



CHAPTER xlii.

An Act to empower the mayor aldermen and burgesses of the borough of Merthyr Tydfil to execute works for the improvement of the Morlais Brook to confer further powers upon them in regard to lands to make further and better provision in reference to the improvement health local government and finance of the borough to repeal the Dowlais Railway Act 1849 and the Dowlais Railway Act 1854 and for other purposes. [30th July 1948.]

WHEREAS the borough of Merthyr Tydfil (in this Act called "the borough") is a county borough under the local government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation"):

And whereas it is expedient to authorise the Corporation to execute the works referred to in this Act and to acquire land in the borough for the purpose of such works and for other purposes and to confer further powers upon the Corporation in regard to lands:

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 by the Dowlais Railway Act 1849 and the Dowlais Railway Act 1854 the Dowlais Iron Company were authorised to construct certain railways in the parishes townships hamlets or places of Merthyr Tydfil Heol-y-Wormood and Dowlais all of which are now included in the borough:

12 & 13 Vict.
c. lxi.

17 & 18 Vict.
c. cxvi.

And whereas the said railways were duly constructed but were long ago disused and abandoned and the rails thereof were long ago removed:

And whereas the lands upon which the said railways were constructed are now vested in fee simple in the Board of Trade as successors of the Commissioner for the Special Areas (England and Wales) and the Board of Trade have agreed to convey and transfer part of such lands to the Corporation:

And whereas the Dowlais Railway Act 1849 and the Dowlais Railway Act 1854 are obsolete and it is expedient that those Acts should be repealed and that all obligations liabilities duties and responsibilities thereunder should cease and determine:

And whereas by a conveyance and assignment dated the third day of February nineteen hundred and forty-seven and made between Richard Fothergill of the one part and the Corporation of the other part there were conveyed to the Corporation certain lands in the borough which together with the adjacent or outlying plantations banks stations sidings or other strips or pieces of land formerly formed a tramroad known as the Merthyr Tydfil tramroad extending from the Morlais Quarries on the north as far south as the place known as the Basin at Navigation (now known as Abercynon):

And whereas the said tramroad was long ago disused and abandoned but it is uncertain whether rights of way exist over or along such lands and it is expedient that subject to the provisions of this Act any rights of way now existing over or along the same should be extinguished:

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:—

The purchase of lands under the powers of this Act and the execution of the works authorised by this Act	...	£640,000
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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:

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 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. This Act may be cited as the Merthyr Tydfil Corporation Short title. Act 1948.

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

Division of
Act into Parts.

Part I.—Preliminary.

Part II.—Lands.

Part III.—Morlais Brook improvement.

Part IV.—Streets buildings and sewers.

Part V.—Infectious disease sanitary matters and food.

Part VI.—Finance and rating.

Part VII.—Miscellaneous.

Part VIII.—General.

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

Incorporation
of Lands
Clauses Acts.

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

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

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

Interpretation.
26 Geo. 5. &
1 Edw. 8.
c. 49.

PART I.
—cont.

(2) In this Act unless the subject or context otherwise requires the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act shall have the same respective meanings And—

“ The borough ” means the borough of Merthyr Tydfil;

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

“ 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 Minister ” means the Minister of Health;

“ 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 Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part V of the Town and Country Planning Act 1947 and by this Act;

10 & 11 Geo. 6.
c. 51.

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

38 & 39 Vict.
c. 55.

“ The Public Health Acts ” means the Public Health Act 1875 and the Acts amending and extending the same;

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

“ The brook ” means the Morlais Brook;

7 & 8 Geo. 6.
c. 31.

“ Child ” has the same meaning as in the Education Act 1944;

1 & 2 Geo. 6.
c. 56.

“ Food ” has the meaning assigned to it by section 100 (Definitions) of the Food and Drugs Act 1938;

“ 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;

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

“ Contravention ” includes failure to comply and
“ contravene ” shall be construed accordingly;

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

“ The commission ” means the British Transport Com-
mission and any reference to the commission in
relation to any functions of the commission which
are for the time being delegated to an executive in
pursuance of section 5 (The executives) of the Trans- 10 & 11 Geo. 6.
port Act 1947 shall be construed as a reference to that c. 49.
executive;

“ Telegraphic line ” has the same meaning as in the
Telegraph Act 1878; 41 & 42 Vict.
c. 76.

“ Statutory security ” means any security in which
trustees are for the time being by or under any Act
of Parliament authorised to invest trust money and
any mortgage bond debenture debenture stock stock
or other security authorised by or under any Act of
Parliament of any county council or municipal
corporation or other local authority as defined by
section 34 (Definitions) of the Local Loans Act 1875 38 & 39 Vict.,
but does not include annuities rentcharges or c. 83.
securities transferable by delivery or any security 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;

“ The general rate fund ” and “ the general rate ” mean
respectively the general rate fund and the general rate
of the borough.

(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 enact-
ment including this Act.

PART II.

LANDS.

5. Subject to the provisions of this Act the Corporation Power to take
may enter upon take and use all or any of the lands in the lands.
borough delineated on the deposited plans and described in
the deposited book of reference which they may require for the
purposes of the works authorised by Part III (Morlais Brook
improvement) of this Act and for the provision of recreation
grounds.

PART II.

—cont.

Period for compulsory purchase of lands.

6. The powers granted by this Act for the compulsory purchase of lands shall cease on the thirty-first day of December nineteen hundred and fifty-one.

Correction of errors in deposited plans and book of reference.

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 borough for the correction thereof.

(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) Such certificate or a copy thereof shall be deposited with the town clerk 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 deposited under this section shall be kept by the town clerk with the other documents to which the same relates.

Acquisition of parts only of certain properties.

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 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.

Compensation in case of recent alterations.

9. In determining any question of disputed purchase money or compensation under this Act no allowance shall be made on account of any improvement or alteration effected or interest created after the twentieth day of November nineteen

hundred and forty-seven which in the opinion of the tribunal was not reasonably necessary and was effected or created with a view to obtaining or increasing compensation.

PART II.
—cont.

10. The Corporation or any person acting on their behalf and duly authorised in writing may at all reasonable times between ten o'clock in the forenoon and four o'clock in the afternoon after giving on the first occasion twenty-four hours' and on subsequent occasions twelve hours' notice to the owners and occupiers thereof 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.

Power to enter upon property for survey and valuation.

11. 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.

Provided that any such enhancement in value of the adjoining lands shall be estimated on the assumption that planning permission in respect of those lands would be granted under the Town and Country Planning Act 1947 for the operations or uses specified in the Third Schedule to that Act but for no other development.

12.—(1) Any private right of way over land which the Corporation are authorised by this Act to acquire compulsorily shall if they so resolve and give notice of their resolution to the owner of the right be extinguished as from the acquisition by them of the land or as from the expiration of one month from the service of the notice whichever may be the later.

Extinction of private rights of way.

(2) The Corporation shall pay compensation to all persons interested in respect of any such right so extinguished and such compensation shall in case of dispute be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919.

13.—(1) Instead of acquiring any lands for the purposes of this Act the Corporation may acquire such easements or rights only in any such lands as they may require for such purposes and may give notice to treat in respect of such easements or rights describing the nature thereof and the

Acquisition of easements only.

PART II.
—cont.

easements or rights which the Corporation require for or incidental to the said purposes and the provisions of the Lands Clauses Acts and of this Act shall apply to and in respect of the acquisition of such easements or rights as fully as if the same were lands within the meaning of those Acts except that no such easement or right shall be deemed part of a house or other building or factory within the meaning of section 8 (Acquisition of parts only of certain properties) of this Act.

