection shall not apply to a parking place which was in use on or before that date.

(2) The owner of any parking place for vehicles which is used in contravention of 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 two pounds.

(3) The Corporation may make byelaws requiring—

(a) adequate supervision of parking places to which subsection (1) of this section applies during such times as they are open to the public; and

(b) the provision of notices in parking places (other than parking places to which subsection (1) of this section applies) indicating the nearest public convenience.

Discontinu-
ance of
offensive
trade.

139.—(1) In any case in which premises are being used for the carrying on of an offensive trade within the meaning of section 107 (Restriction on establishment of offensive trade in urban district) of the Act of 1936 and the Corporation by resolution decide that it is inexpedient in the interests of public health or having regard to any change since the date of the establishment of such offensive trade in the character of the neighbourhood in which such premises are situate that such trade should be carried on in such premises the Corporation may serve on the owner or occupier of such premises notice in writing stating the effect of the resolution and requiring him before the expiration of six months from the date of the notice to cease to use such premises for the carrying on of such offensive trade.

(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 in pursuance of this section 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 any other powers of the Corporation with reference to offensive trades.

140.—(1) The Corporation may make byelaws for limiting or prescribing the places where the tipping of dust spoil or refuse may or may not take place for regulating such tipping and for prohibiting the use of any dust spoil or refuse tip so as to be a nuisance to the occupiers of any premises in the neighbourhood thereof. Byelaws as to tipping refuse.

(2) The byelaws made under this section may contain provisions for imposing on persons offending against the byelaws penalties recoverable on summary conviction not exceeding fifty pounds for each offence and a daily penalty not exceeding ten pounds.

(3) Without prejudice to any other remedy available the Corporation if satisfied of the existence of any conditions constituting a breach of any byelaw made in pursuance of this section may proceed in the same way as they are by the Act of 1936 authorised to proceed with respect to a statutory nuisance of the existence of which they are satisfied and sections 93 to 98 inclusive and section 100 of that Act shall apply accordingly.

(4) Provided that a person offending against any byelaws made in pursuance of this section shall not in respect of such offence be subjected both to a penalty under the byelaws and to a penalty under section 94 (Power of court to make nuisance order if abatement notice disregarded) of the Act of 1936 as applied by subsection (3) of this section nor shall any such offender be subjected in respect of one and the same period both to a further penalty under the byelaws for the continuance of his offence after conviction and to a penalty under section 95 (Penalty for contravention of nuisance order and abatement of nuisance by local authority) of the Act of 1936 (as so applied) for failing to comply with an order or contravening an order.

(5) No byelaw under this section shall extend to regulate or control the tipping of spoil and refuse by a railway company for the purpose of constructing widening or maintaining any railway.

141. The Corporation may make byelaws for securing the proper ventilation and lighting of any existing stable used for the accommodation of horses (whether the same is used as such at the passing of this Act or not) and for the prevention of insanitary conditions— Byelaws as to stables.

(a) in or about or arising out of any such stable; or

PART X.
—cont.

(b) in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected after the passing of this Act.

Byelaws as
to lodging-
houses.

142. Section 6 (Byelaws as to working-class houses) of the Housing Act 1936 shall operate so as to empower the Corporation to make byelaws relating to houses which are let in lodgings or occupied by members of more than one family so as to require a separate approach to each room or tenement separately occupied without passing through any other room or tenement:

Provided that the Corporation shall not make any byelaws under the powers of this section within a period of five years from the passing of this Act or such less period as may be determined by the Minister.

Power to
order
alteration
of
chimneys.

143. It shall be lawful for a court of summary jurisdiction upon complaint by the Corporation in pursuance of a report by the medical officer or the sanitary inspector that any smoke gas or vapour from any chimney flue or pipe of a washhouse or outbuilding forming part of or in proximity to a dwelling-house is a nuisance to any of the inhabitants of the borough to make an order requiring the owner of such chimney flue or pipe within such time as shall be specified in such order to cause the same to be raised or such other means for preventing or mitigating such nuisance to be adopted as may seem fitting to such court and as shall not involve an expenditure exceeding twenty pounds and any such owner as aforesaid who shall neglect or refuse to obey such order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Convalescent
homes and
homes of rest.

144.—(1) In this section—

“convalescent home” means premises used or intended to be used for the reception of persons convalescent from any sickness injury or infirmity and the providing of such attention as they may require by reason of such convalescence and which is not ordinarily provided in hotels boarding houses or other similar establishments but does not include a nursing home as defined in section 199 (Interpretation of Part VI) of the Act of 1936 or any of the premises specified in paragraphs (i) (ii) or (iii) of subsection (1) of the said section 199;

“home of rest” means premises used or intended to be used for the reception of persons suffering from any sickness injury or infirmity and the providing for such persons of such attention as they may require by reason of old age or grave chronic disease and as is not ordinarily provided in hotels boarding houses

or other similar establishments but does not include a nursing home as defined in section 199 of the Act of 1936 or any of the premises specified in paragraphs (i) (ii) or (iii) of subsection (1) of the said section 199.

(2) The following provisions of the Act of 1936 (which provisions relate to nursing homes) shall also apply to convalescent homes and homes of rest within the borough (that is to say):—

- Section 187 (Registration of nursing homes) except paragraphs (c) and (d) of the proviso to subsection (3);
- Section 188 (Cancellation of registration) except the proviso to subsection (1) and subsection (2);
- Section 189 (Procedure and right of appeal where registration refused or cancelled);
- Section 190 (Byelaws as to nursing homes) except the words “ and in the case of a maternity home of any miscarriages occurring in the home and of the children born therein and of the children so born who are removed from the home otherwise than to the custody or care of a parent guardian or relative ”;
- Section 191 (Inspection of nursing homes);
- Section 192 (Power of registration authority to exempt certain institutions); and
- Section 195 (Offences by companies under provisions of Part VI relating to nursing homes).

145.—(1) As from the commencement of this section every person who shall carry on the trade or business of a hair-dresser or barber shall register his name and place of abode and also the premises in which such trade or business is carried on in a book to be kept at the offices of the Corporation for the purpose. Registration of hair-dressers and barbers and their premises.

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

- (a) the cleanliness of any premises registered under this section and of the instruments towels materials and equipment used therein; and
- (b) the cleanliness of persons employed in such premises in regard to both themselves and their clothing.

(3) The person registered shall keep a copy of the byelaws made by the Corporation under this section displayed in the registered premises.

PART X.
—cont.

(4) (a) Any officer of the Corporation or other person duly authorised in writing in that behalf by the Corporation and if so required exhibiting his authority shall at all reasonable times be afforded by the person registered full and free power of entry into the registered premises for the purpose of inspecting such registered premises and examining whether there is any contravention of the provisions of this section or any byelaw made thereunder and any such officer or person as aforesaid shall have the like power of entry into any premises in the borough in which the Corporation may have reasonable cause to suppose that the said trade or business is being carried on:

Provided that the powers conferred by this subsection of entering premises for the purpose of examining whether there is any contravention of any byelaw made for the purposes mentioned in paragraph (b) of subsection (2) of this section shall not be exercised by any officer except the medical officer or the sanitary inspector.

(b) Every person who refuses to permit any officer or authorised representative of the Corporation to enter or inspect any premises which such officer or authorised representative is authorised under the provisions of this section to enter or inspect or obstructs any such officer or representative in the execution of his duty under such provisions or under the provisions of any byelaw made under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

(5) Any person carrying on such trade or business as aforesaid whose name place of abode and premises in which such trade or business is carried on have not been registered in accordance with subsection (1) of this section or whose registration has been cancelled or suspended as hereinafter provided or who contravenes any of the provisions of this section or of any byelaw made thereunder shall be liable to a penalty not exceeding two pounds and to daily penalty not exceeding one pound and a court of summary jurisdiction may (in lieu of or in addition to imposing a penalty) order the suspension or cancellation of the registration.

PART XI.

FOOD.

Byelaws as to
inspection of
meat.

146.—(1) If and when the Corporation shall have put into force a system of marking meat under the powers of Part III of the Public Health (Meat) Regulations 1924 they may make and enforce byelaws for preventing meat or any part of the carcase of an animal brought into the borough and intended for food from being offered for sale or sold or deposited for

sale or for preparation for sale until after inspection by an officer of the Corporation and for requiring any such meat or carcase to be taken for inspection to the abattoir or to the meat market of the Corporation or to such place as may be specified in the byelaws.

(2) No byelaw made by the Corporation under subsection (1) of this section shall apply to meat or any part of a carcase to which the Public Health (Imported Food) Regulations 1937 apply or which has been inspected and passed as fit for food by the medical officer of health for the district in which the animal has been slaughtered or by a duly qualified inspector being an official of or authorised to act on behalf of the sanitary authority of such district but the Corporation shall be entitled to require reasonable proof that the meat has been inspected and passed as aforesaid.

(3) With a view to facilitating the carrying into effect of any byelaws made in pursuance of this section an officer of the Corporation may with the consent of the local authority concerned enter any slaughter-house which is situate outside the borough but within a circle having a radius of twelve miles from the municipal buildings of the borough for the purpose of inspecting any carcase or any part thereof intended for sale or consumption in the borough.

(4) Nothing in this section shall affect the operation of the Diseases of Animals Acts 1894 to 1937 or of Part IV (Provisions as to diseases of animals) of the Agriculture Act 1937 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

1 Edw. 8. &
1 Geo. 6.
c. 70.

(5) Before making any such byelaws the Corporation shall give to the Southend and District Meat Traders' Association and the Essex branch of the National Farmers' Union not less than one month's notice of the Corporation's intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the Corporation shall confer with the said bodies thereon before they submit them to the Minister for confirmation and such bodies shall be entitled to make representations to the Minister with regard thereto.

147.—(1) As from the commencement of this section where any person being the owner of any bull ox cow heifer calf sheep lamb goat or pig which is emaciated or diseased and unfit for food is about to slaughter the same or about to cause the same to be slaughtered he shall give not less than twelve hours' previous notice to an authorised officer of such intention and shall on the application of an authorised officer within six weeks from the date of such slaughter furnish such information within his knowledge as the authorised officer may reasonably require for the purpose of enabling inquiries to be made to trace the disposition of the carcasses or any part thereof.

Notice of
slaughter of
animal unfit
for food.

PART XI.
—*cont.*

(2) Any person failing to give such notice or refusing to furnish such information or knowingly furnishing false information shall be liable to a penalty not exceeding ten pounds.

(3) This section shall not apply to the slaughter of any animal to which the Public Health (Meat) Regulations 1924 apply.

(4) Nothing in this section shall affect the operation of the Diseases of Animals Acts 1894 to 1937 or of Part IV of the Agriculture Act 1937 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

(5) In this section the expression "authorised officer" means—

- (a) the medical officer;
- (b) the sanitary inspector; or
- (c) any other officer of the Corporation who is by virtue of the Food and Drugs Act 1938 an authorised officer for the purpose of the examination and seizure of meat under the provisions of that Act.

Registration
of hawkers of
food and their
premises.

148.—(1) As from the commencement of this section the following provisions shall have effect in the borough:—

- (a) No person other than a person keeping open shop for the sale of food shall either by himself or by any person employed by him sell offer or expose for sale any food from any cart barrow or other vehicle or from any basket pail tray or other receptacle unless he is registered with the Corporation;
- (b) No premises shall be used as storage accommodation for any food intended for sale from a cart barrow or other vehicle or from a basket pail tray or other receptacle unless the premises are registered as aforesaid.

(2) An application for a person to be registered under this section shall be made by himself and an application for premises to be so registered shall be made by the owner or occupier or intending owner or occupier thereof.

(3) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound.

(4) (a) The Corporation may refuse to register any person or premises under this section or (after giving one month's notice to the person registered or in whose name the premises are registered) may revoke the registration of any person

or premises under this section if they are satisfied (i) as regards a person that the public health is or is likely to be endangered by any act or default of his in relation to the quality storage or distribution of food or (ii) as regards premises that the premises are not suitable to be used for the purposes aforesaid:

Provided that before refusing or revoking such registration the Corporation shall serve upon the person applying for registration or upon the person registered or in whose name such premises are registered a notice to appear before a committee of the council not less than seven days after the date of the notice to show cause why the Corporation should not for reasons to be specified in the notice refuse to register or revoke the registration of the person or premises. Any such notice shall state the effect of paragraphs (b) and (c) of this subsection.

(b) If the Corporation refuse to register or revoke the registration of any such person or premises they shall if required by the person applying for such registration or the person registered or in whose name the premises are registered deliver to him within seven days of the receipt of such requirement a statement in writing of the ground or grounds upon which such refusal or revocation is based.

(c) Any person appealing to a court of summary jurisdiction under section 208 (As to appeals) of this Act against any such refusal or revocation shall do so within fourteen days from the date of the notice of such refusal or revocation.

(5) The medical officer the sanitary inspector or any other officer of the Corporation appointed for the purpose shall have power at all reasonable times to enter and inspect any premises in the borough in respect of which an application has been received for registration under the provisions of this section and also any premises which he shall have reason to believe are being used as storage accommodation for food intended for sale from a cart barrow or other vehicle or from a basket pail tray or other receptacle.

(6) The Corporation shall keep a register of the persons and premises registered under the provisions of this section.

(7) The provisions of this section shall not apply to any premises registered under section 14 (Registration of premises used in connection with the manufacture or sale of ice cream or preserved food &c.) of the Food and Drugs Act 1938 or to any dairy or dairyman registered under Part II (Provisions as to milk dairies and artificial cream) of that Act or under any regulations made thereunder.

PART XI.
—cont.

(8) The provisions of this section shall not apply to any premises used as a theatre cinematograph theatre music hall or concert hall or to any person in respect of the sale or offer or exposure for sale of any food in any such premises.

(9) In this section the expression " food " does not include any substance contained in containers of such materials and so closed as to exclude all risk of contamination.

Registration
of vendors of
shell-fish and
their premises.

149.—(1) As from the commencement of this section no person shall by himself or by any person employed by him sell or offer or expose for sale shell-fish in any premises unless such person and such premises are registered for that purpose by the Corporation.

(2) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound.

(3) The Corporation shall keep a register of the persons and premises registered under the provisions of this section.

(4) The provisions of this section shall not apply to any premises registered under section 148 (Registration of hawkers of food and their premises) of this Act.

PART XII.

SALE OF COKE COAL &C.

Application to
sale of coke of
Weights and
Measures Act
1889.
52 & 53 Vict.
c. 21.

150. The provisions of sections 20 to 29 inclusive of the Weights and Measures Act 1889 and of any byelaws made by the Corporation thereunder (which provisions and byelaws relate to the sale of coal) shall also apply to the sale of coke within the borough.

Penalty on
fraudulent
sale.

151. If any seller of coke or any person in charge of any vehicle from which coke is being sold or offered or exposed for sale wilfully makes any false statement as to the weight of the coke or wilfully increases such weight by damping such coke or wilfully does any other act by which the purchaser of the coke shall be defrauded such seller or person in charge shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds.

Amendment
of section 27
of Weights
and Measures
Act 1889 in its
application to
borough.

152. Proviso (a) to section 27 (Power to require weighment of coal or vehicle) of the Weights and Measures Act 1889 in its application to the borough shall be read and have effect as if in that proviso the words " two miles " were substituted for the words " half a mile ".

153. The foregoing provisions of this Part of this Act relating to coke shall apply to any solid fuel derived from coal or of which coal or coke is a constituent as if it were coke.

Application of this Part of Act.

154. The Corporation shall forthwith after the passing of this Act cause public notice to be given of the effect of this Part of this Act by advertisement in two or more newspapers circulating in the borough and otherwise in such manner as the Corporation think sufficient.

Notice of this Part of Act.

No evidence shall be required in any proceedings that the provisions of this section have been complied with.

PART XIII.

FINANCE.

155.—(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 for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within such period as the Corporation may determine not exceeding those respectively mentioned in the third column of the said table:—

Power to borrow.

1	2	3
Purpose.	Amount.	Period for repayment calculated (except where otherwise stated) from the date or dates of borrowing.
(a) The purchase of lands under the powers of this Act.	£ 740,230	Sixty years.
(b) The construction of the improvement works authorised by this Act.	1,448,557	Thirty years.
(c) The construction of the harbour works authorised by this Act.	200,000	Thirty years.
(d) The provision of trolley vehicles.	3,000	Ten years.
(e) The provision of trolley vehicle equipment and the construction of other works necessary for or in connection with the working of trolley vehicles.	3,000	Twenty years.
(f) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

PART XIII.
—cont.

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

(3) In the application of the provisions of Part IX of the Act of 1933 to the borrowing of further moneys for the purposes of the pier or for the purposes of Part V (Trolley vehicles and public service vehicles) of this Act the Minister of Transport shall be the sanctioning authority.

Saving for
powers of
Treasury.

2 & 3 Geo. 6.
c. 62.

9 Geo. 6. c. 10.

9 & 10 Geo. 6.
c. 58.

156. So long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Act 1939 or under that Act as extended by any subsequent enactment including the Supplies and Services (Transitional Powers) Act 1945 or so long as the borrowing of money in Great Britain without the consent of the Treasury is prohibited by an order made under the Borrowing (Control and Guarantees) Act 1946 it shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act as hereinafter defined) without such consent.

As to exercise of
borrowing powers.

8 & 9 Geo. 6. c. 10.

157. It shall not be lawful to exercise the powers of borrowing conferred by this Act otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945.

Application
of Act of
1933 to
existing
sinking
funds.

158. Sections 213 (Sinking fund) and 214 (Adjustments of sinking fund) 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 any 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.

Closing of
registers.

159.—(1) The Corporation may close any transfer books or the registers of transfers of authorised securities (other than stock) during the whole of the period of thirty days or any shorter consecutive period next before the date on which interest on the authorised securities to which such transfer book or register relates is payable.

(2) The persons who on the date on which the transfer book or register is closed are entered therein as holders of any security of the class to which such transfer book or register relates shall be entitled to the interest next payable thereon.

160.—(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 "Southend-on-Sea Corporation bonds" (and in this Act referred to as "bonds") in accordance with the provisions of this Act.

(2) Where the Corporation raise money by the issue of bonds sections 209 to 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 First 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 (Duty on loan capital) of the Finance Act 1899 as amended by section 10 (Reduction of duty on loan capital issued for the purpose of the conversion or consolidation of existing capital) of the Finance Act 1907.

62 & 63 Vict.
c. 9.7 Edw. 7.
c. 13.

(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.

54 & 55 Vict.
c. 39.

161.—(1) The Corporation may give notice to any person being registered as a holder of any authorised security other than stock 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 orders for the payment of interest or dividend warrants to the address of such person appearing in the register:

Dividend
warrants
by post.

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 the same to such other person at such address.

(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 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.

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—cont.

45 & 46 Vict.
c. 61.Scheme for
equated
periods.

(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.

162.—(1) The Corporation may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may apply to any such loans all or any of the provisions of this Act and the Act of 1933 in regard to the borrowing and repayment of money with or without modification and may make provisions in regard to all matters incidental to the objects aforesaid.

(2) Any scheme made by the Corporation under this section shall have no force or effect until confirmed by the Minister who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act.

(3) Nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock or bonds existing at that time except with the consent of such mortgagee or holder.

(4) The loans referred to collectively in any scheme under general headings in accordance with a classification approved by the Minister may be consolidated and dealt with in the accounts of the Corporation as if the aggregate amount of the several loans relative to each heading were one loan raised under one statutory borrowing power and if approved by the Minister separate consolidations may be made of all or any of the loans included under such general headings.

(5) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

Date of
operation of
certain
sections.

163. The following sections of this Act (namely):—

Section 164 (Accounts);

Section 165 (Application of general rate fund for certain purposes); and

Section 166 (Surplus electricity revenue);

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

164.—(1) The Corporation shall keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the Corporation undertakings (each of which is in this section separately referred to as "the undertaking") on the one side all receipts in respect of the undertaking (including the income from any authorised fund 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 in each case the amounts representing—

- (a) the working and establishment expenses and cost of maintenance of the undertaking;
- (b) the interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking or used for those purposes in pursuance of subsection (1) of section 8 (Use by local authority of moneys forming part of capital funds) of the Local Authorities Loans Act 1945 or section 167 (Consolidated loans fund) of this Act;
- (c) the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;
- (d) all other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) the amount (if any) credited to any reserve or other fund which the Corporation are from time to time authorised to maintain; and
- (f) any money expended on any of the purposes mentioned in section 165 (Application of general rate fund for certain purposes) of this Act other than the purpose mentioned in paragraph (e) of this subsection.

(2) The Corporation shall show in their accounts relating to the 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) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

165.—(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 interest and other annual proceeds received by the Corporation in that year on

Application of general rate fund for certain purposes.

PART XIII.
—cont.

the investments representing or forming part of any authorised fund provided in connection with the undertaking) shall exceed the moneys expended or applied 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:—

- (a) In the reduction of capital moneys borrowed for the purpose of the undertaking;
- (b) In the renewal and (subject in the case of the electricity undertaking to the consent of the Electricity Commissioners as respects expenditure chargeable to capital account) the construction extension or improvement of any works and conveniences for the purposes of the undertaking;
- (c) Towards the provision of a reserve fund in respect of any of the Corporation undertakings by setting aside such an amount as the Corporation may from time to time think reasonable and (unless the amounts so set aside are applied in any other manner authorised by any enactment) investing the same in statutory securities until the reserve fund so provided amounts—
 - (i) in the case of the electricity undertaking to a sum equal to one-tenth of the aggregate capital expenditure of the Corporation on the undertaking; and
 - (ii) in the case of any other undertaking to the maximum reserve fund for the time being prescribed by the Corporation.

(2) Any reserve fund which has been provided in respect of any of the Corporation undertakings and which was in existence on the first day of April nineteen hundred and forty-seven shall be carried to and form part of any reserve fund provided under this section in respect of such undertaking.

(3) Any reserve fund provided under this section may be applied—

- (a) in making good to the general rate fund any deficiency at any time happening in the income of the Corporation from the undertaking in connection with which it is formed; or
- (b) in meeting any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking; or

- (c) (subject in the case of the electricity undertaking to the consent of the Electricity Commissioners as respects expenditure chargeable to capital account) in or towards the payment of the cost of renewing improving or extending any works forming part of the undertaking or otherwise for the benefit thereof;

PART XIII.
—cont.

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

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

166.—(1) In lieu of the provisions of subsection (1) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899 and of section 43 of and the Fifth Schedule to the Electricity (Supply) Act 1926 the following provisions shall apply with respect to the electricity undertaking (in addition to the provisions of section 165 (Application of general rate fund for certain purposes) of this Act) (namely):—

Surplus
electricity
revenue.16 & 17 Geo. 5.
c. 51.

If in respect of 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 authorised fund 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) (b) (c) (d) (e) and (f) of subsection (1) of section 164 (Accounts) of this Act then—

(a) if the reserve fund in respect of the electricity undertaking does not amount to more than one-twentieth of the aggregate capital expended for the time being upon the undertaking 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 the Corporation shall fix such amount as they may think fit (not being less in any case in which 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 that

PART XIII.
—cont.

sum and the said excess) 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 fixed.

(2) The Corporation shall in every year so long as any reserve fund provided in respect of the electricity undertaking is less than the prescribed maximum 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 all investments forming part of the said reserve fund and carried to the general rate fund.

Consolidated
loans fund.

167.—(1) Notwithstanding anything contained in any enactment on and after the thirty-first day of March nineteen hundred and forty-eight 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
- (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 issued by the Corporation 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 intended 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 section.

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet the interest charges and the financing and other revenue expenses connected with the management of that fund and separate accounts 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 depreciation contingency superannuation insurance capital renewal and repairs cliffs preservation sea defence reserve art or other similar fund (hereinafter referred to as "the lending fund") and not for the time being required for the purposes for which the lending fund was established 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) There shall be paid out of the consolidated loans fund to the general rate fund an amount equivalent to the interest 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 which would be payable by the Corporation on their current borrowings and in the accounts of the general rate fund an amount equal to the interest as aforesaid (subject in the case of any of the said funds to any prescribed limit on the amount thereof) shall be credited to the lending fund.

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

(6) (a) 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

PART XIII.
—cont.

scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

(b) Any scheme approved under this section may be altered amended or revoked by a scheme made and approved in like manner as the original scheme.

Capital fund.

168.—(1) The Corporation may establish a fund to be called "the capital fund" to which they may pay any sums derived from the sale of any property of the Corporation the balance of the general rate fund in hand at the close of any financial year and such other sums from the general rate fund (including a sum equal to the interest earned on the capital fund and any income arising from the application of the fund to the purposes authorised) as the Corporation may by resolution direct not being moneys directed by law to be applied to any other purpose:

15 & 16 Geo. 5.
c. 90.

Provided that any sum directed by the Corporation to be paid to the capital fund from the general rate fund (in addition to a sum equal to the interest earned on the capital fund and the income (if any) arising from the application of the fund to the purposes authorised) shall not exceed in any year the equivalent of a rate of sixpence in the pound calculated according to the rules made from time to time by the Minister under sections 9 (Provisions as to precepts) and 58 (Power to make rules) of the Rating and Valuation Act 1925.

(2) The maximum amount standing to the credit of the capital fund shall not at any time exceed one hundred thousand pounds.

(3) The Corporation may apply the moneys in the capital fund for the purposes of defraying expenditure to which capital is properly applicable to an amount not exceeding ten thousand pounds in any one transaction other than expenditure in connection with the Corporation undertakings and expenditure to which section 171 (Cliffs preservation fund) section 172 (Sea defence reserve fund) and section 173 (Art fund) of this Act apply or in providing money for payments into sinking funds in respect of loans raised under any borrowing powers (but not in making the annual payment required to be made thereto).

(4) (a) Pending the application of the capital fund to the purpose authorised in the foregoing subsection the moneys in the fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the capital fund in the manner provided by the

foregoing paragraph of this subsection and any income arising from the application of the fund to the purpose authorised shall be carried to and form part of the general rate fund.

(5) All moneys derived from the sale of any property of the Corporation which are applied from the capital fund under the provisions of this section shall and all other moneys which are applied from the capital fund under those provisions may if the Corporation think fit be repaid from the account to which such moneys were advanced by such annual instalments with or without interest and within such period as may be determined by the Corporation:

Provided that where the advance is in the exercise of a statutory borrowing power such period shall not exceed the period prescribed for the repayment of moneys borrowed under that power.

169.—(1) The Corporation may (if they think fit) establish a fund to be called "the renewal and repairs fund" for the purpose of defraying the expenditure to be incurred from time to time in repairing maintaining and renewing any buildings works plant tools machinery appliances horses carts vehicles boilers and equipment and apparatus in connection therewith office machinery furniture fittings and appliances or things and may from time to time apply any fund so established or any part thereof in defraying such expenditure but this section shall not apply to any buildings works plant appliances or things for the purposes of any of the Corporation's undertakings in respect of which they are authorised to provide a reserve fund or to any building in respect of which they are required by the Acts relating to housing to keep a housing repairs account.

Renewal and
repairs fund.

(2) The Corporation may from time to time pay out of the general rate fund such sums as they think fit into a fund or funds to be established under this section.

(3) The maximum amount standing to the credit of the renewal and repairs fund shall not at any time exceed seventy-five thousand pounds.

(4) (a) Pending the application of moneys forming part of the renewal and repairs fund to the purposes authorised by this section such moneys shall (unless applied in any other manner authorised by any enactment) 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

PART XIII.
—cont.

carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (3) of this section) an amount equivalent to such income shall be credited to the renewal and repairs fund.

General
insurance
fund.

170.—(1) The Corporation may (if they think fit) establish a fund to be called "the insurance fund" with a view to providing a sum of money which shall be available for making good all such losses damages costs and expenses as may from time to time be specified in a resolution of the council (in this section referred to as "the specified risks").