(2) As regards any lands in respect of which the Corporation have acquired easements only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but unless otherwise agreed the owners or occupiers for the time being shall subject to such easements have the same rights of using such lands at all times as if this Act had not been passed.

Further
powers for
acquisition
of lands.

14.—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable that the Corporation should acquire for or in connection with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the borough.

(2) When any lands purchased or acquired or taken on lease by the Corporation under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Corporation and pending such appropriation all expenses incurred by the Corporation under this section shall be payable out of the general rate fund.

Retention and
disposal of
lands.

15.—(1) Notwithstanding anything in the Lands Clauses Acts to the contrary the Corporation may retain 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:

26 Geo. 5. &
1 Edw. 8.
c. 51.

Provided that the Corporation shall not without the consent of the Minister sell lease exchange or otherwise dispose of any 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 the consent of the Minister 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) Nothing in this section shall release the Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Corporation or any person from or through whom the Corporation may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

16.—(1) The Corporation may accept a surrender of any lease or letting granted by them of lands acquired under the powers of any enactment and in their discretion grant either to the lessee or tenant under the surrendered lease or letting or 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. Powers with reference to leases of lands.

(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

PART II.
—cont.

and limitations to those which are prescribed in section 15 (Retention and disposal of lands) of this Act with respect to leases granted thereunder.

Power to
develop
lands &c.

17.—(1) The Corporation may (with the consent of the Minister) lay out and develop any lands at any time belonging to the Corporation and not required for the purposes for which they were acquired and may on any such lands—

(a) erect and maintain houses shops offices warehouses and any other buildings; and

(b) construct sewer drain pave flag channel and kerb streets roads and ways.

(2) The Corporation may use or dispose of the building or other materials of any houses or premises on any lands acquired or appropriated by them which they may deem it necessary or desirable to pull down.

Power to
reinstate
owners of
property.

18. 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 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.

Houses for
persons in
employment of
Corporation.

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

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

PART III.

MORLAIS BROOK IMPROVEMENT.

Power to
execute works.

20. 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 execute make and maintain the works in the borough hereinafter described with all necessary or convenient works and conveniences in connection therewith (namely):—

Work No. 1 A culverting and straightening of the brook and a reconstruction or reconditioning of the existing culverted portions of the brook between the junction of the brook with the river Taff and a point sixty-seven yards south of Trevethick Street;

Work No. 2 A culverting and straightening of the brook and a reconstruction or reconditioning of the existing culverted portions of the brook between the termination of Work No. 1 and a point sixteen yards north of Waterloo Bridge;

Work No. 3 A culverting and straightening of the brook and a reconstruction or reconditioning of the existing culverted portions of the brook between the termination of Work No. 2 and a point forty yards south of Gellifaelog Bridge;

Work No. 4 A culverting and straightening of the brook and a reconditioning of the existing culverted portions of the brook between the termination of Work No. 3 and a point six hundred and fifty-nine yards north of Gellifaelog Bridge;

Work No. 5 A culverting and straightening of the brook between the termination of Work No. 4 and a point seventy-five yards west of Pant Road;

Work No. 6 A culverting and straightening of the brook and a reconditioning of the existing culverted portions of the brook between the termination of Work No. 5 and a point one hundred and twenty yards north-east of the railway line of the commission from Pontsticill to Dowlais Top and the construction of a trap to prevent boulders passing down the brook.

21. The Corporation in constructing the works authorised by this Act may deviate to any extent not exceeding the limits of deviation shown on the deposited plans and may deviate from the levels shown on the deposited sections to any extent not exceeding ten feet either upwards or downwards.

Power to deviate.

22.—(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 works authorised by this Act and for the purposes thereof may—

Subsidiary powers.

(a) make and maintain all necessary and convenient walls embankments fences culverts drains intakes watercourses weirs sluices wharves railways tramways gantries ropeways roads bridges footpaths and all such machinery works and appliances as may be required;

(b) raise widen lengthen alter and reconstruct the bridges over the brook together with the approaches thereto and strengthen underpin and deepen the piers arches and other supports and the foundations thereof without acquiring the said bridges or any interest therein;

PART III.
—cont.

- (c) stop up and discontinue so much of the brook as will be rendered unnecessary by reason of the execution of the works authorised by this Act and deposit on the bed thereof spoil or other material excavated in the construction of those works;
- (d) execute any works for the protection of any adjoining lands or buildings;
- (e) remove alter divert or stop up any drain sewer channel or watercourse the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer or water in any channel or watercourse; and
- (f) alter the mains pipes wires and other works for the purpose of conveying water gas or electricity to any house or other place and any rediffusion cables.

(2) 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.

(3) In the exercise of the powers conferred by this section the Corporation shall cause as little detriment and inconvenience to any person as circumstances admit and shall make reasonable compensation for any damage caused to any person by the exercise of such powers and such compensation shall in case of dispute be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919.

Works on
bed of brook.

23. The Corporation may enter upon the bed of the brook for the purpose of executing the works authorised by this Act without acquiring the same or any interest therein.

Underpinning
of houses
near works.

24. And whereas in order to avoid in the execution and maintenance of the works authorised by this Act injury to the houses and buildings within one hundred feet of those works it may be necessary to underpin or otherwise strengthen the same therefore the Corporation at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

- (1) At least ten days' notice shall except in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:

- (2) Each such notice if given by the Corporation shall be served in manner prescribed by section 19 (Service of notices on owners and occupiers of lands) of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the town clerk:
- (3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter-notice that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to an arbitrator (in this section referred to as "the referee"):
- (4) The referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building:
- (5) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any loss or damage which may result to them by reason of the exercise of the powers granted by this section provided that the claim for compensation in respect of such loss or damage be made within three months from the occurrence thereof:
- (6) (a) In any case in which any house or building shall have been underpinned or strengthened under the powers of this section the Corporation may from time to time after the completion of such underpinning or strengthening and during the execution of the work in connection with which such underpinning or strengthening was done or within twelve months after the completion of that work enter upon and survey such house or building and do such further underpinning or strengthening thereof as they may deem necessary or expedient or as in case of dispute between the Corporation on the one hand and the owner lessee or occupier of the house or building on the other hand shall be settled by arbitration;

PART III.
—cont.

(b) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening shall at any time within twelve months from the completion of the work in connection with which such underpinning or strengthening was done prove inadequate for the support or protection of the house or building against further injury arising from the execution or maintenance of such work then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided that the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof:

- (7) Nothing in this section contained nor any dealing with any property in pursuance of this section shall relieve the Corporation from the liability to compensate under section 68 (Compensation to be settled by arbitration or jury at the option of the party claiming compensation) of the Lands Clauses Consolidation Act 1845 or under any other Act:
- (8) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions of the Lands Clauses Acts.

For protection
of British
Transport
Commission.