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices against the whole or any part of all or any of the specified risks.

(3) In each year after the establishment of the insurance fund the Corporation shall pay into that fund either—

(a) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the Corporation fully insured in some insurance office of good repute against the specified risks; or

(b) if the Corporation insure in some insurance office against the whole or any part of all or any of the specified risks such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

(4) When the insurance fund shall amount to the prescribed amount (as hereinafter defined) the Corporation may if they think fit discontinue the yearly payments to the fund but if the fund is at any time reduced below the prescribed amount the Corporation shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the prescribed amount.

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

(6) (a) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in

consequence of risks for which the fund is intended to provide all moneys for the time being standing to the credit of the fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities and the interest and other annual proceeds received by the Corporation in respect of such investments shall be carried to the general rate fund.

(b) In addition to the sum required to be paid into the insurance fund by subsection (3) of this section the Corporation shall in every year so long as the fund is less than the prescribed amount carry to the credit of that fund out of the general rate fund an amount equal to the interest and other annual proceeds carried to the general rate fund in pursuance of the last preceding paragraph.

(c) If and so long as the insurance fund amounts to the prescribed amount the interest and other annual proceeds received by the Corporation in respect of or on investments forming part of the insurance fund and carried to the general rate fund may be apportioned in the accounts of the Corporation between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

(7) For the purposes of this section the Corporation may if they deem it expedient include in the specified risks risks of accident to any teacher employed in any aided school in the borough.

(8) (a) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Corporation in consequence of risks for which it is intended to provide in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Corporation may with the sanction of the Minister borrow at interest under and subject to the provisions of Part IX of the Act of 1933 such sums of money as will be necessary to make up the deficiency.

(b) The amounts of the annual charges in respect of interest on and repayment of principal of any sums borrowed in pursuance of this subsection and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings departments or services of the Corporation and in such proportions as the Corporation may determine having regard to the risks through which such deficiencies arise.

PART XIII.
—cont.

(9) In this section "the prescribed amount" means such sum as may from time to time be prescribed by the Corporation.

Cliffs
preservation
fund.

171.—(1) The Corporation may if they think fit establish a fund to be called "the cliffs preservation fund" to which they may apply from the general rate fund any sum not exceeding in any year the equivalent of a rate of twopence in the pound calculated according to the rules made pursuant to sections 9 (Provisions as to precepts) and 58 (Power to make rules) of the Rating and Valuation Act 1925 and the maximum amount standing to the credit of such fund shall from time to time be determined by the Corporation. *

(2) (a) Pending the application of moneys forming part of the cliffs preservation fund to the purposes authorised by subsection (3) of this section such moneys shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the cliffs preservation 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 limitations imposed by subsection (1) of this section) an amount equivalent to such income shall be credited to the cliffs preservation fund.

(3) The cliffs preservation fund shall be applicable to the construction of works for the preservation of the cliffs and the prevention of subsidence and to make good any damage and to meet any extraordinary claim or demand arising from accident to any of such works and so that if at any time the fund be reduced it may thereafter be again restored to the maximum sum determined by the Corporation and so from time to time as often as such reduction happens.

(4) Resort may be had to the cliffs preservation fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the maximum sum determined by the Corporation.

Sea defence
reserve fund.

172.—(1) The Corporation may if they think fit establish a fund to be called "the sea defence reserve fund" to which they may apply from the general rate fund any sum not exceeding in any financial year the equivalent of a rate of twopence in the pound calculated according to the rules made pursuant to sections 9 (Provisions as to precepts) and 58 (Power to make rules) of the Rating and Valuation Act 1925 and the maximum amount standing to the credit of such fund shall from time to time be determined by the Corporation.

(2) (a) Pending the application of moneys forming part of the sea defence reserve fund to the purposes authorised by subsection (3) of this section such moneys shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the sea defence reserve 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 limitations imposed by subsection (1) of this section) an amount equivalent to such income shall be credited to the sea defence reserve fund.

(3) The sea defence reserve fund shall be applicable to the construction of works as a defence against the sea and to make good any damage and to meet any extraordinary claim or demand arising from accident to any of such works and so that if at any time the fund be reduced it may thereafter be again restored to the maximum sum determined by the Corporation and so from time to time as often as such reduction happens.

(4) Resort may be had to the sea defence reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the maximum sum determined by the Corporation.

173.—(1) The Corporation may if they think fit establish a fund to be called "the art fund" to provide for the purchasing of any pictures sculptures or other objects of artistic scientific or historical interest which in their opinion it is desirable at any time to acquire for exhibition in and as additions to the collection in the Corporation's art gallery and museum or other building of the Corporation and such fund shall be formed by annually appropriating thereto out of the general rate fund such an amount as the Corporation may from time to time determine not exceeding in any financial year the amount (calculated in accordance with the rules made from time to time by the Minister under sections 9 (Provisions as to precepts) and 58 (Power to make rules) of the Rating and Valuation Act 1925) which would be produced by a rate of one-fifth of a penny in the pound levied in that year in the borough: Art fund.

Provided that when the fund aforesaid shall amount to ten thousand pounds the Corporation shall discontinue such annual payments but if the fund is at any time reduced below the sum of ten thousand pounds the Corporation may recommence and continue the annual payment until the fund be restored to the sum of ten thousand pounds.

PART XIII.
—cont.

(2) (a) Pending the application of the art fund to the purposes authorised by this section the moneys in the fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the art fund in manner provided by this subsection 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 art fund.

174. If a justice is satisfied on complaint by any rate collector or other authorised officer of the Corporation that any person is quitting or about to quit any premises and has failed to pay on demand any general rate or any gas water or electricity rate or charge which may be due from him to the Corporation and intends to evade payment of the same the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the defaulter to meet the claim and to detain them until the complaint is determined upon the return of the summons.

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

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

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

(3) This section shall not apply to any hereditament to which subsection (1) of section 11 (Rating of and collection of rates by owners) of the Rating and Valuation Act 1925 applies by virtue of a resolution of the Corporation.

176. For the purposes of section 15 (Recovery of rates from tenants and lodgers) of the Rating and Valuation Act 1925 the rates due from a person rated for any hereditament within the

Recovery of rates &c. from persons removing.

Recovery of rates from certain owners.

Recovery of rates from tenants and lodgers.

borough shall be deemed to be in arrear if such rates are not paid within two months after lawful demand in writing has been made for the same.

177. 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 (Rating of and collection of rates by owners) 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.

As to operation of section 11 of Rating and Valuation Act 1925.

178. In calculating and collecting the sums to be charged by the Corporation for the supply of gas or electricity and for the hiring of motors meters and other gas or electrical appliances by the Corporation any fractional part of a penny less than a halfpenny on the amount of each such sum shall not be reckoned as part of such amount and any fractional part of a penny amounting to or exceeding a halfpenny shall be reckoned in such amount as one penny.

Fractional parts of a penny in gas or electricity accounts.

179. If the Corporation commence proceedings for the summary recovery of a sum due for the supply of electricity gas or water any other sum due or payable to the Corporation in respect of the sale or hire of any apparatus or fittings supplied by them for or in connection with the consumption or use of electricity gas or water or the provision of materials and work in connection therewith or the fixing setting up repairing altering maintaining or removal thereof may be included in the same summons and may be recovered summarily provided the amount due or payable in respect thereof does not in the aggregate exceed twenty pounds.

As to recovery summarily of sums due for fittings.

180. Section 58 (Subscriptions to local government associations and other expenses) of the Act of 1926 shall have effect as if the following words were added at the end:—

Payment of certain expenses.

“(c) reasonable expenses in connection with official and courtesy visits by or on behalf of the Corporation;

(d) payments for travelling expenses and for expenses reasonably incurred by or on behalf of any member or officer of the Corporation in connection with any of the matters aforesaid.”

PART XIV.

MISCELLANEOUS.

Ejection of
steam and
waste gas to
annoyance of
public.

181.—(1) All steam or waste gas ejected from any stationary engine or the boiler or condensers thereof and all condensing water above a temperature of one hundred and ten degrees Fahrenheit so ejected and all spent and ejected steam arising or produced in any trade business or manufacture shall be so discharged as not to be an annoyance to the public.

(2) Any person who shall cause or permit steam or waste gas or condensing water to be discharged contrary to the provisions of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(3) The provisions of this section shall not apply to any locomotive used by a railway company.

182.—(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 keep such silencer in proper repair.

(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 nothing contained in this subsection shall apply to any stationary internal combustion engine belonging to any railway company and used by them for the purposes of their railway 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.

183.—(1) In this section the expression “personal weighing machine” means any weighing machine which is used or exposed for use for the purpose of ascertaining the weight of a person—

(a) for the use of which a charge is made; or

(b) which is kept in any shop premises or place in the borough to which the public have access.

As to
personal
weighing
machines.

(2) As from the commencement of this section the owner or the person in charge of any personal weighing machine which is false or unjust shall be liable to a penalty not exceeding forty shillings or in the case of a second or any subsequent offence five pounds.

(3) A personal weighing machine shall not be used or exposed for use unless it has been examined and approved by an inspector of weights and measures of the Corporation and has been marked with a distinguishing mark by such inspector and after the expiration of twelve months from the commencement of this section every person who has in his possession or under his control any personal weighing machine which is not so marked shall be liable to a penalty not exceeding forty shillings or in the case of a second or subsequent offence five pounds and the machine shall be liable to be forfeited.

(4) If any person forges or counterfeits or removes any such distinguishing mark as is referred to in the last preceding subsection or knowingly exposes for use any personal weighing machine without any such mark or with such forged or counterfeit mark thereon he shall be liable to a penalty not exceeding five pounds and the machine shall be liable to be forfeited.

(5) (a) Any inspector of weights and measures of the Corporation may at all reasonable times inspect and examine any personal weighing machine in the borough and may seize and detain any such machine which is liable to be forfeited under the provisions of this section and may for the purposes of such inspection and examination enter any place (whether open or closed) where there is reasonable cause to believe that there is a personal weighing machine which he is authorised to inspect and examine.

(b) Any person who neglects or refuses to produce for such inspection any personal weighing machine in his possession or on his premises or refuses to permit any such inspector of weights and measures to examine the same or obstructs the entry of such inspector or otherwise obstructs or hinders him from acting under this section shall be liable to a penalty not exceeding five pounds or in the case of a second or any subsequent offence ten pounds.

(6) The Corporation may make byelaws—

(a) generally with respect to the examination and inspection of personal weighing machines and the distinguishing marks to be fixed to personal weighing machines under this section and the circumstances and conditions under which such marks may be affixed or cancelled;

PART XIV.
—cont.

- (b) with respect to the tests to be applied for the purpose of ascertaining the accuracy and efficiency of personal weighing machines;
- (c) for fixing the fees to be paid to the Corporation for the examination approval and marking of personal weighing machines under this section or for the examination of such personal weighing machines as are found to be incorrect or defective;
- (d) for fixing the limits of error to be allowed on examination and approval or on inspection and examination of any personal weighing machine under this section.

Prohibition
on touting
hawking &c.
on esplanades
foreshore &c.

184.—(1) In this section “the prohibited area” means so much of the borough as is coloured red on the map signed in triplicate by the Right Honourable Lord Terrington the chairman of the committee of the House of Lords to whom the Bill for this Act was referred one copy of which map has been deposited in each of the following offices:—

- (a) The office of the Clerk of the Parliaments House of Lords;
- (b) The Committee and Private Bill Office of the House of Commons;
- (c) The office of the town clerk.

(2) No person shall in or on any esplanade parade promenade marine drive public walk garden or open space or place of recreation or on the foreshore or beach (above or below high-water mark) within the borough or in any street in the prohibited area importune any person by touting for a hotel lodging-house refreshment-house shop boat garden theatre hackney carriage or any place of amusement or without the consent of the Corporation hawk sell or offer for sale any article or commodity:

Provided that in the case of the sale of newspapers and periodicals the said consent shall be given to such reasonable number of persons and upon such terms and conditions as the Corporation may think fit.

(3) Any person offending against the provisions of this section shall be liable for every such offence to a penalty not exceeding five pounds.

(4) Section 66 (Prohibition of touting and hawking on esplanade &c.) of the Act of 1926 is hereby repealed.

Licensing of
boatmen of
pleasure
boats.

185. Section 94 of the Public Health Acts Amendment Act 1907 shall within the borough have effect as if the following were substituted for subsection (3) of that section:—

“(3) No person shall let for hire any pleasure boat or pleasure vessel not so licensed or at any time during

the suspension of the licence for the boat or vessel nor shall any person carry or permit to be carried passengers for hire in any pleasure boat or vessel unless such boat or vessel and the boatman in charge thereof and the navigator are so licensed or at any time during the suspension of the licence for the boat or vessel or boatman or navigator:

Provided that this subsection shall not be deemed to require a person to be licensed as a boatman who takes on hire a pleasure boat or pleasure vessel for purposes other than for gain."

186.—(1) The Corporation may advertise the facilities afforded by the borough in any manner which the Corporation may think fit and for that purpose may—

Power to
advertise
facilities of
borough.

(a) combine with any other organisation company or person and with any local authority authorised in that behalf; and

(b) expend a sum which together with any sum expended by them under the Health Resorts and Watering Places Act 1936 shall not in any financial year exceed the amount prescribed by that Act.

26 Geo. 5. &
1 Edw. 8.
c. 48.

(2) Any expenditure under this section shall be separate from and additional to the expenditure (if any) of the Corporation under the Local Authorities (Publicity) Act 1931.

21 & 22 Geo. 5.
c. 17.

187.—(1) The Corporation for the purpose of securing the amenities of the borough in relation to the use of camping grounds and moveable dwellings situate thereon may make byelaws with respect to any camping grounds within the borough whether provided by the Corporation or not and any camping grounds provided by the Corporation outside the borough—

Byelaws as
to camping
grounds.

(a) for securing sanitary conditions in and the proper control and management of such camping grounds;

(b) for securing the cleanliness of such camping grounds and moveable dwellings situate thereon;

(c) for preventing the amenities of the borough being prejudicially affected by the state or condition of any such camping ground;

(d) for securing the good and orderly conduct of persons frequenting any such camping ground and of the occupiers of the moveable dwellings situate thereon;

(e) for preventing annoyance to the residents in or visitors to the borough by the conduct of occupiers of or persons frequenting moveable dwellings situate on any such camping ground.

PART XIV.
—cont.

(2) Byelaws made under the provisions of this section shall not apply to—

- (a) any moveable dwelling or camping ground provided by or belonging to or used by any duly constituted religious or charitable society;
- (b) any moveable dwelling or camping ground provided by or belonging to or used by any association incorporated by royal charter or any organisation constituted by any such last-mentioned association in pursuance of their charter;
- (c) any camping ground provided by or belonging to or used by members of any other duly constituted society or body operating throughout Great Britain which by their rules undertake for the management of the camping grounds provided by or belonging to them and used by their members and for the good conduct of their members when in camp;
- (d) any moveable dwelling situate on any such camping ground as is referred to in the foregoing paragraph (c) while the dwelling is occupied or used by the members of any society or body referred to in that paragraph;
- (e) a moveable dwelling which is used by a member of any duly constituted society or organisation operating throughout Great Britain which by their rules undertake the responsibility for the good conduct of their members when in camp and for their proper use of moveable dwellings; or
- (f) to a moveable dwelling which belongs to a person who is the proprietor of a travelling circus roundabout amusement fair stall or store (not being a pedlar hawker or costermonger) and which is regularly used by him in the course of travelling for the purpose of his business:

Provided that—

- (i) the exemptions conferred by the foregoing paragraphs (a) and (b) in respect of any moveable dwelling or camping ground referred to in those paragraphs shall apply only for so long as the society body association or organisation by or to which such moveable dwelling or camping ground is provided or belongs or is used shall continue to make and enforce reasonable arrangements for the maintenance of good order amongst the persons using the moveable dwelling and for the proper management of the camping ground;

(ii) the exemptions conferred by the foregoing paragraphs (c) and (d) in respect of any camping ground or moveable dwelling referred to in those paragraphs shall only apply so long as the society or body by or to which such camping ground is provided or belongs or is used or by the members of which such moveable dwelling is occupied or used are duly exercising responsibility for the management of the camping ground and for the good conduct of their members when in camp thereon;

(iii) the exemption conferred by the foregoing paragraph (e) in respect of a moveable dwelling used by a member of a society or organisation shall apply only so long as that society or organisation continues to enforce good conduct among its members and their proper use of moveable dwellings;

(iv) the exemption conferred by the foregoing paragraph (f) in respect of a moveable dwelling of any person referred to in that paragraph shall apply only so long as such person is not guilty of any misconduct; and

(v) if any society or body referred to in the said paragraph (a) are using any camping ground provided by the Corporation or if any person being a member of any such society or body or of any society or organisation referred to in paragraph (e) or a person referred to in the said paragraph (f) is occupying or using a moveable dwelling situate on any camping ground so provided the members of such society or body or such person shall while camping on or occupying or using any moveable dwelling situate on that camping ground comply with any byelaws made by the Corporation under this section respecting that camping ground.

188. The Corporation may supply and sell salt water to any person at a price not exceeding five shillings per thousand gallons. Sale of salt water.

189.—(1) The Corporation may make such charges in respect of the aerodrome established or acquired by them in pursuance of section 8 of the Air Navigation Act 1920 and any subsidiary business in connection therewith (in this section referred to as "the aerodrome undertaking") as they Aerodrome undertaking.

PART XIV.
—cont.

may think fit and may grant a lease of or let the same or any part thereof for such period and upon and subject to such terms and conditions as they may think fit:

Provided that the charges to be made in respect of the aerodrome shall be subject to the approval of the Minister of Civil Aviation.

(2) The Corporation may make byelaws with respect to the aerodrome undertaking and for maintaining order in and for regulating the use of any premises used in connection therewith.

(3) The aerodrome undertaking shall be in the same relation to the Minister of Civil Aviation and subject to the like control by him under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same as if this Act had not been passed.

Stopping up
of footpaths
&c.

190.—(1) At any time after the Corporation have acquired the lands numbered 2 3 4 5 6 and 7 in the parish of Rochford on the deposited plans they may stop up all rights of way both public and private over those lands except that portion of a footpath and cartway which lies between the points " A " and " B " on the deposited plans:

Provided that such stopping up shall not take place until two justices shall have certified that the new footpath shown on the deposited plans between the points " D " and " F " and the new cartway shown on the deposited plans between the points " D " and " E " have been completed and are open for use.

(2) (a) The public footpath in the said parish of Rochford shown on the deposited plans between the points " C " and " G " over which the exercise of rights of way by the public is prohibited under the powers of the Defence (General) Regulations 1939 shall remain closed for a further period of twelve months from the date of the passing of this Act or during the period of the continuance of such prohibition (whichever is the longer).

(b) At any time after the Corporation have acquired the lands numbered 1 in the said parish of Rochford on the deposited plans either before or after the expiration of the periods mentioned in paragraph (a) of this subsection they may permanently stop up the said footpath:

Provided that such permanent stopping up shall not take place until two justices shall have certified that the new footpath shown on the deposited plans between the points " F " and " C " has been completed and is open for public use.

(3) On or at any time after the first day of January nineteen hundred and forty-eight the Corporation may stop up the public footpaths in the borough shown on the deposited plans between the points "A" and "B" and the points "A" and "C":

PART XIV.
—cont.

Provided that such stopping up shall not take place until two justices shall have certified that the new footpaths in the borough shown on the deposited plans between the points "A" and "D" and the points "C" and "E" have been completed and are open for public use.

(4) As from the stopping up of any footpath or cartway under the provisions of this section all rights of way over or along such footpath or cartway shall be extinguished and the Corporation may appropriate and use the site thereof so far as they are the owners of the land on both sides thereof.

(5) The Corporation shall make full compensation to all persons interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be of such amount as may be agreed between the Corporation and the person claiming the same or as (failing such agreement) shall be determined unless otherwise agreed between the parties by the arbitration of such one of the official arbitrators appointed under the Acquisition of Land (Assessment of Compensation) Act 1919 as may be selected in accordance with the rules referred to in section 1 of that Act and such determination shall be made in accordance (so far as applicable) with the provisions of the said Act:

Provided that in assessing any such compensation account shall be taken of any alternative footpath or cartway provided by the Corporation.

191. The Corporation may levy and recover such charges as they think fit for taking at the request and for the convenience of any consumer at a time other than that of the periodical meter readings the reading of any gas water and electricity meters fixed in any premises:

Charges for special readings of gas water and electricity meters.

Provided that such charges shall not exceed the sum of two shillings and sixpence for each reading of a gas or electricity meter or one shilling for each reading of a water meter.

192. The Corporation may if they think fit make an allowance by way of discount on all sums of money due to them for the supply of gas water or electricity from any person who pays the same within such time of the demand thereof as the Corporation think fit to prescribe in that behalf and notice to that effect shall (if and so long as the Corporation shall allow such discount) be endorsed on every demand note in respect of such charges:

Discounts for prompt payment.

PART XIV.
—cont.

Provided that the Corporation shall make the same allowance to all consumers under similar conditions.

As to prizes
for garden
competitions.

193. The Corporation may expend on the provision of prizes in connection with any competition they may hold relating to their tenants' gardens such sums as they may from time to time think fit not exceeding in any one year the sum of one hundred pounds.

Power to
grant
allowances or
gratuities in
certain
cases.

194.—(1) The Corporation may if they think fit grant a gratuity by way either of a lump sum or of periodical payments to the widow or dependants of any employee who may die in their service not exceeding in the aggregate an amount equal to twice the amount of the annual emoluments of the employment:

Provided that this section shall not apply—

1 Edw. 8. &
1 Geo. 6.
c. 68.

(a) in the case of a widow to whom a pension is granted in pursuance of section 9 (Allocation of part of superannuation benefits to wife or husband) of the Local Government Superannuation Act 1937; or

15 & 16 Geo. 5.
c. 84.
9 & 10 Geo. 6.
c. 62.

(b) in the case of a widow or dependant entitled in consequence of the death of such employee to compensation under the Workmen's Compensation Act 1925 or to death benefit under the National Insurance (Industrial Injuries) Act 1946.

(2) Every such allowance or gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such employee would have been charged or been paid if he had continued in his employment.

Payment of
pension &c. of
person of
unsound
mind.
53 & 54
Vict. c. 5.

195.—(1) Subject to the provisions of this section where a person entitled to receive from the Corporation any sum to which this section applies is lawfully detained as a person of unsound mind in accordance with the Lunacy Act 1890 as amended by any enactment the Corporation may pay the whole of that sum or so much thereof as they think fit to the institution or person having the care of the person so detained as aforesaid and may pay or apply the whole or so much as they think fit of the surplus (if any) thereof to or for the maintenance or benefit of the wife or husband or relations of the person so detained as aforesaid.

(2) Subject to the provisions of this section where a person entitled to receive from the Corporation any sum to which this section applies is in the opinion of the Corporation through mental infirmity incapable of managing his affairs the Corporation may pay or apply the whole or so much as they think fit of that sum to or for the maintenance or benefit of such person or of his wife or husband or relations.

(3) This section applies to any sum payable by the Corporation to an employee or former employee or pensioner of the Corporation or the widow or a child of a deceased employee or pensioner by way of salary wages pension superannuation or other allowance gratuity or annuity or by way of repayment with or without interest of contributions made to any superannuation or other fund being either a lump sum not exceeding one hundred pounds or an instalment of a periodical payment not exceeding one hundred pounds per annum.

(4) Not less than fourteen days before exercising their power under this section for the first time in relation to any person the Corporation shall give to the master in lunacy notice in writing of their intention in that behalf specifying the name and address of that person and the amount and nature of the sums in respect of which the Corporation intend to exercise the said power and in relation to any person to whom subsection (2) of this section applies the Corporation shall at the same time give notice in writing to that person in a form approved by the master in lunacy:

Provided that the Corporation may with the approval of the master in lunacy exercise the powers of this section in respect of any person notwithstanding that the said period of fourteen days has not expired.

(5) If at any time the master in lunacy gives to the Corporation notice in writing that he objects to the exercise by the Corporation of the said power in relation to any person the said power shall as from the date of the receipt by the Corporation of the notice cease to be exerciseable by the Corporation in relation to that person unless and until the master withdraws the notice.

(6) The Corporation shall be discharged from all liability in respect of any payment or application of money effected by them in exercise of the said power.

196.—(1) The Corporation may accept a capital sum for the purpose of maintaining a particular grave or grave space or monument or urn or niche or memorial brass or its equivalent in a cemetery provided by the Corporation under the Public Health Acts or in a burial ground provided by the Corporation under the Burial Acts 1852 to 1906 or in a crematorium provided by them under the Cremation Act 1902.

Mainten-
ance of
graves &c.

(2) (a) Any such capital sum shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities and a sum equal to the interest thereon applied in maintaining the grave or grave space or monument or urn or niche or memorial brass or its equivalent in such

2 Edw. 7.
c. 8.

ART XIV.
—cont.

manner as the Corporation think fit and for such period as may be agreed between the Corporation and the person by whom such capital sum is paid.

(b) Any income arising from the investment of such capital sum in the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the sum to the purposes authorised shall be carried to and form part of the general rate fund.

(3) Any such capital sum and the interest thereon shall be shown separately in the accounts of the Corporation relating to the cemetery burial ground or crematorium.

As to
mainten-
ance of
cemeteries
&c.

197.—(1) The Corporation may in connection with the maintenance of any cemetery provided by them under the Public Health Acts or any burial ground provided by them under the Burial Acts 1852 to 1906 alter repair straighten or maintain any tombstone or monument and put in order and maintain any grave space therein.

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

Subscriptions
to certain
associations
and other
expenses.

198. The Corporation may pay reasonable subscriptions (whether annually or otherwise) to the funds of any charity or any association formed for the purpose of consultation as to matters affecting the Corporation or of interest to them as a Corporation and the discussion of such matters or to the funds of any scientific or other society or body (not carrying on business for profit) which or the members of which are engaged in investigations or the keeping of records of use or value to the Corporation and any reasonable expenses of the attendance of any members or officers of the Corporation at or of persons nominated by the Corporation to attend conferences or meetings of such association society or body and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings:

Provided that the payments to be made by the Corporation under this section shall not in any financial year exceed the amount (calculated in accordance with the rules made from time to time by the Minister under sections 9 (Provisions as to precepts) and 58 (Power to make rules) of the Rating and Valuation Act 1925) which would be produced by a rate of one halfpenny in the pound levied in that year in the borough.

PART XIV.
—cont.

199. Section 2 of the Southend-on-Sea Order 1921 confirmed by the Ministry of Health Provisional Orders Confirmation (No. 6) Act 1921 shall have effect as if the following proviso were inserted at the end:—

Contributions to band performances may be paid out of pier and foreshore account.

“ Provided also that the Corporation shall repay from the revenue of the pier undertaking and foreshore to the general rate fund any payment or contribution made from that fund under this section in respect of any performance on any of the piers or in any of the rooms thereon.”

11 & 12
Geo. 5.
c. lxii.

200. Section 26 (Power to establish information bureaux) of the Act of 1926 shall have effect as if after the word “borough” wherever it occurs in that section there were inserted the words “and neighbourhood.”

Extension of power to provide information bureaux.

201. Section 84 (In executing works for owner Corporation liable for negligence only) of the Act of 1913 shall have effect as if for the words “or the surveyor” there were substituted the words “the surveyor or the sanitary inspector.”

Amendment of section 84 of Act of 1913.

202. Any water rate or charge payable to the Corporation in respect of premises within the borough may be collected together with the general rate.

Collection of water rate &c.

PART XV.

GENERAL.