25. Notwithstanding anything in this Act or shown upon the deposited plans and sections the following provisions shall unless otherwise agreed in writing between the Corporation and the commission apply and have effect (that is to say):—

(1) In this section—

“ the railway ” means the railways lands works and property of the commission;

“ the works ” means so much of Work No. 6 authorised by this Act and of any works authorised by section 22 (Subsidiary powers) of this Act as may be situated upon across under or over the railway or may in any way affect the railway;

“ the engineer ” means an engineer to be appointed by the commission:

- (2) The Corporation shall not under the powers of this Act acquire compulsorily any lands of the commission except that the Corporation may acquire and the commission shall if so required by the Corporation

grant to the Corporation in accordance with the provisions of section 13 (Acquisition of easements only) of this Act an easement or right of using so much of the lands of the commission shown on the deposited plans as may be necessary for the purpose of constructing and maintaining the works in accordance with the provisions of this section:

- (3) The Corporation shall before commencing the works furnish to the commission proper and sufficient plans sections drawings and specifications thereof for the reasonable approval of the engineer and shall not commence the works until such plans sections drawings and specifications shall have been approved in writing by the engineer or in case of difference between the engineer and the Corporation until the same shall have been settled by arbitration:

Provided that if within twenty-eight days after such plans sections drawings and specifications have been furnished to the commission the engineer shall not have intimated his disapproval thereof and his requirements in relation thereto he shall be deemed to have approved the same:

- (4) The works shall when commenced be carried out with all reasonable dispatch in accordance with the plans sections drawings and specifications approved or deemed to have been approved or settled as aforesaid and under the supervision (if given) and to the reasonable satisfaction of the engineer and in such manner as to cause as little damage to the railway as may be and so far as is reasonably practicable so as not to interfere with or obstruct the free uninterrupted and safe user of the railway or the traffic thereon and if any damage to the railway or any such interference or obstruction shall be caused or take place the Corporation shall notwithstanding any such approval as aforesaid make good such damage and shall on demand pay to the commission all expenses to which they may be put and compensation for any loss which they may sustain by reason of any such damage interference or obstruction:
- (5) The Corporation shall at all times afford reasonable facilities to the engineer for access to the works during their construction and shall supply him with all such information as he may reasonably require with regard to the works or the method of construction thereof:

PART III.
—cont.

- (6) If any alterations or additions either permanent or temporary to the railway or to any signal boxes signals telephone or telegraph posts or wires or any other works or apparatus of the commission shall be reasonably necessary in consequence of the construction of the works such alterations and additions may be effected by the commission and the Corporation shall repay to the commission on demand the cost thereof as certified by the engineer including a capitalised sum representing the increased or additional cost of maintaining working and when necessary renewing any such altered or additional works or apparatus:
- (7) The Corporation shall repay to the commission all reasonable expenses incurred by the commission in connection with the works—
- (a) in respect of the employment of any inspectors signalmen watchmen and other persons for inspecting watching lighting and signalling the railway and for preventing as far as may be all interference obstruction danger or accident arising from the works;
- (b) in respect of any special traffic working 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;
- (c) in lighting the railway in the vicinity of the works; and
- (d) in respect of the approval by the engineer of plans sections drawings and specifications submitted by the Corporation and of the supervision by him of the works:
- (8) The Corporation shall be responsible for and make good to the commission all costs charges damages and expenses not otherwise provided for in this section which may be occasioned to the commission or to the railway or the traffic thereon or otherwise by reason of the works or the leakage or failure thereof or by reason of any act or omission of the Corporation or of any persons in their employ or of their contractors or others whilst engaged upon the works and the Corporation shall effectively indemnify and hold harmless the commission from and against all claims or demands arising out of or in connection with the works or any such leakage

or failure or act or omission as aforesaid and the fact that any work or thing may have been done in accordance with any plan section drawing or specification approved by the engineer or in accordance with any requirement of the engineer or under his supervision shall not excuse the Corporation from any liability under the provisions of this section:

PART III.
—cont.

- (9) Notwithstanding anything contained in subsection (8) of this section the reconditioning by the Corporation under the powers of this Act of any of the existing culverts forming part of the properties respectively numbered 320 322 and 328 on the deposited plans shall not relieve the commission of any existing obligation to maintain such culverts:
- (10) Any additional expense which the commission may reasonably incur as certified by the engineer in widening altering reconstructing or maintaining the railway in pursuance of any powers existing at the passing of this Act by reason of the existence of the works shall be repaid by the Corporation to the commission on demand:
- (11) The commission shall not be responsible for lateral or vertical support for the works and shall not be under any obligation to purchase any mines or minerals or to require any minerals to be left unworked for the support of the works:
- (12) Any difference arising between the Corporation and the commission under this section (other than a difference as to the meaning or construction of this section) shall be determined by arbitration.

PART IV.

STREETS BUILDINGS AND SEWERS.

26.—(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 or other provisions for the time being in force with respect to new streets 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

PART IV.
—cont.

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.

55 & 56 Vict.
c. 57.

(2) The execution of any works under the provisions of this section shall not relieve any person of any liability under the Private Street Works Act 1892.

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

Means of
access to
buildings.

27.—(1) At any time within one month 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.

(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 contravenes the provisions of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

28.—(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:

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 82 (As to appeals) of this Act shall apply to any such appeal as if the proposals were a decision of the Corporation.

(2) 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.

(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 numbered (1) to (8) in section 7 (Provision as to work which involves alteration in telegraphic line) of the Telegraph Act 1878 shall 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.

29.—(1) In any street not being a highway repairable by the inhabitants at large the Corporation may execute such repairs as are in their opinion urgently required to prevent or remove danger to persons or vehicles in the street and may themselves defray the cost of the repairs out of the general rate fund:

Urgent repairs
of private
streets.

Provided that the cost of the repairs executed in any street in any year under this section shall not exceed ten pounds per one hundred yards of the length of the street.

PART IV.
—cont.7 Edw. 7.
c. 53.Power to vary
width of
carriageways
and footways.Restrictions
on rights of
breaking up
streets.

(2) The exercise by the Corporation of their powers under this section shall not prejudice their powers under any statutory provision for the time being in force in the borough relating to private street works or private improvement expenses or under section 19 (As to urgent repairs to private streets) of the Public Health Acts Amendment Act 1907.

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

31.—(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 carriageway 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.

PART IV.
—cont.

(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 water or electricity 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.

62 & 63 Vict.
c. 19.

32.—(1) If the Corporation shall by resolution determine that any stall structure or other erection (not being an advertisement as defined in the Town and Country Planning Act 1947) on any forecourt is by reason of its character injurious to the amenities of the street in which such forecourt is situate they may by notice in writing require the owner of or person responsible for such stall structure or other erection within such period (not being less than seven days) as may be specified in the notice to make such alterations to such stall structure or other erection as may be necessary to prevent the same from being injurious to the amenities of such street.

Provisions as
to forecourts.

(2) Any person who fails to comply with the requirement of any such notice shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound.

(3) The provisions of this section shall not apply to any stall structure or other erection on any forecourt belonging to the commission so long as such forecourt is used by the commission primarily for railway purposes.

33.—(1) The Corporation may cause to be put up or painted on a conspicuous part of any house building or place at or near to the corner of any street signs indicating the classified road number of such street and the direction or the distance to towns railways stations public buildings and other places of a public character.

Direction
signs.

(2) Before putting up or painting a sign on a house building or place the Corporation shall give to the owner of such house building or place notice of their decision so to do.

PART IV.
—cont.

(3) Any person who shall wilfully and without the consent of the Corporation obliterate deface obscure remove or alter any such sign otherwise than in the course of demolishing or altering the house or building shall be liable to a penalty not exceeding two pounds and the Corporation may recover the expenses of replacement and making good from such person.

(4) The exercise of the powers conferred by this section shall be subject to the provisions of the Road Traffic Acts 1930 to 1947 with respect to traffic signs and to any regulations made or any general or other directions given by the Minister of Transport in pursuance of the said provisions.

As to
hoardings
and similar
structures.

34.—(1) (a) No wall fence hoarding or other similar structure (in this section referred to as "structure.") of a greater height than six feet six inches above the level of the ground at the nearest boundary of the street shall be erected or brought forward on any land in any street—

(i) beyond any building line prescribed by the Corporation in respect of the land under the provisions of any Act; or

(ii) if there be no such line beyond any line which is enforceable by the Corporation for buildings under subsection (2) of section 140 (Provisions as to byelaws relating to new streets) of the Housing Act 1936; or

(iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

51 & 52 Vict.
c. 52.