203. Subject to the provisions of this Act in the construction of the works authorised by this Act the Corporation may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent.

Limits of deviation.

204. The following provisions of the Act of 1909 and the Act of 1930 shall extend and apply to and for the purposes of this Act as if those provisions were with all necessary modifications re-enacted in this Act (namely):—

Application of certain provisions of existing enactments.

PART XV.
—cont.

The Act of 1909—

Section 15 (Provisions as to compensation);

Section 18 (Persons under disability may grant easements &c.);

Section 27 (Proceeds of sale of surplus lands);

Section 28 (Temporary stoppage of streets):

The Act of 1930—

Section 10 (Application of road materials excavated in construction of works);

Section 11 (Land laid into streets to form part thereof):

Provided that for the purposes of such extension and application the said section 15 of the Act of 1909 shall be read and have effect as if “ the twentieth day of November nineteen hundred and forty-six ” were therein referred to instead of “ the first day of January nineteen hundred and nine ”.

As to
byelaws.

205.—(1) As respects byelaws made under this Act the confirming authority for the purposes of section 250 (Procedure &c. for making byelaws) of the Act of 1933 shall be—

(a) in the case of byelaws made under the following sections of this Act:—

Section 67. (Use of certain lands for sports and games &c.);

Section 72. (Byelaws as to pleasure fairs); and

Section 138. (Sanitary conveniences &c. at parking places);

the Secretary of State;

(b) in the case of byelaws made under section 39 (Pier byelaws) of this Act the Minister of Transport;

(c) in the case of byelaws made under section 183 (As to personal weighing machines) of this Act the Board of Trade;

(d) in the case of byelaws made under section 189 (Aerodrome undertaking) of this Act the Minister of Civil Aviation; and

(e) in all other cases the Minister.

(2) Notwithstanding the provisions of any Act or Order relating to the procedure for the making of byelaws by the Corporation the provisions of section 250 of the Act of 1933 shall apply to all byelaws to be made by the Corporation in respect of their trolley vehicles undertaking and in the application of such last-mentioned provisions the Minister of Transport shall be the confirming authority.

206.—(1) The provisions of this Act to which this section applies shall come into operation on but not until such date as may be fixed by a resolution of the Corporation of which date public notice shall be given by the Corporation by advertisement in one or more local newspapers circulating in the borough.

PART XV.
—cont.

Commence-
ment of
certain
provisions
of this Act.

Every such advertisement shall also state the effect of the provisions to which it relates and the date specified therein as the date on which such provisions shall come into operation shall not be less than one month after the date of publication of the advertisement:

Provided that if the provision is one which requires the licensing or registration of any person or premises the application for the licence or registration may be made and determined before the provision comes into operation.

(2) A copy of a newspaper containing such advertisement shall be sufficient evidence of the publication of the advertisement.

(3) This section shall apply to the following sections of this Act:—

Section 48 (Mooring on the foreshore);

Section 73 (Registration of entertainment proprietors);

Section 129 (Parents &c. to notify certain diseases);

Section 130 (Restrictions on attendance at schools and places of assembly);

Section 145 (Registration of hairdressers and barbers and their premises);

Section 147 (Notice of slaughter of animal unfit for food);

Section 148 (Registration of hawkers of food and their premises);

Section 149 (Registration of vendors of shell-fish and their premises);

Section 183 (As to personal weighing machines).

(4) As respects any of the said provisions which requires the licensing or registration of persons carrying on any business or of premises used for any purpose it shall be lawful for any person who when such provision came into operation—

(a) was carrying on any such business or using any premises for any such purpose; and

(b) had made application in accordance with the provisions of this Act for such registration as is required by this Act;

PART XV.
—cont.

to continue to carry on such business and to use such premises for such purpose until such time as he has been informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (6) of section 208 (As to appeals) of this Act.

Restriction
on right to
prosecute.

207. Section 298 (Restriction on right to prosecute) of the Act of 1936 shall apply to offences created by or under Part VIII (Streets and buildings) except section 75 (Power to make regulations as to traffic on carnival &c. days) and section 82 (Interference with telephone call boxes &c.) Part IX (Sewers and drains) Part X (Infectious disease health and sanitary provisions) and Part XI (Food) of this Act and to the following sections of this Act:—

Section 29 (As to houseboats);

Section 67 (Use of certain lands for sports and games &c.);

Section 182 (Silencers for internal combustion engines);
and

Section 187 (Byelaws as to camping grounds);

as if they were offences created by or under that Act.

As to
appeals.

208.—(1) Any person aggrieved by any requirement refusal or other decision of the Corporation or of any officer thereof under Part VIII (Streets and buildings) Part IX (Sewers and drains) (other than a requirement under section 122 (As to defective drains &c.) of this Act) Part X (Infectious disease health and sanitary provisions) or Part XI (Food) of this Act or section 73 (Registration of entertainment proprietors) or section 184 (Prohibition on touting hawking &c. on esplanades foreshore &c.) of this Act may except where otherwise expressly provided or when some other right of appeal is conferred by this Act appeal to a court of summary jurisdiction.

(2) The procedure upon any such appeal shall be by way of complaint for an order and the Summary Jurisdiction Acts shall apply to the proceedings.

(3) The time within which any such appeal may be brought shall except where otherwise expressly provided be twenty-one days from the date on which notice of the requirement refusal or decision was published or served upon the person desiring to appeal and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.

(4) In any case in which such an appeal lies the document notifying the requirement refusal or decision in the matter shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought

unless these have already been stated in a notice to the person concerned informing him of his right to a hearing before the Corporation with regard to the same matter.

(5) Where a person aggrieved by any order determination or other decision of a court of summary jurisdiction under this Act is not by any other enactment authorised to appeal to a court of quarter sessions he may except where otherwise expressly provided appeal to such a court.

(6) Where any requirement refusal order determination or other decision against which a right of appeal is conferred by this Act involves the execution of any work or the taking of any action or makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time of such requirement refusal order determination or other decision or to use any premises for any purpose for which they were lawfully used up to such time—

- (a) no proceedings in respect of any failure to execute the work or take the action shall be taken;
- (b) the Corporation shall not execute such work or take such action; and
- (c) any such person may carry on such business and use such premises for such purpose;

until the time for appealing has expired or when an appeal is lodged until the appeal has been disposed of or withdrawn or fails for non-prosecution thereof.

(7) Where upon an appeal under this Act a court varies or reverses any requirement refusal or other decision of the Corporation effect shall be given to the order of the court and in particular any necessary consent certificate or other document shall be granted or issued and any necessary entry in any register shall be made.

209. Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

Damages
and charges
to be
settled by
court.

210. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration (other than questions or disputes which are required to be determined by the arbitration of an official arbitrator appointed under the Acquisition of Land (Assessment of Compensation) Act 1919 or to which the provisions of section 213 (Compensation how to be determined) of this Act apply) the reference shall be subject to the provisions of the Arbitration Acts 1889 to 1934 and unless other provision is made or it is otherwise agreed the arbitrator shall be appointed by the Minister.

Applica-
tion of
Arbitration
Acts.

PART XV.

—cont.

Inquiries by
Minister.

211. The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act and section 290 (Power of government departments to direct inquiries) of the Act of 1933 shall apply accordingly.

Inquiries by
Minister of
Transport.

212.—(1) The Minister of Transport may hold such inquiries as he may consider necessary in regard to the exercise of any powers or duties conferred upon him or the giving of consents under this Act or any existing Act or Order of the Corporation.

(2) Where the Minister of Transport causes any inquiry to be held in pursuance of this section or of any provision of any Act or Order of the Corporation section 290 of the Act of 1933 shall apply to such inquiry notwithstanding the provisions of any such Act or Order of the Corporation.

Compensa-
tion how to
be deter-
mined.

213. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 of the Act of 1936.

Applica-
tion of
section 265
of Public
Health Act
1875.

214. Section 265 of the Public Health Act 1875 shall extend and apply to the purposes of this Act or any local enactment for the time being in force in the borough as if the same were re-enacted therein.

Application
of provisions
of Act of
1936.

215.—(1) The sections of the Act of 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

- Section 271 (Interpretation of "provide");
- Section 275 (Power of local authority to execute certain work on behalf of owners or occupiers);
- Section 277 (Power of councils to require information as to ownership of premises);
- Section 283 (Notices to be in writing; forms of notices &c.);
- Section 284 (Authentication of documents);
- Section 285 (Service of notices &c.);
- Section 286 (Proof of resolutions &c.);
- Section 287 (Power to enter premises);
- Section 288 (Penalty for obstructing execution of Act);
- Section 289 (Power to require occupier to permit works to be executed by owner);
- Section 291 (Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments);

- Section 292 (Power to make a charge in respect of establishment expenses);
 Section 293 (Recovery of expenses &c.);
 Section 294 (Limitation of liability of certain owners);
 Section 295 (Power of local authority to grant charging orders);
 Section 296 (Summary proceedings for offences);
 Section 297 (Continuing offences and penalties);
 Section 304 (Judges and justices not to be disqualified by liability to rates);
 Section 328 (Powers of Act to be cumulative);
 Section 329 (Saving for certain provisions of the Land Charges Act 1925):

PART XV.
—cont.

Provided that the said sections 277 287 288 289 291 292 294 295 and 329 shall only apply to the provisions contained in Part VIII (Streets and buildings) Part IX (Sewers and drains) Part X (Infectious disease health and sanitary provisions) and Part XI (Food) of this Act.

(2) The following sections of the Act of 1936 shall extend and apply in relation to any local enactment for the time being in force in the borough as if such sections were re-enacted in that local enactment and in terms made applicable thereto (that is to say):—

- Section 283 (Notices to be in writing; forms of notices &c.);
 Section 285 (Service of notices &c.).

216.—(1) Where any work constructed by the Corporation or any other body or person under the powers of this Act and situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Minister of Transport or the port authority may by notice in writing either require the Corporation or such other body or person at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Minister of Transport or the port authority may think proper:

Abatement
of work
abandoned
or decayed.

Provided that if there be any conflict between a requirement of the Minister of Transport and a requirement of the port authority under this section the requirement of the Minister of Transport shall prevail.

PART XV.
—cont.

(2) If during the period of thirty days from the date when the notice is served upon the Corporation or any other body or person they have failed to comply with such notice the Minister of Transport or the port authority may execute the works required to be done by the notice at the expense of the Corporation or such other body or person and the amount of such expense shall be a debt due from the Corporation or such other body or person to the Crown or the port authority respectively and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds summarily as a civil debt.

Works
below
high-water
mark not to
be con-
structed
without
consent of
Minister of
Transport.

217.—(1) The Corporation or any other body or person shall not under the powers of this Act carry out 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 or any dredging or excavation without the previous consent of the Minister of Transport and then only according to such plan and under such restrictions and regulations as the Minister of Transport may approve of in writing and where any such work may have been constructed the Corporation or such other body or person shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval.

(2) If any work be commenced altered extended or completed contrary to the provisions of this section the Minister of Transport may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the owner of such work and the amount of such costs and charges shall be a debt due from the owner of such work to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds summarily as a civil debt.

For pro-
tection of
Post-
master-
General.

218.—(1) Where any highway or portion of a highway is stopped up in pursuance of an order made under section 99 (Stopping up and diversion of highways) of this Act the following provisions shall unless otherwise agreed in writing between the Corporation and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such highway or portion of a highway at the time of such stopping up:—

(a) The Postmaster-General shall have power to remove the line so however that the said power shall not be exerciseable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in subsection (2)

of this section unless before the expiration of that period the Postmaster-General has given notice to the Corporation of his intention to remove the line or that part thereof as the case may be;

- (b) The Postmaster-General may by notice to the Corporation in that behalf abandon the said line or any part thereof and shall be deemed as respects the line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;
- (c) The Postmaster-General shall be entitled to recover from the Corporation the expense of providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster-General may require;
- (d) Where under paragraph (b) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the Corporation and the provisions of the Telegraph Acts 1863 to 1943 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

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

(3) If in relation to the works authorised by section 24 (Power to construct improvement works) section 26 (Power to make subsidiary works) section 78 (Rounding of corners at street junctions) or section 95 (Power to vary width of carriageways and footways) of this Act (which said sections are hereinafter referred to as "the specified sections") the Corporation require an alteration either temporarily or permanently in any telegraphic line belonging to or used by the Postmaster-General the enactments numbered (1) to (8) in section 7 of the Telegraph Act 1878 shall apply with respect to such alteration.

(4) If in consequence of the exercise or intended exercise by the Corporation of any of the powers conferred on them by the specified sections the Postmaster-General considers it

PART XV.
—cont.

necessary or expedient that an alteration should be made in any telegraphic line belonging to or used by him and placed in any highway affected by the exercise or intended exercise by the Corporation of any of the said powers the Postmaster-General may himself make such alteration in such telegraphic line as he deems necessary or expedient and the Corporation shall pay to the Postmaster-General all the expenses incurred by him in respect of such alteration and the amount of any loss or damage sustained by him in consequence thereof:

Provided that—

- (a) before making such alteration the Postmaster-General shall give a notice to the Corporation containing particulars of the telegraphic line to be altered and of the nature of the alteration he intends to make;
- (b) the Corporation may within fourteen days of the receipt of the notice give to the Postmaster-General a notice objecting to the alteration on the ground that it is unnecessary or unreasonable and thereupon a difference shall be deemed to have arisen and sections 4 and 5 of the Telegraph Act 1878 shall apply accordingly and the tribunal by which the difference is determined may make such order as it thinks just as to the alteration (if any) to be made in the telegraphic line and as to the manner in which the proposed work of the Corporation is to be carried out.

(5) Expressions in this section have the same meaning as in the Telegraph Act 1878.

For
further
protection
of Post-
master-
General.

219. Any telephonic telegraphic or other electrical works or apparatus made and maintained by the Corporation under the powers in that behalf conferred on them by subsection (3) of section 26 (Power to make subsidiary works) or section 33 (Subsidiary works for harbour works) of this Act shall not be used in contravention of the exclusive privileges conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

For
protection
of port
authority.