(b) Any person who contravenes the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds and the Corporation may take down or remove any structure erected in contravention of those provisions and recover the expenses incurred by them in so doing from the offender.

(2) (a) The Corporation may by notice require the owner or occupier of any land upon which any structure exists at the passing of this Act which would (if erected after the passing of this Act) have contravened the provisions of subsection (1) of this section to remove or alter such structure within such time (not being less than six days) as may be specified in the notice in such a manner as to comply with those provisions and the Corporation shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

(b) Any person who fails to comply with a notice from the Corporation given in pursuance of this subsection shall be liable to a penalty not exceeding five pounds and to a daily

penalty not exceeding two pounds and the Corporation may at their own expense take down or remove and if required by the owner or occupier shall re-erect so as not to contravene the provisions of subsection (1) of this section any structure erected or maintained in contravention of those provisions.

(3) The provisions of this section shall not be enforceable with regard to any structure existing at the passing of this Act for a period of five years from such date and shall not apply to any wooden structure fence or hoarding of a moveable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair is complete.

(4) This section shall not apply to—

- (a) advertisements as defined in the Town and Country Planning Act 1947; or
- (b) any wall erected on land belonging to the commission so long as such land is used by the commission primarily for railway purposes.

35.—(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 two pounds and to a daily penalty not exceeding one pound.

(3) The provisions of this section shall not extend to any land belonging to the commission or to any retaining wall erected thereon so long as such land is used by the commission primarily for railway purposes.

36.—(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.

PART IV.
—cont.

(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.

Window
blinds &c.

37.—(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.

(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 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.

Power to order
alteration of
chimneys.

38. 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 fails to obey such order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

Apportionment to
frontagers of
expenses of
sewer
constructed
under public
highway.

39.—(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 41 (Provisions applicable to 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 that section shall be apportioned by the Corporation on the premises fronting adjoining

or abutting on the 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) A resolution under this section 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 owner of the land.

40.—(1) Where the Corporation have incurred expenses in constructing after the passing of this Act a length of sewer in or under 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.

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

(2) Where on the construction of the length of sewer compensation became due to the owner of any land in on or over 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 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 on or over 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.

41.—(1) The sum apportionable under either of the last two preceding sections 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.

Provisions applicable to last two preceding sections.

(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.

PART IV.
—cont.

(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 on which 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 a 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) the erection of a new building shall be deemed to include—

- (i) the re-erection wholly or partially of any building of which an outer wall is pulled down otherwise than in consequence of fire or other accident to such a distance that the part of that wall remaining (if any) is less than half the previous height of the building the height being measured from the ground level to the highest point of the building;

- (ii) the conversion into a dwelling-house of any building not originally constructed for human habitation;

- (iii) the conversion of any premises into a factory workshop shop or place of public resort;

- (iv) any extension by reason whereof the area occupied by the site of the building will with any previous extension made since the date when the

resolution became operative or the street was laid out (as the case may be) be increased by an area equal to more than one-eighth or in the case of a building constructed for agricultural purposes one-quarter of that occupied by the site of the building before that date.

PART IV:
—cont.

(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.

15 & 16 Geo. 5.
c. 22.

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

(7) Where such a resolution as is mentioned in section 39 (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.

(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.

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

As to evasion
by owners of
sewerage
expenses.

(a) that the owner of any land has conveyed sold leased or otherwise disposed of a portion of the land; and

PART IV.
—cont.

- (b) 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 meaning of section 39 (Apportionment to frontagers of expenses of sewer constructed under public highway) of this Act or as the case may be of section 40 (Apportionment to frontagers of expenses of construction of sewer before land became a street) of this Act; and
- (c) 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 said sections of this Act;

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 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 39 and 40 of this Act may be recovered and is charged on the premises under the said last preceding section.

PART V.

INFECTIOUS DISEASE SANITARY MATTERS AND FOOD.

Information
to be
furnished
in case of
notifiable
disease.

43.—(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.

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

Parents &c.
to notify
certain
diseases.

44.—(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 who is aware of or has reason to suspect the occurrence of any disease to which this section applies 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 one pound.

PART V.
—cont.

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) The diseases to which this section applies are notifiable diseases and any other disease which the Minister by regulation made under section 143 (Power of Minister to make regulations with a view to the treatment of certain diseases and for preventing the spread of such diseases) of the Act of 1936 declares to be a notifiable disease for the purpose of this section.

(3) For the purpose of this section the expression "school" shall include a Sunday school.

45.—(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 local education authority or of any committee or body to whom powers of that authority are delegated with the view of preventing the spread of a disease to which this section applies; or
- (b) who is suffering from a disease to which this section applies; or
- (c) who with the view of preventing the spread of a disease to which this section applies 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.

PART V.
—cont.

(2) The diseases to which this section applies are notifiable diseases and any other disease which the Minister by regulation made under section 143 (Power of Minister to make regulations with a view to the treatment of certain diseases and for preventing the spread of such diseases) of the Act of 1936 declares to be a notifiable disease for the purpose of this section.

(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.

(4) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding two pounds.

Power to close schools and exclude children from entertainments.

46.—(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 disease to which this section applies 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 requirement 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) The diseases to which this section applies are notifiable diseases and any other disease which the Minister by regulation made under section 143 (Power of Minister to make regulations with a view to the treatment of certain diseases and for preventing the spread of such diseases) of the Act of 1936 declares to be a notifiable disease for the purpose of this section.

(4) 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.

Sanitary conveniences for workmen.

47.—(1) The contractor engaged in or upon the construction or reconstruction of any work not being a work to which section 107 (Building operation) or section 108 (Works of engineering construction) of the Factories Act 1937 applies

1 Edw. 8. &
1 Geo. 6. c. 67.

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.

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

48.—(1) A noise nuisance shall be liable to be dealt with as a statutory nuisance under the Act of 1936: Noise nuisance.

Provided that no complaint to a justice under section 99 (Power of individual to make complaint as to statutory nuisance) of the said Act shall be of any effect unless it is signed by not less than three householders or occupiers of premises within hearing of the noise nuisance which is the subject of the complaint.

(2) In any proceedings under the Act of 1936 in respect of a noise nuisance occasioned in the course of any trade business or occupation it shall be a good defence for the person charged to show that he has used the best practicable means of preventing or mitigating the nuisance having regard to the cost and to other relevant circumstances.

(3) For the purpose of this section a noise nuisance shall be deemed to exist where any person makes or continues or causes to be made or continued any excessive or unreasonable or unnecessary noise which is injurious or prejudicial to health.

(4) Nothing in this section shall affect the power of the Corporation to make byelaws under section 249 (Byelaws for good rule and government and suppression of nuisances) of the Act of 1933.

(5) Nothing contained in this section shall apply to the commission or their servants exercising statutory powers.

49.—(1) As from the commencement of this section the following provisions shall have effect in the borough:— Registration of hawkers of food and their premises

(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

PART V.
—cont.

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 such person or premises under this section or (after giving one month's notice to the person registered or in whose name any such 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 82 (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 or made under an enactment thereby repealed.

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

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

50.—(1) If the medical officer shall certify that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state and that he is employed in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household and that his continuance in such employment would in the judgment of the medical officer be detrimental to the public health the Corporation may request such person to stop his employment and on such request being made the Corporation may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage.

Power to prohibit persons in advanced state of tuberculosis from selling &c. food.