220. Notwithstanding anything in this Act or in any enactment incorporated with or applied for the purposes of this Act the following provisions shall unless otherwise agreed in writing between the Corporation and the port authority have effect for the protection of the port authority in relation to the making and maintenance of so much of the works authorised by section 24 (Power to construct improvement

works) and section 32 (Power to construct harbour works) of this Act as will be situate below high-water mark of ordinary tides (in this section called "the authorised works") and the exercise of the powers of this Act by the Corporation (that is to say):—

- (1) The Corporation shall not make or commence any of the authorised works nor any improvement alteration widening or extension thereof or of the pier whether permanent or temporary in the river Thames or on or under the bed or shores thereof below high-water mark unless and until the plans elevations and sections referred to in the next succeeding subsection have been reasonably approved by the port authority:

Provided that if within six weeks from the receipt by the port authority of such plans elevations and sections the port authority do not signify to the Corporation their disapproval thereof and their requirements in relation thereto they shall be deemed to have approved thereof:

Provided also that if any question affecting any plans elevations and sections which may have been approved under this subsection shall be referred to arbitration under any other section of this Act the port authority shall be entitled to be heard at such arbitration and the plans elevations and sections settled by such arbitration shall be deemed to have been approved under this subsection:

- (2) All such works improvements alterations widenings and extensions shall be executed according to plans elevations and sections to be reasonably approved in writing or deemed to have been approved by the port authority and deposited at their office and to the reasonable satisfaction of the engineer for the time being of the port authority and during the execution or maintenance of the same the Corporation shall take such precautions for the safety of the navigation as the port authority may reasonably direct and the traffic of the said river shall not be interfered with more than may be necessary in the construction of the said works and improvements alterations widenings and extensions thereof or the maintenance of the same respectively:
- (3) Notwithstanding anything in this Act or shown on the deposited plans as to the limits of deviation of the works authorised by this Act the port authority shall be entitled to withhold their approval of any plans for which their approval is necessary under this section if

PART XV.
—cont.

they shall reasonably consider that the execution of the works in accordance with such plans will have a detrimental effect on the flow of the river Thames or the navigation thereof or will cause siltation of or detrimentally affect any channel for the dredging or maintenance of the depth or width of which the port authority may be from time to time responsible and the port authority may as a condition of any such approval impose on the Corporation obligations to repay to the port authority any reasonable additional cost to the port authority of carrying out their obligations in regard to any such channel which may be attributable to the carrying out by the Corporation of any such works in accordance with such plans and the Corporation shall comply with such condition:

- (4) Each of the authorised works when commenced shall be proceeded with and completed with all reasonable dispatch and the Corporation shall upon reasonable notice in writing from the port authority under the hand of their secretary so to do remove any temporary works and materials for temporary works which may have been placed in the river Thames by the Corporation and are no longer in use and on their failing to do so the port authority may remove the same and recover from the Corporation the reasonable expense of so doing:
- (5) Before commencing the erection or construction of any of the authorised works or any temporary works for the construction of such works the Corporation shall apply to the port authority for directions as to the lights to be exhibited and other means to be taken for preventing danger to navigation and shall in all respects obey any directions given for that purpose upon that application or otherwise from time to time by the port authority during the construction of the said works and after completion of the said works the Corporation shall place and maintain such lights or marks thereon or in relation thereto as the port authority deem necessary in the interests of navigation:
- (6) No work of demolition or removal of structures in connection with any of the authorised works and not required or derelict shall be commenced carried out on or continued by the Corporation without the written consent of the port authority under the hand of their secretary having been first obtained and all

work necessary for or in connection with such demolition or removal shall be carried out under the supervision (if given) and to the reasonable satisfaction of the engineer of the port authority and at the expense in all things of the Corporation:

- (7) The Corporation shall at all times allow the engineer of the port authority or his authorised representative to inspect or survey all or any of the authorised works both during and after construction and shall give all reasonable facilities for so doing:
- (8) After construction of the authorised works the members of the port authority and the duly authorised officers and servants of the port authority shall at all reasonable times have free access to from in and over the pier without payment either from the landward side or from the river Thames and any vessel employed in the service of the port authority shall at all reasonable times when accommodation for any such vessel at the pier is reasonably available have the free use thereof without any payment or charge whatever:
- (9) (a) The Corporation shall accept all responsibility in respect of the maintenance of the approach channel or low way being Improvement Work No. 7 described in section 24 of this Act and for such marking thereof as may be required by the Trinity House;
- (b) The Corporation shall alter the position depth and width of the said approach channel in such manner and construct such additional training works as may be reasonably required by the port authority if the said approach channel on completion shall have caused any lessening of the depth of or otherwise adversely affected the existing channels known as Hadleigh Ray on the mainland side of Canvey Island and Leigh Creek unless the last-mentioned channel shall have been stopped up or reclaimed under the powers of this Act before the completion of the said approach channel:
- (10) The works authorised by section 24 of this Act shall in particular and without prejudice to the generality of this section be carried out in such a manner as to prevent any dredged or other filling material for the construction of the embankment or sea walls authorised by this Act from being washed into or allowed to fall into the river Thames:
- (11) The programme or sequence of the operations for the construction in the river Thames of the works

PART XV.
—cont.

authorised by or under this Act shall be only such as may be agreed in writing between the respective engineers of the Corporation and the port authority or determined by arbitration before any contract for any part of the works is entered into by the Corporation:

- (12) The compensation or consideration payable to the port authority in respect of any works authorised by or under this Act or any temporary works for the carrying out of such works to be placed in the river Thames or on over or under the bed shores or banks thereof westward of an imaginary line drawn from Yantlet Creek to the City Stone opposite to Canvey Island (but excepting works in any part of the area referred to in section 45 of the Port of London Act 1908 as re-enacted in section 303 of the Port of London (Consolidation) Act 1920) shall be assessed in accordance with the provisions of section 254 of the last-mentioned Act or other statutory provision in lieu thereof for the time being in force:
- (13) Nothing in this Act shall extend to or be construed to extend to prejudice or derogate from the estates rights interests privileges liberties or franchises of the port authority or to prohibit defeat alter or diminish any power authority or jurisdiction which at the time of the passing of this Act the port authority did or might lawfully claim use or exercise under and by virtue of the said Port of London (Consolidation) Act 1920 or any other Act for the time being governing their undertaking:
- (14) If any question arises between the Corporation and the port authority under the provisions of this section such question shall be referred to and determined by an arbitrator to be appointed in default of agreement by the president of the Institution of Civil Engineers upon the application of either party and the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

221. For the protection of the Essex Rivers Catchment Board (in this section called "the board") acting as the drainage board for the Essex Rivers Catchment Area and as the drainage board for the Pitsea Internal Drainage District the following provisions shall unless otherwise agreed in writing between the Corporation and the board have effect (that is to say):—

For pro-
tection of
Essex
Rivers
Catchment
Board.

- (1) Improvement Works Nos. 1 and 2 authorised by Part III of this Act shall be constructed to and maintained at a level of not less than 15.50 feet above ordnance datum (Liverpool) and of such dimensions as may be reasonably approved by the board and shall be executed in accordance with plans specifications and sections to be submitted to and to be subject to the reasonable approval of the board and shall be executed to the reasonable satisfaction of the board:

Provided that if the board shall not signify their approval or disapproval of any plans specifications or sections within twenty-eight days after they shall have been submitted the board shall be deemed to have approved thereof:

Provided also that if any question affecting any plans specifications and sections which may have been approved under this subsection shall be referred to arbitration under any other section of this Act the board shall be entitled to be heard at such arbitration and the plans specifications and sections settled by such arbitration shall be deemed to have been approved under this subsection:

- (2) The face of the Improvement Work No. 1 shall be revetted or otherwise suitably protected against erosion:
- (3) The Corporation shall in constructing the Improvement Work No. 1 make such provision for its union with the river wall of the board as may be reasonably required by the board:
- (4) As from the date and during any period when the access of the board to any part of the river walls under their jurisdiction and control shall be interfered with by the works and operations of the Corporation under this Act and the board shall be unable to carry out their functions in respect thereof in the same manner as heretofore the Corporation shall maintain such part of the river walls to and at a level of not less than 15.50 feet above ordnance datum (Liverpool) or the height of the said river walls at the passing of this Act (whichever shall be the lower) to the reasonable satisfaction of the board and the Corporation shall at all times after the date of the closure of the creek between Two Tree Island and the mainland maintain the mainland river wall and the river wall on the north side of Two Tree

PART XV.
—cont.

Island and works in connection therewith within the confines of the closure works to the like satisfaction:

- (5) The Corporation shall in the construction of the Improvement Works Nos. 2 and 3 provide and shall thereafter maintain to the reasonable satisfaction of the board an adequate outfall for the discharge of the drainage which prior to the passing of this Act was discharged into the creek between Two Tree Island and the mainland together with such channels as may be necessary to convey such drainage from the existing sluices to the said outfall:
- (6) The Corporation shall before commencing to raise the level of the lands numbered on the deposited plans 2 3 and 4 in the borough or to interfere with or enclose the said creek construct and thereafter maintain to the reasonable satisfaction of the board all such channels as may be rendered necessary by reason of the construction of the works authorised by and the exercise of the powers conferred by this Act to divert the flow of drainage into such other suitable watercourses as may be agreed by the board and shall execute such other works as may be reasonably required by the Board to provide for the adequate discharge of such drainage into tidal waters:
- (7) The Corporation shall maintain that part of the watercourse situate on the western boundary of the borough on the mainland lying between the north bank of Leigh Creek and the London Midland and Scottish Railway to the reasonable satisfaction of the board:
- (8) The Corporation shall not in the exercise of any of the powers conferred by this Act erect any buildings—

(a) in or over any part of the main river as defined in the Land Drainage Act 1930 within the Essex Rivers Catchment Area or in or over any watercourse situate in an internal drainage district or in on or over any embankment constructed in connection with any part of such main river or with any part of any such watercourse without the previous consent in writing of the board; or

(b) within a distance of fifty feet measured horizontally on the landward side of any such

embankment or where there is no raised embankment within a distance of fifty feet measured horizontally from the brink of the said main river or watercourse (as the case may be);

without the consent of the board which consent shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by arbitration:

- (9) The Corporation shall be responsible for and make good to the board all costs charges losses damages and expenses which may be occasioned to the land drainage works under the jurisdiction of the board by reason of the exercise of the powers conferred by this Act and the Corporation shall indemnify and hold harmless the board from all claims and demands upon or against them by reason thereof:
- (10) If by reason or in consequence of the exercise of the powers conferred by section 40 (Power to dredge) of this Act the board shall be put to increased expense in the repair or maintenance of the land drainage works under their control and jurisdiction the amount of such increased expense shall be repaid to the board by the Corporation:
- (11) No byelaw under section 140 (Byelaws as to tipping refuse) of this Act shall extend to regulate the tipping of spoil and refuse by the board in the exercise of their statutory powers:
- (12) Any difference which may arise between the Corporation and the board under this section shall be referred to and determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers upon the application of either party.

222. The following provisions for the protection of the London Midland and Scottish Railway Company (in this section referred to as "the company") shall notwithstanding anything contained in this Act or shown on the deposited plans and sections and unless otherwise agreed in writing between the Corporation and the company be in force and have effect:—

For further protection of London Midland and Scottish Railway Company.

- (1) The Corporation shall not purchase or acquire compulsorily any lands or property of the company except that the Corporation may purchase and take and the company shall sell and grant accordingly such easements in and over the lands of the company as may be reasonably necessary for the con-

PART XV.
—cont.

struction and maintenance in accordance with this section of the improvement works authorised by Part III of this Act:

- (2) The bridges over the Company's railway comprised in Improvement Works Nos. 3 and 6 by this Act authorised shall be designed and constructed so as to allow the provision by the company of two additional lines of railway making four in all under each bridge without the necessity of any alteration of the bridge and the headway under each bridge shall be not less than sixteen feet above the existing rail level. The said bridges shall be maintained by the company at the expense of the Corporation and the Corporation shall maintain the surface of the road and footways on the said bridges to the reasonable satisfaction of the company:
- (3) Before commencing the construction of so much of the said Improvement Works Nos. 3 and 6 as will cross over or affect the railway of the company or any subsequent repairs or renewals of the same (hereinafter referred to as "the works") the Corporation shall submit to the principal engineer of the company (hereinafter referred to as "the engineer") plans sections and specifications of the works for his approval which shall be deemed to have been given if the engineer shall not express his disapproval thereof within twenty-eight days of the date of such submission to him:
- (4) The works shall be carried out only in accordance with plans sections and specifications approved or deemed to be approved as aforesaid or in case of disapproval in accordance with such plans sections and specifications as may be determined by arbitration:
- (5) The Corporation shall give to the engineer not less than fourteen days' notice of their intention to commence the works which shall in so far as they may affect the railways works or property of the company be carried out under the superintendence (if given) and to the reasonable satisfaction of the engineer:
- (6) Before the Corporation commence the construction of the works any temporary or permanent works which may be reasonably necessary to ensure the stability of the railways and works of the company with reference to the works may and shall be carried out by the company according to plans sections and specifications to be previously submitted to and

approved by the Corporation or in default of agreement in accordance with plans sections and specifications determined by arbitration under this section:

- (7) In carrying out Improvement Work No. 3 by this Act authorised the Corporation shall so far as is reasonably practicable make provision for free and uninterrupted communication by road between Belton Way and the company's goods depot south of Leigh-on-Sea station:
- (8) Each of so much of the said Improvement Works Nos. 3 and 6 as will cross over or affect the railway of the company shall when commenced be carried out continuously and with all reasonable dispatch and by such means and in such manner as to leave the railway undisturbed at all times and so as in no way to obstruct impede or interfere with the free uninterrupted and safe user thereof or with the traffic thereon and if any such obstruction or interference shall be caused or take place contrary to this enactment the Corporation shall notwithstanding any approval as aforesaid pay to the company all reasonable costs and expenses to which they may be put as well as compensation for any loss sustained by them by reason of any such interruption or interference:
- (9) If by reason of the construction of the works it shall be reasonably necessary to add to or alter the existing railway or any signal boxes or any signalling telegraph or other apparatus of the company the company may carry out any such work at the expense of the Corporation as hereinafter provided:
- (10) The Corporation shall from time to time repay to the company all expenses reasonably incurred by them in pursuance of subsections (6) and (9) of this section including the cost of the preparation of any drawings and specifications together with any expenses certified by the engineer to have been incurred by the company—
 - (a) in respect of any special traffic working or resulting from any speed restrictions which may in the opinion of the engineer require to be imposed or from the substitution or diversion of services during the progress of the works or if necessary within a reasonable time thereafter;
 - (b) in lighting the railway in the vicinity of and during the progress of the works;

PART XV.
—cont.

(c) in respect of the employment by the company of a sufficient number of inspectors watchmen signalmen and other persons to be appointed by them for inspecting lighting watching and signalling the railway with reference to and during the execution of the works and for preventing as far as may be all interference obstruction danger or accident arising therefrom;

(d) in respect of the approval by the engineer of plans sections drawings and specifications submitted by the Corporation and of the supervision by the engineer of any works executed by the Corporation or their contractors.

(11) Notwithstanding the approval of plans sections and specifications or superintendence by or completion of the works to the satisfaction of the engineer and notwithstanding compliance by the Corporation with the provisions of this section—

(a) the Corporation shall be responsible for and make good to the company all costs losses damages and expenses not otherwise provided for which may be occasioned to the company by reason of and during or within twelve months after the construction of the works;

(b) the Corporation shall indemnify the company from and against all claims for damage or compensation in respect of any damage injury or loss which may be suffered by the employees of the company or by any passenger owner of merchandise or owner of property adjoining the works or of any other person or persons by reason of the negligence of the Corporation in connection with the existence construction or failure of the works or any such operation as aforesaid:

Provided that the company shall give to the Corporation reasonable notice of any such claim and that no settlement or compromise thereof shall be made except with the consent of the Corporation:

(12) (a) When the new road and bridge comprised in Improvement Work No. 6 by this Act authorised have been completed and opened for public traffic the company shall stop up and discontinue as a highway so much of the road leading from Leigh Hill to Leigh High Street as crosses over the company's railway and property on the level and also

the footbridge provided by the company at or near the said level-crossing and from and after such stopping up and discontinuance all rights of way whatsoever over the said level crossing and footbridge shall cease and determine;

(b) Upon such stopping up and discontinuance as aforesaid the company shall pay to the Corporation a capital sum equivalent to the savings to be effected by the company in consequence of the closing of the said level-crossing:

- (13) Any difference arising between the Corporation and the company under this section (other than a difference as to construction or meaning of the section) shall be referred to and determined by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers.

223. For the protection of the County of London Electric Supply Company Limited (in this section referred to as "the company") the following provisions shall notwithstanding anything in this Act contained and unless otherwise agreed in writing between the company and the Corporation apply and have effect:—

For protection of County of London Electric Supply Company Limited.

- (1) In this section "apparatus" means all or any electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to the company:
- (2) (a) The Corporation shall so exercise the powers of section 84 (Power to lay out grass margins &c. in streets) of this Act as not to obstruct or render less convenient the access to any apparatus and shall so maintain every tree planted under the powers conferred by that section that the same does not injuriously affect any such apparatus;

(b) Whenever under the powers of the said section the Corporation add to the footway or carriageway of any street any grass margin in or under which any apparatus is for the time being situate the company if it should be reasonably necessary in order to safeguard the apparatus may at their option either—

- (i) relay the apparatus in or under the reduced grass margin (if any) of the street; or
- (ii) lower the apparatus so as to provide adequate protection therefor against injury; or

PART XV.
—cont.

- (iii) if the grass margin be added to the carriageway of the street and there be a footway on the other side of the street relay the apparatus in that footway at such depth as will provide protection against injury:
- (3) Not less than twenty-eight days before the Corporation in the exercise of the powers of section 78 (Rounding of corners at street junctions) or section 84 (Power to lay out grass margins &c. in streets) of this Act add to the carriageway of a street any portion of the footway in or under which any apparatus is for the time being situate the Corporation shall give to the company notice in writing of their intention so to do accompanied by a plan and section of the intended alteration and the company may if it is reasonably necessary (and if so required by the Corporation shall) alter the position of any such apparatus in or under such footway by relaying it in such position (under either the carriageway or the footway) and at such depth as may be reasonable:
- (4) Where the Corporation under the powers of section 98 (Temporary stoppage of streets) of this Act stop up temporarily any street in which any apparatus is situate they shall provide reasonable access for the officers and servants of the company for the purpose of enabling them to inspect repair and renew any of such apparatus:
- (5) (a) Whenever by virtue of section 99 (Stopping up and diversion of highways) of this Act any highway or part of a highway in which any apparatus is for the time being laid or placed is stopped up or diverted the company shall be at liberty—
- (i) to remove the apparatus to and relay the same in the highway (if any) substituted for the highway or part of a highway so stopped up or diverted or in such other situation as the company may reasonably determine; or
- (ii) if reasonably necessary so to do to provide and lay in such substituted highway or other situation in lieu of such existing apparatus apparatus similar and equally suitable thereto;
- (b) Whenever by reason of the exercise by the Corporation of the powers of the said section any apparatus (other than apparatus for which new apparatus has been substituted at the expense of the Corporation under the provisions of this subsection)

is rendered derelict useless or unnecessary the Corporation shall forthwith pay to the company such a sum as may be agreed between the Corporation and the company or as failing such agreement may be determined by arbitration as hereinafter provided to be the value of such apparatus and such apparatus shall upon such payment become the property of the Corporation:

- (6) Section 101 (Reinstatement of streets broken up) of this Act shall not apply to the company:
- (7) The company within seven days after the receipt of the notice from the Corporation referred to in subsection (3) of this section shall give to the Corporation not less than seven days' notice of their intention to divert or alter the position or depth of any apparatus (otherwise than on the requirement of the Corporation) under the provisions of that subsection and shall at the same time deliver to the Corporation a plan and section of the proposed diversion alteration or relaying. If such plan and section are not disapproved by the Corporation within twenty-eight days from the receipt thereof the position and depth of the apparatus shown thereon shall be deemed to be reasonable:
- (8) The Corporation shall repay to the company the reasonable expenses incurred by them of or in connection with any diversion alteration lowering removal or relaying of apparatus or substitution of new apparatus under the provisions of this section and the reasonable expenses of and incidental to the cutting off of such apparatus or any other apparatus and of and incidental to any other works or things rendered reasonably necessary in consequence of any such diversion alteration lowering removal relaying or substitution:
- (9) (a) Any difference which may arise between the Corporation and the company under this section (other than a difference as to the meaning or construction of this section which does not arise in the course of the arbitration) shall be referred to arbitration;
(b) In settling any difference under this section the arbitrator shall have regard to any duties or obligations which the company may be under in respect of any apparatus and may if he thinks fit require the Corporation to execute any temporary or

PART XV.
—cont.

other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

For protection
of Gas
Light and
Coke
Company.

224. For the protection of the Gas Light and Coke Company (in this section referred to as "the gas company") the following provisions shall unless otherwise agreed in writing between the Corporation and the gas company apply and have effect (that is to say):—

- (1) In this section the expression "apparatus" means and includes mains pipes valves plugs stopcocks syphons and other works and apparatus:
- (2) Notwithstanding anything contained in this Act or shown on the deposited plans the Corporation shall not take appropriate or use any apparatus of the gas company situate in on or under the lands respectively numbered 28 153 269 and 284 on the deposited plans or any of them and notwithstanding the acquisition by the Corporation of any of the lands referred to in paragraph (c) or paragraph (e) of subsection (3) of section 5 (Power to take lands) of this Act or any part of any of those lands the gas company their engineers and workmen shall have and may exercise in respect of any apparatus of the gas company situate in or under those lands or any of them or any part thereof all such rights of access to such apparatus as they had immediately before the date of the passing of this Act and shall be at liberty to execute and do all such works and things in upon or under any part of any such lands in upon or under which any apparatus of the gas company is for the time being situate as may be necessary for inspecting repairing maintaining and removing replacing or renewing such apparatus:
- (3) (a) Not less than twenty-eight days before commencing any of the works authorised by Part III or Part V of this Act within a distance of fifteen feet of any apparatus of the gas company the Corporation shall deliver to the gas company a plan section and description of such works describing the proposed manner of executing the same;
 - (b) The gas company may at any time within twenty-eight days of the receipt of such plan section and description by notice in writing intimate to the Corporation their disapproval of the proposed manner of executing such works so far as they involve interference with the apparatus of the gas

company and the reason for such disapproval or make any reasonable requirements with respect to such plan section or description:

Provided that if the gas company shall not within the last-mentioned period of twenty-eight days give any such notice in writing to the Corporation as aforesaid they shall be deemed to have approved the plan section and description as submitted;

(c) The Corporation shall not construct any such works as are referred to in paragraph (a) of this subsection except in accordance with the said plan section and description as approved or deemed to have been approved by the gas company or settled by arbitration;

- (4) If the exercise by the Corporation of the powers of Part III or Part V of this Act will endanger any of the apparatus of the gas company or impede the supply of gas supplied by means thereof the Corporation shall at their own expense if so required by the gas company by notice in writing divert raise lower or alter the position of or support or lay or place cement concrete or other protective substance under or over such apparatus in such manner as the gas company may reasonably require:
- (5) Notwithstanding any other provisions of this Act no apparatus of the gas company shall be removed raised sunk or otherwise altered in position nor shall anything be done which may impede the passage of gas into or through any apparatus in any manner other than the gas company shall approve unless and until such good and sufficient apparatus (hereinafter referred to as "substituted apparatus") as may be reasonably necessary for continuing the supply of gas shall have been first provided laid down and ready for use:
- (6) All works to be executed or provided by the Corporation under this Act affecting or in connection with any apparatus of the gas company shall subject as hereinafter provided be so executed or provided to the reasonable satisfaction and under the superintendence (if after reasonable notice in writing from the Corporation such superintendence be given) of the engineer of the gas company:
- (7) Not less than twenty-one days before commencing the construction of any such works as are referred to in subsections (3) (4) or (5) of this section the

PART XV.
—cont.

Corporation shall give to the gas company notice in writing of their intention to commence such construction and shall state in such notice the place and time at which they propose so to commence and if within fourteen days after the receipt of such notice the gas company shall give notice to the Corporation of their intention themselves to lay down any substituted apparatus or to execute any other works to or in connection with any apparatus of the gas company as provided by this section it shall be lawful for the gas company instead of the Corporation to lay down such substituted apparatus or execute such works and the gas company shall thereupon lay down and execute the same with all reasonable dispatch:

- (8) Not less than fourteen days before the Corporation in the exercise of any of the powers of this Act widen the carriageway of any street so as to extend such carriageway over any apparatus of the gas company which before such widening was situate under the footway or at the side of the street the Corporation shall give notice in writing to the gas company of their intention so to do and the gas company where it is reasonably necessary may and if so required by the Corporation shall relay such apparatus under the altered footway or at the side of the widened street or may lower such apparatus so as to provide adequate protection against vehicular traffic:
- (9) If in the exercise of any of the powers of this Act the Corporation lower or raise the level of any land street or road so as to leave over any apparatus of the gas company a covering of less than two feet or more than four feet the gas company may relay such apparatus at such depth that the covering over such apparatus will be not less than such minimum covering or more than such maximum covering or where the apparatus is situate in the carriageway of such street or road divert the same under the footway of such street or road and lay the same at such depth as aforesaid:
- (10) Not less than twenty-eight days before the Corporation pursuant to section 87 (Means of access to buildings) of this Act require the provision of a means of communication across any footway in or under which any apparatus of the gas company is for the time being situate they shall give notice in

writing to the gas company and if in consequence of the provision of the means of communication across such footway it shall be reasonably necessary to alter the position or depth of the apparatus of the gas company the gas company may (and if so reasonably required by the Corporation shall) alter the position of such apparatus by relaying the same in such position under either the carriageway or the footway and at such depth as may be reasonable:

- (11) In any case in which pursuant to any agreement entered into under the powers of section 93 (Adjustment of boundaries of streets) of this Act the Corporation propose to give up to or convey to any such persons as are mentioned in subsection (1) of that section any land forming part of a street in or under which any apparatus of the gas company is laid or placed the Corporation shall give to the gas company twenty-eight days' notice of their proposal accompanied by a plan showing the position and dimensions of the portion of the street proposed to be given up or conveyed and notwithstanding any agreement entered into or conveyance executed by the Corporation under the said section the gas company their engineers and workmen shall have and may exercise the same powers rights and privileges with respect to such apparatus as if the land in or under which the same is laid or placed had continued to be part of the street or the gas company may at their option (and if reasonably so required by the Corporation or the person to whom the land is or is proposed to be given up or conveyed shall) divert or alter the position of such apparatus to such position in and at such depth below the footway or carriageway of the street as altered under the said powers as may be reasonable:
- (12) The gas company shall give to the Corporation not less than fourteen days' notice of their intention to alter (otherwise than on the requirement of the Corporation) the position or depth of any apparatus of the gas company under the provisions of subsection (10) or subsection (11) 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 fourteen days from the receipt thereof the depth and position of the apparatus shown thereon shall be deemed to be reasonable:

PART XV.
—cont.