(2) If any such person shall fail to comply with such request the Corporation may apply to a court of summary jurisdiction for an order requiring him to stop his employment and the court shall have power to make such an order if after consideration of all the circumstances it thinks fit to do so and may direct that such compensation as it deems equitable shall be paid by the Corporation to such person.

(3) If any such person fails to comply with any such order he shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding ten shillings.

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

PART V.

—cont.

Notice of
slaughter of
animal unfit
for food.

51.—(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 enquiries to be made to trace the disposition of the carcasses or any part thereof.

(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 (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.

(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.

52.—(1) As from the commencement of this section where the slaughter of an animal intended for human consumption shall take place outside a slaughter-house and the carcass of the animal shall be brought into a slaughter-house within the borough such carcass and all the organs thereof shall be retained and kept separate and apart from any other meat intended for human consumption until such carcass and organs have been inspected or their removal has been authorised in accordance with the provisions of the Public Health (Meat) Regulations 1924.

(2) Where an offence is committed against the provisions of this section the occupier of the slaughter-house and also the person by whom the carcass is prepared or dressed shall be liable to a penalty not exceeding five pounds.

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

Animals
slaughtered
outside
slaughter-
houses.

(3) In this section "animal" "slaughter-house" and "meat" have the same meaning as in the Public Health (Meat) Regulations 1924.

PART V.
—cont.

.53.—(1) The occupier of any premises within the borough in which food (other than (a) milk (b) meat to which the Public Health (Meat) Regulations 1924 apply and (c) food which is contained in a container of such materials and so closed as to exclude all risk of contamination) is sold or exposed for sale or deposited for the purpose of sale or of preparation for sale or with a view to future sale shall take all such steps as may be reasonably necessary to guard against the contamination of such food by animals or insects and shall cause such food to be so placed as to prevent mud filth or other contaminating substance being splashed or blown thereon.

Precautions against contamination of food.

(2) Any person who shall fail to comply with the provisions of this section shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding ten shillings.

PART VI.

FINANCE AND RATING.

54.—(1) Subject to the provisions of this Act 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 periods 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.
(a) The purchase of lands under the powers of this Act and the execution of the works authorised by this Act.	£ 640,000	Sixty years from the date or dates of borrowing.
(b) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

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

PART VI.
—cont.

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.

Saving for
powers of
Treasury.
9 & 10 Geo. 6.
c. 58.

55. 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. 18.

56. 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.

Dividend
warrants
by post.

57.—(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 by post to the address of such person appearing in the register:

Provided that if such person give notice to the Corporation that he desires such orders or warrants to be sent to another person at a given address the Corporation may from time to time send the same by post 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 notice in writing to the contrary 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.

45 & 46 Vict.
c. 61.

(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.

58. If any money is payable to a holder of any authorised security being a minor the receipt of his guardian shall be a sufficient discharge to the Corporation.

PART VI.
—cont.
Receipts in
case of minor

59.—(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 part of all or any of the specified risks such sums 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 sum (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 sum 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 sum.

(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 respect to the specified risks all moneys for the time being standing to the credit of the fund shall (unless applied in any

PART VI.
—cont.

manner authorised by this or any other Act) 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 sum 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 sum 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) (a) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Corporation in respect of the specified risks 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 (Borrowing) 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.

(8) In this section "the prescribed sum" means such sum as may from time to time be prescribed by resolution of the Council.

art fund.
60.—(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 municipal 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 equivalent of one-fifth of the product of a rate of one penny in the pound as ascertained or estimated for the purpose of subsection (2) of section 9 (Provisions as to precepts) of the Rating and Valuation Act 1925:

15 & 16 Geo. 5
c. 90.

Provided that when the art fund shall amount to the sum of ten thousand pounds the Corporation shall discontinue such annual payments but if the said fund is at any time reduced below the sum of ten thousand pounds the Corporation may recommence and continue the annual payments until the said fund be restored to the sum of ten thousand pounds.

(2) (a) Pending the application of the art fund to the purposes authorised in the foregoing subsection the moneys in the said 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.

61.—(1) If on the death of an employee (which expression in this section includes a former employee or pensioner of the Corporation or other person) to whom or to whose personal representative a sum not exceeding one hundred pounds is due from the Corporation on account of salary wages superannuation allowance gratuity grant or repayment of contributions to any superannuation fund or of contributions otherwise made in respect of superannuation with or without interest a grant of probate of the will of the employee or of letters of administration to his estate is not produced to the Corporation within such time (not being less than one month after his death) as the Corporation may think reasonable then at the expiration of that time the Corporation may pay such sum to the person or persons entitled to the residuary estate of the employee by virtue of the provisions of paragraphs (i) to (vi) inclusive of section 46 (1) of the Administration of Estates Act 1925 and section 9 of the Legitimacy Act 1926 to the intent that such sum shall be applied in due course of administration:

Payments due
to deceased
employees.

15 & 16 Geo. 5
c. 23.
16 & 17 Geo. 5
c. 60.

PART VI.
—cont.

Provided that—

(a) the Corporation may (notwithstanding the receipt of a notice under paragraph (b) of this subsection) if they think fit pay out of such sum the funeral expenses of the deceased employee or so much thereof as the Corporation consider reasonable having regard to any death grant which has been or is to be paid under section 22 of the National Insurance Act 1946;

(b) if the Corporation receive notice in writing of any claim against the estate of the deceased employee at any time before they shall have paid the whole of such sum in accordance with the provisions of this subsection they shall not (except in any case in which the provisions of section 46. (1) (vi) of the Administration of Estates Act 1925 are applicable) pay such sum or the balance thereof in their hands to any person other than to the personal representative of the deceased employee unless and until such claim has been satisfied disproved or withdrawn.

(2) Before paying any sum in accordance with the provisions of subsection (1) of this section (except under proviso (a) thereof) to any person other than the personal representative of the deceased employee the Corporation shall require either—

(a) a statutory declaration (or when payment is made to the Crown or to the Duchy of Lancaster or to the Duchy of Cornwall a statement) by the person or one of the persons to whom the Corporation may pay or propose to pay such sum or any part thereof to the effect that the total estate of the deceased employee including such sum but after deduction of debts and funeral expenses) does not exceed one hundred pounds; or

(b) the production of a certificate from the Commissioners of Inland Revenue to the effect either that no death duties are payable in respect of such sum or that any duties so payable have been paid.

Power to grant allowances or gratuities in certain cases.

62.—(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—

- (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
- (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 Acts 1925 to 1943 or to death benefit under the National Insurance (Industrial Injuries) Act 1946.

PART VI.
—cont.

1 Edw. 8. &
1 Geo. 6. c. 68

9 & 10 Geo. 6
c. 62.

(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.

63. 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 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 to seize forthwith and detain sufficient goods and chattels of the defaulter until the complaint is determined upon the return of the summons.

Recovery of
rates from
persons
removing.

64.—(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 in and subject to which rates are recoverable from occupiers of rated hereditaments.

Recovery of
rates from
certain owners

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.

PART VI.
—cont.

(3) This section shall not apply to any hereditaments 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 council.

As to operation
of section 11
of Rating and
Valuation Act
1925.

65. 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.

PART VII.

MISCELLANEOUS.

Repeal of
Dowlais
Railway Acts.

66. The Dowlais Railway Act 1849 and the Dowlais Railway Act 1854 are hereby repealed and all obligations liabilities duties and responsibilities arising under or in pursuance of those Acts or either of them or under or in pursuance of any enactments incorporated with either of those Acts shall cease and determine.

Extinction of
rights of way
over disused
tramroad.

20 & 21 Vict.
c. cliii.