(13) Whenever by virtue of the provisions of this Act a road or street or part of a road or street in upon or under which any apparatus (hereinafter in this subsection referred to as "the said apparatus") of the gas company is for the time being laid situate or placed is stopped up or diverted the gas company may—

(a) remove such apparatus to and relay it in the road or street (if any) substituted for the road or street or part of the road or street so stopped up or diverted in such position as the Corporation may reasonably approve or in such other situation as the Corporation may reasonably approve; or

(b) provide and lay in such substituted road or street or other situation as aforesaid other apparatus for the supply of gas. Provided that if the gas company provide or lay apparatus of greater dimensions or of greater capacity than those of the said apparatus the gas company shall themselves bear such proportion of the cost of such provision and laying as represents the amount by which such cost exceeds the cost which would have been incurred if the dimensions or the capacity of the apparatus so provided or laid had been the same as those of the said apparatus:

(14) The Corporation shall not exercise any of the powers of the following sections of this Act:—

Section 68 (Transmission of entertainments);

Section 74 (As to barriers in streets);

Section 79 (Power to place fences near school entrances &c.); and

Section 84 (Power to lay out grass margins &c. in streets);

so as to cause damage to or obstruct or render less convenient the access to any apparatus of the gas company:

(15) Notwithstanding the stopping up temporarily of any road or street or part of a road or street under the powers of this Act the gas company their engineers and workmen and others in their employ shall at all times have such rights of access to all or any apparatus of the gas company situate in or under any such road or street or part of a road or street as they had immediately before such stopping up and shall be at liberty to execute and do all such works and things in upon or under such road or street or part of a road or street as may be necessary for inspecting repairing maintaining renewing or removing such apparatus:

- (16) In the execution by the Corporation or the gas company of the lowering raising alteration or diversion of any apparatus of the gas company or of any work affecting any such apparatus such temporary support as the gas company may reasonably require shall be provided by the Corporation or the gas company (as the case may be) for preventing any damage to such apparatus:
- (17) The gas company shall be at liberty to construct or provide temporary apparatus for preventing any interruption in the supply of gas through any apparatus which may be interfered with or proposed to be interfered with in the execution (whether by themselves or by the Corporation) of any works authorised by this Act or to be executed pursuant to this section:
- (18) The Corporation shall (except as otherwise expressly provided by paragraph (b) of subsection (13)) repay to the gas company the expenses reasonably incurred by the gas company pursuant to subsections (7) (8) (9) (10) (11) (13) (16) or (17) of this section:
- (19) If by reason of the execution of the works authorised by this Act any damage to any apparatus of the gas company or any interruption in the supply of gas by the gas company shall be caused the Corporation shall bear and pay to the gas company the cost reasonably incurred in making good such damage and shall—
- (a) make compensation to the gas company for any loss sustained by them; and
 - (b) indemnify the gas company against all penalties claims and demands which may be recovered from or made against the gas company; by reason of such damage or interruption:
- Provided that the gas company shall give to the Corporation reasonable notice of any such claim or demand and that no settlement or compromise thereof shall be made except with the consent of the Corporation who shall (if they so elect) have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand:
- (20) The Corporation shall bear and pay the cost reasonably incurred by the gas company in the employment of watchmen and inspectors with reference to and during the execution by the Corporation of any works affecting or likely to affect any apparatus of the gas

PART XV.
—cont.

company if the employment of such watchmen and inspectors is reasonably necessary for the protection of such apparatus:

(21) The reasonable expense of all repairs and renewals of any apparatus of the gas company or any works in connection therewith which may at any time be rendered necessary by reason of—

(a) the acts or defaults of the Corporation or their contractors agents workmen or servants or any person in the employ of them or any of them in the execution of the works authorised by this Act; or

(b) any subsidence resulting from the works of the Corporation whether during the construction of such works or within a period of twelve months after the date or respective dates of the completion thereof shall be borne by the Corporation and repaid by them on demand to the gas company:

(22) If any difference shall arise between the Corporation and the gas company under this section (other than a difference as to the construction or meaning of this section) such difference shall be referred to and determined by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers.

For
protection
of
Southend
Water-
works
Company.

225. The provisions of section 224 (For protection of Gas Light and Coke Company) of this Act shall extend and apply to and for the protection of the Southend Waterworks Company (in this section referred to as "the water company") and for this purpose that section shall have effect as if—

- (1) the words "water company" and "water" were therein substituted for the words "gas company" and "gas" respectively in all places where the last-mentioned words respectively occur in that section;
- (2) in subsection (9) the words "three feet" were substituted for the words "two feet."

For
protection
of Leigh
Committee.

226. Notwithstanding anything in this Act the following provisions for the protection of the committee shall unless otherwise agreed in writing between the Corporation and the committee have effect (that is to say):—

(1) In this section—

"the committee" means the persons who are for the time being acting as the members of the representative committee under a deed of trust

made the seventh day of July nineteen hundred and forty-seven between William Deal and Cyril Bertram Curtis of the one part and Gilbert Harvey Charles George Davis Leonard William Johnson Sidney Herbert Perren and James Milne Kyd of the other part;

“ authorised work ” means Improvement Work No. 2 Improvement Work No. 7 or Improvement Work No. 8 by this Act authorised and includes any quay slipway wharf shed or other work constructed by the Corporation in pursuance of the powers conferred on them by subsection (3) of section 26 (Power to make subsidiary works) of this Act;

“ plans ” includes elevations sections and detailed drawings:

- (2) Before commencing to construct any authorised work the Corporation shall submit to the committee for their reasonable approval plans of the authorised work and such work shall not be constructed except in accordance with such plans as so approved or deemed to have been approved by the committee or in default of agreement between the committee and the Corporation as settled by arbitration as is hereinafter provided:

Provided that if within six weeks after the plans have been received by the committee they have not signified to the Corporation their disapproval thereof and their requirements in relation thereto they shall be deemed to have approved thereof:

Provided also that if any question affecting any plans which may have been approved under this subsection shall be referred to arbitration under any other section of this Act the committee shall be entitled to be heard at such arbitration and the plans settled by such arbitration shall be deemed to have been approved under this subsection:

- (3) If any question arises between the Corporation and the committee under the provisions of this section such question shall be referred to and determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers upon the application of either party (after notice in writing to the other) and the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

PART XV.
—cont.
For pro-
tection of
owners of
scheduled
property.

227. Notwithstanding anything in this Act or in the Acts incorporated therewith the following provisions for the protection of the owners of the scheduled properties shall unless otherwise agreed in writing between the Corporation and any one or more of those owners apply and have effect (that is to say):—

(1) In this section—

“ scheduled property ” means each or any of the premises listed in the Second Schedule to this Act by reference to the numbers which they bear on the deposited plans;

“ owner ” means an owner lessee or licensee of a scheduled property of which he is also the occupier:

(2) If the Corporation under the powers of this Act acquire the freehold interest of an owner of a scheduled property they shall not enter on or take possession of such scheduled property until—

(a) other premises equally suitable for the trade or business which is carried on by the owner in the scheduled property; and

(b) alternative facilities in respect of any rights which have been extinguished under the provisions of section 46 (Extinction of certain rights at Bell Wharf) of this Act and which were theretofore exercised by the owner in connection with the trade or business carried on by him in the scheduled property;

have been provided to the satisfaction of the owner or in default of agreement between the owner and the Corporation to the satisfaction of the Minister of Transport:

(3) As soon as may be after the acquisition by the Corporation under this Act of the freehold interest of an owner of a scheduled property the Corporation shall (unless they shall have already provided premises and facilities in accordance with subsection (2) of this section) grant to the owner a lease of the scheduled property at such rent as may be agreed between the parties or in default of agreement as may be fixed by the district valuer of the valuation office of the Inland Revenue Department and on such other terms and conditions as the Corporation may think fit:

(4) If the Corporation under the powers of this Act acquire any interest being less than a freehold

interest of an owner of a scheduled property they shall as soon as may be after such acquisition (unless they shall have already provided premises and facilities in accordance with paragraph (b) of subsection (5) of this section) grant to the owner a lease or licence or (as the case may be) enter into a tenancy agreement so far as reasonably practicable on the same terms and conditions as those subject to which the owner held the scheduled property before such acquisition as aforesaid:

(5) The Corporation shall not enter on or take possession of any property referred to in subsection (4) of this section until either—

(a) the lease licence or tenancy agreement granted or entered into under the said subsection (4) is terminated in accordance with the terms thereof; or

(b) (i) other premises equally suitable for the trade or business which is carried on by the owner in the scheduled property; and

(ii) alternative facilities in respect of any rights which have been extinguished under the provisions of section 46 (Extinction of certain rights at Bell Wharf) of this Act and which were theretofore exercised by the owner in connection with the trade or business carried on by him in the said premises;

have been provided to the satisfaction of the owner or in default of agreement between the owner and the Corporation to the satisfaction of the Minister of Transport;

whichever shall first occur:

(6) Nothing in this section shall—

(a) prejudice or affect the right of the Corporation to acquire a scheduled property under any enactment (other than this Act) whether passed before or after the passing of this Act; or

(b) apply to a scheduled property which at the date on which the Corporation serve notice to treat under the powers of this Act was being used primarily for the purpose of retail trade.

228. Notwithstanding anything contained in this Act or shown on the deposited plans and unless otherwise agreed in writing between the Corporation and the trustees of the church and Sunday school or hall in the borough collectively

For protection of trustees of Argyll Road Methodist Church.

PART XV.
—cont.

known as the Argyll Road Methodist Church (in this section referred to as "the trustees") the Corporation shall not enter upon take or use the property numbered 220 in the borough on the deposited plans and in the deposited book of reference except upon the terms and subject to the provisions of an agreement dated the fifteenth day of July nineteen hundred and forty-seven and made between the Corporation of the one part and the trustees of the other part.

Saving for
Trinity
House.

229. Subject to the provisions of subsection (5) of section 220 (For protection of port authority) of this Act nothing contained in this Act shall prejudice or affect the powers rights and privileges of the Corporation of Trinity House of Deptford Strond.

Saving for
town and
country
planning.

230.—(1) The provisions of the Town and Country Planning Acts and of any order scheme or regulation made under those Acts or under any enactment repealed by those Acts so far as those provisions are from time to time in force in respect of the land on which any development within the meaning of those Acts is carried out under this Act shall apply to that development.

(2) In this section the expression "Town and Country Planning Acts" means—

(a) the Town and Country Planning Acts 1932 and 1943 the Town and Country Planning Act 1944 and the New Towns Act 1946; and

(b) any public general Act passed or to be passed in the present session repealing amending or extending the provisions of those Acts.

22 & 23
Geo. 5. c. 48.
6 & 7 Geo. 6.
c. 29.
9 & 10
Geo. 6. c. 68.

Crown
rights.

231. 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 Minister of Transport respectively without the consent in writing of the Commissioners of Crown Lands or the Minister of Transport as the case may be on behalf of His Majesty first had and obtained for that purpose.

Costs of
Act.

232. 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.

The SCHEDULES referred to in the foregoing Act.

THE FIRST 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 seven 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:

Provided that bonds shall not be issued at a lower price than par except with the consent of the Minister.

(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 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 of the Corporation shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars:—

(a) the name address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided;

(b) the date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

5.—(1) The Corporation shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(2) If a certificate is worn out or damaged the Corporation on the production thereof may cancel it and issue a new certificate in lieu thereof.

1ST SCH. —cont.

(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. Date

COUNTY BOROUGH OF SOUTHEND-ON-SEA.

Southend-on-Sea Corporation bonds.

per centum Southend-on-Sea Corporation bond repayable at par on the.....19.....at the.....

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 county borough of Southend-on-Sea under the Southend-on-Sea Corporation Act 1947 at.....

The corporate seal of the mayor aldermen and burgesses of the county borough of Southend-on-Sea was hereunto affixed in the presence of

6. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Corporation shall not prevent the holder of the bond from disposing of and transferring the bond.

7.—(1) The transfer of a bond shall be by deed in the following form or in a form substantially to the like effect:—

FORM OF DEED OF TRANSFER. Southend-on-Sea Corporation bonds.

I in consideration of the sum of..... paid by..... (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 than 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 Southend-on-Sea Corporation bonds" (hereinafter called "the register") 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. The Corporation may close the register for a period not exceeding thirty days immediately before the thirty-first day of March and the thirtieth day of September respectively in any year and notwithstanding the receipt by the Corporation during those periods of any deed of transfer the half-yearly payment of interest next falling due may be made to the persons registered as holders of bonds on the date of the closing of the register.

9.—(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.

(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.

10.—(1) Unless the holder of a bond otherwise requests the Corporation may pay the interest thereon by posting a warrant to the holder at his address as shown in the register.

(2) The posting by the Corporation of a letter containing an interest warrant addressed to a holder as aforesaid shall as respects the liability of the Corporation be equivalent to the delivery of the warrant to the holder himself.

11. 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.

1ST SCH.
—cont.

12. The production to the Corporation of any document which is by law sufficient evidence of probate of the will or letters of administration of the estate or confirmation as executor of a deceased person having been granted to some person shall notwithstanding anything in this schedule be accepted by the Corporation as sufficient evidence of the grant.

 THE SECOND SCHEDULE.

No. on deposited plans.	Description of property.
11	Boat-building yard office shelters store sheds shops convenience roadways and launches machine shop and canteen.
12	15 Leigh Marshes.
13	14 Leigh Marshes.
14	13 Leigh Marshes.
15	12 Leigh Marshes.
16	11 Leigh Marshes.
17	10 Leigh Marshes.
18	9 Leigh Marshes.
19	8 Leigh Marshes.
20	7 Leigh Marshes.
21	6 Leigh Marshes.
22	6A Leigh Marshes.
23	5 Leigh Marshes.
24	4 Leigh Marshes.
25	3 Leigh Marshes.
26	2 Leigh Marshes.
27	1 Leigh Marshes.
42	57 High Street.
47	61A High Street.
54	66 High Street.
63	72 High Street.
74	Wharf boathouses garage enclosure roadways and launches slipway Victoria Wharf High Street.
79	8 High Street.
87	13A High Street.
89	Yards workshops approaches and outbuildings.
95	Wharf tram lines warehouse outbuildings and barge-berths High Street.
97	17 High Street.
113	} Houses 1-3 Wharf Cottages High Street.
114	
115	
124	37 High Street.
129	Cafe cockle-shed and forecourt High Street.

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