67.—(1) Subject to the provisions of the next succeeding section of this Act all rights of way over or along the site of the disused tramroad shown on the deposited plans and thereon numbered 332 are hereby extinguished and section XVII (Not to injure the Merthyr Tramroad) of the Taff Vale Railway Act 1857 is hereby repealed:

Provided that nothing in this section shall affect any rights of way over or along any public road which crosses the said site of the disused tramroad.

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

Confirmation
of agreement
with National
Coal Board.

68. The agreement made the eighth day of June nineteen hundred and forty-eight between the Corporation of the one part and the National Coal Board of the other part a copy of which is set forth in the schedule to this Act is hereby confirmed and made binding on the parties thereto subject to such modifications (if any) as may from time to time be agreed between the Corporation and the said board in writing under their respective common seals.

69. Subject to the provisions of this section the Postmaster-General may maintain in its existing position any telegraphic line belonging to or used by him which at the date of the passing of this Act is in under upon over along or across any land which formed part of the tramroad referred to in section 67 (Extinction of rights of way over disused tramroad) of this Act and shall have in relation to such line the same powers and rights as if the said land were a highway:

PART VII.
—cont.
For protection
of
Postmaster-
General.

Provided that if the Corporation or any person in whom such land is vested requires that the telegraphic line should be altered the enactments numbered (1) to (8) in section 7 (Provision as to work which involves alteration in telegraphic line) of the Telegraph Act 1878 shall 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.

70. The Corporation may provide furniture fittings and bedding for use in houses occupied by their tenants and may let on hire or sell the same to tenants.

Provision of
furniture.

71. 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 (Powers as to parks and pleasure gardens) 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.

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-half of the area of any park or place of public resort or recreation for the time being belonging to them or under their control or more than one-quarter of the total area of all such parks and places.

72.—(1) The provisions of section 68 (Power to provide parking places for vehicles) of the Public Health Act 1925 as amended by section 16 (Extension of powers of local authorities as to parking places) of the Restriction of Ribbon Development Act 1935 shall extend to enable the Corporation from time to time to utilise as lands which may lawfully be appropriated as a parking place or as parking places for vehicles such part or parts of their parks recreation grounds or pleasure grounds not exceeding in the case of any park recreation ground or pleasure ground one acre or one-eighth of the area of such park recreation ground or pleasure ground (whichever may be the less) as the Minister may sanction and the provisions of the said section relating to the utilisation:

As to use of
parts of
recreation
grounds for
parking places
15 & 16 Geo.
c. 71.
25 & 26 Geo.
c. 47.

PART VII.
—cont.

for parking places of land not forming part of a street shall mutatis mutandis apply and have effect for the purposes of this subsection.

20 & 21 Geo. 5.
c. 43.

(2) The provisions of section 90 (Power of local authorities with respect to use of highways by public service vehicles and with respect to stations for such vehicles) of the Road Traffic Act 1930 except subsections (1) (7) and (9) thereof shall apply to any parking place provided under this section.

Provision of
lectures &c.

73. It shall be lawful for the Corporation—

- (a) to provide suitable lecture rooms and to cause lectures to be given on such subjects as the Corporation think fit and to let such rooms and to make reasonable charges for admission to such lectures; and
- (b) to provide suitable rooms for art exhibitions and to permit art exhibitions in such rooms and to let such rooms and to make reasonable charges for admission to such exhibitions:

Provided that the sum to be expended by the Corporation in any one year on the provision of lectures shall not exceed the equivalent of one-third of the product of a rate of one penny in the pound as ascertained or estimated for the purpose of subsection (2) of section 9 (Provisions as to precepts) of the Rating and Valuation Act 1925 in addition to any moneys received by the Corporation under the provisions of this section.

Power to
establish
information
bureaux.

74. The Corporation may establish and maintain or may subscribe towards the establishment and maintenance of an information bureau or information bureaux in the borough for the purpose of supplying information with regard to the borough and neighbourhood and may employ and pay such number of clerks assistants and servants as they may think fit for the purpose and may if they think fit make charges for the use of such bureau or bureaux or for information supplied by means thereof.

Power to
publish
bulletins &c.

75. In connection with their powers under section 73 (Provision of lectures &c.) and section 74 (Power to establish information bureaux) of this Act and under the Public Libraries Acts 1892 to 1919 the Corporation may publish and sell or dispose of bulletins journals and leaflets and documents of historical or literary interest having a local connection.

Notice of
processions to
be given.

76.—(1) Any person intending to organise or form a public or ceremonial procession or a circus procession or procession of wild animals through the streets of the borough (other than a public or ceremonial procession which is regularly held

through such streets) shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the Corporation by leaving such notice at the 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.

(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.

77.—(1) It shall be lawful for the Corporation at all times of ceremonies public processions rejoicings fairs exhibitions carnivals races sports illuminations or on emergencies to cause barricades to be erected across any of the streets of the borough and to continue the same for such time as may be deemed reasonably necessary and any person who wilfully removes any such barricade or any part thereof shall be liable to a penalty not exceeding two pounds. As to barriers in streets.

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

~~(3) The Corporation shall not exercise the powers of this section in such manner as to cause obstruction to or interference with the access to or exit from any station or depot of the commission except with the consent of the commission or if such consent be unreasonably withheld the consent of the Minister of Transport.~~

78.—(1) The Corporation may procure officers appointed by them for securing the observance of the provisions of all Acts in force within the borough relating to parks and pleasure grounds and of the byelaws and regulations made thereunder to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant. Officers may be sworn in as constables.

(2) Nothing in this section shall be deemed to render applicable to any such officer the provisions of the Police Pensions Act 1921 or any other enactments relating to pensions gratuities and allowances in respect of police service. 11 & 12 Geo. 5 c. 31.

79.—(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 Maintenance of graves &c.

PART VII.

—cont.

2 Edw. 7.
c. 8.

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.

(2) The Corporation may apply for the purposes of this section any sum of money received by them before the passing of this Act in consideration of such maintenance.

(3) (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 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.

(4) 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.

PART VIII.

GENERAL.

Application of
provisions of
Act of 1936.

80. 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 276 | (Power of local authority to sell certain materials); |
| 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 299 (Inclusion of several sums in one complaint &c.);
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):

Provided that the said sections 277 287 288 289 291 292 294 295 and 329 shall only apply to the provisions contained in Part IV (Streets buildings and sewers) and Part V (Infectious disease sanitary matters and food) of this Act.

81. 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 the Minister. As to byelaws.

82.—(1) Any person aggrieved by any requirement refusal or other decision of the Corporation or of any officer thereof under Part IV (Streets buildings and sewers) or Part V (Infectious disease sanitary matters and food) 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. As to appeals.

(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

PART VIII.
—cont.

brought unless these have already been stated in a notice to the person concerned informing him of his right to a hearing before a committee of the council 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.

Restriction
on right to
prosecute.

83. Section 298 (Restriction on right to prosecute) of the Act of 1936 shall apply to offences created by or under Part IV (Streets buildings and sewers) and Part V (Infectious disease sanitary matters and food) of this Act or by or under the following sections of this Act (namely):—

section 76 (Notice of processions to be given); and

section 77 (As to barriers in streets);

as if they were offences created by or under that Act.

Damages and
charges to be
settled by
court.

84. 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.

85. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties to the question or dispute or in default of such agreement appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

PART VIII.
—cont.
Application of
Arbitration
Acts.

86. When any compensation costs damages or expenses is or are by this Act or by any local Act or Order for the time being in force in the borough 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 (Compensation to individuals for damage resulting from exercise of powers under Act) of the Act of 1936.

Compensation
how to be
determined.

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

Apportion-
ment of
expenses in
case of joint
owners.

88. Where under this Act or under any enactment the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the works or the doing of the act or thing without the required consent.

Breach of
conditions of
consent of
Corporation.

89. Whenever the Corporation or any of their officers under any enactment execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to execute re-execute or alter such work or do such act or thing the Corporation or their officer shall not as between themselves or himself and such owner occupier or other person in the absence of any negligence on their or his part or the part of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or

In executing
works for
owner
Corporation
liable for
negligence
only.

PART VIII.
—*cont.*

altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation or such officer in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall accordingly be recoverable by the Corporation or such officer.

Undertakings
to bind
successive
owners.

90.—(1) Every undertaking or agreement under seal expressed to be given or made in pursuance of this section and being—

- (a) an undertaking given by or to the Corporation to or by the owner of any legal estate in land or property; or
- (b) an agreement between the Corporation and any such owner;

on the passing of plans or otherwise in connection with such land or property shall be binding upon such owner and his successors in title and all persons claiming through or under him or them and upon the Corporation and such owner and other persons upon whom such undertaking or agreement is binding shall be entitled to require from the Corporation a copy thereof.

(2) Any such undertaking or agreement shall be treated as a local land charge for the purposes of the Land Charges Act 1925.

(3) Any such undertaking or agreement shall not be binding upon any person in whom any other legal estate in such land or property is vested at the date thereof nor upon his successors in title unless such person joins in such undertaking or agreement.

Application of
section 265 of
Public Health
Act 1875.

91. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act or any local enactment for the time being in force in the borough as if the same were re-enacted therein.

Inquiries by
Ministers.

92. The Minister and the Minister of Transport may hold such inquiries as they consider necessary in regard to the exercise of any powers conferred upon them or the giving of consents under this Act and section 290 (Power of government departments to direct enquiries) of the Act of 1933 shall apply accordingly.

Commence-
ment of
certain
provisions of
this Act.

93.—(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 council of which date public notice shall be given by the Corporation by advertisement in one or more local newspapers circulating in the borough. 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 registration of any person or premises the application for the 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 (namely):—

- Section 44 (Parents &c. to notify certain diseases);
- Section 45 (Restrictions on attendance at schools and places of assembly);
- Section 49 (Registration of hawkers of food and their premises);
- Section 51 (Notice of slaughter of animal unfit for food);
- Section 52 (Animals slaughtered outside slaughter-houses).

(4) As respects any of the said provisions which requires the 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 comes into operation—

- (a) was carrying on any such business or using any premises for any such purpose; and
- (b) has made application in accordance with the provisions of this Act for such registration as is required by this Act;

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 82 (As to appeals) of this Act.

94.—(1) If in relation to the works authorised by section 20 (Power to execute works) section 22 (Subsidiary powers) or section 30 (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

For further protection of Postmaster-General.

PART VIII.
—cont.

the enactments numbered (1) to (8) in section 7 (Provision as to work which involves alteration in telegraphic line) of the Telegraph Act 1878 shall apply with respect to such alteration.

(2) 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 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 (Differences relating to a street or public road to be determined by stipendiary magistrate county court judge or sheriff) and 5 (General provisions as to arbitration) 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.

(3) Expressions in this section have the same meaning as in the Telegraph Act 1878.

For protection
of electricity
undertakers.

95. For the protection of the British Electricity Authority and the South Wales Electricity Board (each of whom is hereinafter referred to as “the electricity undertakers”) the following provisions shall notwithstanding anything in this Act and unless otherwise agreed in writing between the Corporation and the electricity undertakers apply and have effect:—

- (1) In this section the expression “apparatus” means all or any electric lines and works (as respectively

defined in the Electric Lighting Act 1882) belonging to the electricity undertakers: PART VIII.
—cont.

(2) Notwithstanding anything in this Act or shown on the deposited plans the Corporation shall not acquire otherwise than by agreement any apparatus:

45 & 46 Vict.
c. 56.

(3) (a) Nothing in Part III of this Act shall authorise any alteration in the position of or other interference with any apparatus except in accordance with and subject to the provisions of section 15 of the Electric Lighting Act 1882 and section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of those sections shall apply to such alteration or interference accordingly whether any such apparatus is or is not under a street and shall be deemed to extend to any such apparatus constructed upon or above the level of the ground;

(b) If the Corporation in the exercise of the powers of the said Part III increase or decrease the existing cover over any apparatus such increase or decrease shall for the purposes of the application of the provisions of the said sections 15 and 17 in accordance with paragraph (a) of this subsection be deemed to be an alteration of the position of such apparatus:

(4) Not less than twenty-eight days before the Corporation pursuant to section 27 (Means of access to buildings) of this Act require the provision of means of communication across any footway in or under which any apparatus is for the time being situate the Corporation shall give notice in writing to the electricity undertakers and if in consequence of the construction of means of communication across such footway it shall be reasonably necessary to alter the position of the apparatus in or under the footway the electricity undertakers may (and if reasonably so required by the Corporation shall) alter the position of the apparatus to such other position as may be reasonable:

(5) Whenever pursuant to any agreement entered into under the powers of section 28 (Adjustment of boundaries of streets) of this Act the Corporation propose to give or convey to any person any part of a street in over or under which any apparatus is laid or placed the Corporation shall give to the electricity undertakers notice of their proposal accompanied by a plan showing the position and dimensions of the portion of the street proposed to be given or con-

PART VIII.
—cont.

veyed and notwithstanding any agreement entered into or grant or conveyance executed by the Corporation under that section the electricity undertakers 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 over or under which the apparatus is laid or placed had continued to be part of the street or the electricity undertakers 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 or conveyed shall) alter the position of the apparatus to such other position in over or under the footway or carriageway of the street as altered under the said powers as may be reasonable:

- (6) Not less than twenty-eight days before the Corporation in the exercise of the powers of section 30 (Power to vary width of carriageways and footways) of this Act add to the carriageway of a street any portion of the footway in over or under which any apparatus is for the time being situate the Corporation shall give to the electricity undertakers a notice in writing of their intention so to do accompanied by a plan and section of the intended alteration and the electricity undertakers may (and if reasonably so required by the Corporation shall) alter the position of the apparatus to such other position in over or under the carriageway or the footway as may be reasonable:
- (7) The electricity undertakers within fourteen days after the receipt of a notice from the Corporation under subsection (4) or subsection (5) or subsection (6) of this section shall give to the Corporation not less than fourteen days' notice of their intention to alter the position of any apparatus (otherwise than on the requirement of the Corporation) under the provisions of the relevant subsection and shall at the same time deliver to the Corporation a plan and section of the proposed alteration. If such plan and section be not disapproved by the Corporation within fourteen days from the receipt thereof the proposed position of the apparatus shown thereon shall be deemed to be reasonable:
- (8) The Corporation shall repay to the electricity undertakers the reasonable expenses incurred by them of or in connection with the alteration of the position of any apparatus under the provisions of subsection

(4) or subsection (5) or subsection (6) of this section and the reasonable costs of and incidental to (i) the cutting off of any apparatus from any other apparatus and (ii) the execution of any other work or the doing of any other thing rendered reasonably necessary in consequence of any such alteration:

(9) Nothing in section 34 (As to hoardings and similar structures) or section 35 (As to erection of retaining walls) of this Act shall apply to any structure erected on land belonging to the electricity undertakers so long as such land is used primarily for the purposes of their undertaking:

(10) The Corporation shall not exercise the powers of section 77 (As to barriers in streets) of this Act so as to cause damage to or obstruct or render unreasonably inconvenient the access to any apparatus:

(11) (a) Any question or dispute which may arise between the Corporation and the electricity undertakers under this section (other than a question or dispute arising under subsection (2) or subsection (3) and a question or dispute 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 electricity undertakers may be under in respect of any apparatus and may if he thinks fit require the Corporation to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

96. Notwithstanding anything in this Act or shown on the deposited plans the following provisions for the protection of the British Electricity Authority and their successors the owners for the time being of the generating station hereinafter referred to (hereinafter referred to as "the central authority") shall unless otherwise agreed in writing between the Corporation and the central authority apply and have effect:—

For protection
of British
Electricity
Authority.

(1) The Corporation shall not under the powers of this Act acquire the lands of the central authority forming part of the enclosure numbered 239 on the deposited plans or any part of those lands except that the Corporation may acquire and the central authority shall if so required by the Corporation grant to the Corporation in accordance with the provisions of section 13

PART VIII.
—cont.

(Acquisition of easements only) of this Act an easement or right of using so much of the said lands as may be necessary for the purpose of constructing and maintaining the works authorised by this Act:

- (2) The Corporation shall not under the powers of this Act acquire or in any way interfere with any of the pipes drains culverts leats or conduits or other works of the central authority by means of which water is conducted from the brook to the generating station or other property of the central authority (hereinafter referred to as "the said property") situate on the south-west side of Penyard Road in the borough or by means of which water is returned from the said property to the brook:
- (3) The Corporation shall not exercise any of the powers conferred on them by Part III (Morlais Brook improvement) of this Act in such manner as to interrupt or obstruct the free flow of water from the brook to the said property or from the said property back to the brook through the existing lines of pipes or conduits of the central authority:
- (4) Any question or dispute which may arise between the Corporation and the central authority under this section (other than a question or dispute as to the meaning or construction of this section which does not arise in the course of the arbitration) shall be referred to arbitration.

Saving for
town and
country
planning.

97. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 (Development orders) and subsection (1) of section 118 (Application to land regulated by special enactments) of that Act.

Crown rights.

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

Costs of Act.

99. 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 SCHEDULE referred to in the foregoing Act.

This Deed is made the eighth day of June one thousand nine hundred and forty-eight between the MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF MERTHYR TYDFIL (hereinafter called "the Corporation") of the one part and the NATIONAL COAL BOARD (hereinafter called "the Board") of the other part.

Whereas:

(1) The Corporation are in the present session of Parliament promoting a Bill intituled "An Act to empower the mayor aldermen and burgesses of the borough of Merthyr Tydfil to execute works for the improvement of the Morlais Brook to confer further powers upon them in regard to lands to make further and better provision in reference to the improvement health local government and finance of the borough to repeal the Dowlais Railway Act 1849 and the Dowlais Railway Act 1854 and for other purposes."

(2) By Clause 67 of the said Bill it is proposed to enact as follows:—

"(1) All rights of way over or along the site of the disused tramroad shown on the deposited plans and thereon numbered 332 are hereby extinguished:

Provided that nothing in this section shall affect any rights of way over or along any public road which crosses the said site of the disused tramroad:

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

(3) It has been agreed between the Corporation and the Board to propose to Parliament—

(A) an amendment of the said clause 67; and

(B) a new clause in the said Bill for the purpose of ratifying and confirming this agreement.

(4) The Corporation is seised for an estate in fee simple in possession free from incumbrances of the site of the disused tramroad hereinbefore referred to and which is shown and coloured pink on the plan signed in duplicate by Edward Roberts town clerk on behalf of the Corporation and by Lester Giles Hughes on behalf of the Board one copy of which has been deposited with the Corporation and one copy with the Board.

(5) The Board require to use part of the said tramroad for the conveyance of persons animals materials goods and all other things and for all purposes necessary in connection with the working operation or maintenance of the South Duffryn Colliery of the Board or any other colliery of the Board whether abandoned or not or in connection

with any operations of the Board whatsoever (including in particular the pumping of water) whether such operations are carried on or to be carried on in the vicinity of the said tramroad or elsewhere.

(6) The Corporation have agreed in consideration of the premises to grant to the Board a right of way with or without vehicles over part of the said tramroad for the purposes and in manner hereinafter expressed.

(7) The Corporation have further agreed to grant to the Board an option to purchase part of the said tramroad and the site thereof if so required by the Board in manner hereinafter appearing.

Now this deed witnesseth as follows:—

1. In pursuance of the said agreement and in consideration of the premises the Corporation as beneficial owners hereby grant and demise unto the Board full and free right and liberty for them and their successors in title and their tenants employees agents and licensees and all other persons authorised by them by day or by night with or without vehicles of any description and with or without animals for all purposes connected with the use and enjoyment working operation or maintenance of the South Duffryn Colliery or of any other mine or colliery of the Board whether worked developed suspended or abandoned or in connection with any operations of the Board whatsoever to pass and repass and to carry stores and materials and anything else whatsoever between the points marked A and B on the said plan for an approximate length of five thousand nine hundred feet and containing an area of approximately 3.63 acres to hold the said rights hereby granted and demised unto the Board for the term of nine hundred and ninety-nine years subject to the payment of a rent of seven pounds five shillings and twopence per annum payable on the first day of January in every year which said rent shall be payable from the date on which the said Bill becomes law and subject also to the provisions for determination hereinafter contained.

2. The Corporation hereby grant to the Board an exclusive option to purchase that part of the said tramroad and the site thereof which lies between the points marked A and B on the said plan at the price of fifty pounds per acre and so in proportion for any part less than an acre.

3. The said option shall be exerciseable by three months' notice in writing given by the Board to the Corporation of their intention to exercise the option:

Provided that unless Parliament otherwise determines the said option shall be exercised within the period of twenty-one years from the date on which the said Bill becomes law.

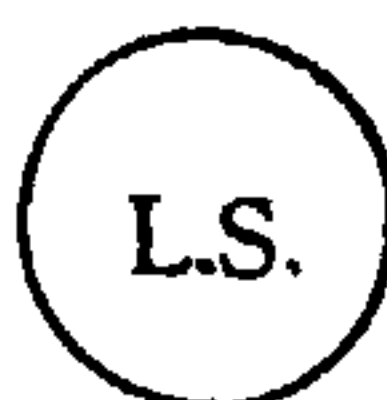
4. This agreement shall come into force on the date on which Royal Assent is given to the said Bill.

5. If at any time the Board shall give to the Corporation not less than three months' notice in writing stating their intention to determine this deed then upon the expiration of such notice this deed and everything herein contained shall cease and determine.

6. This agreement is made subject to such alterations as Parliament may think fit to make therein but in the event of either House of Parliament making any material alteration therein either party may withdraw from this agreement by giving notice to the other party at any time before the said Bill is read a third time in the Second House of Parliament and thereupon the Corporation shall withdraw from such Bill (A) this agreement and (B) any provisions of such Bill relating thereto and this agreement shall thereafter be of no effect whatsoever.

In witness whereof the common seals of the Corporation and of the Board were hereunto affixed the day and year first above written.

The Common Seal of the MAYOR
ALDERMEN AND BURGESSES OF THE
BOROUGH OF MERTHYR TYDFIL was
hereunto affixed in the presence of



CLAUDE STANFIELD
Mayor

EDWARD ROBERTS
Town Clerk

The Common Seal of the NATIONAL
COAL BOARD was hereunto affixed
in the presence of



HYNDLEY
Chairman

F. C. SHARPLEY
Assistant Secretary

Ch. xlii.

Merthyr Tydfil Corporation
Act, 1948.

II & 12 GEO. 6.

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