

**CHAPTER xxxiv.**

An Act to empower the mayor aldermen and burgesses of the borough of Taunton to construct additional waterworks and to purchase land therefor to confer further powers on the Corporation with regard to the health local government and improvement of the borough and for other purposes. [10th July 1940.]

WHEREAS the borough of Taunton (hereinafter called "the borough") is under the government of the mayor aldermen and burgesses of the borough (hereinafter called "the Corporation"):

And whereas the Corporation are the owners of the waterworks for supplying and are supplying water within the borough and the neighbourhood thereof and powers with regard to their waterworks and to such supply are conferred upon the Corporation by the Taunton Corporation Act 1900 the Taunton Corporation Act 1931 and the Taunton Corporation Act 1937:

And whereas the supply of water from the waterworks of the Corporation is inadequate to meet the growing demands of the areas within which the Corporation are at present supplying water and it is expedient that the Corporation should be empowered to construct the additional waterworks authorised by this Act and to acquire lands for the purposes thereof:

63 & 64
Vict.
c. cclxxxiii.
21 & 22
Geo. 5.
c. cii.
1 Edw. 8, &
1 Geo. 6.
c. cxix.

And whereas it is expedient that the further powers in relation to their water undertaking contained in this Act should be conferred upon the Corporation:

And whereas it is expedient to make further and better provision with regard to streets and buildings in the borough and for the health local government and improvement of the borough and to enlarge the powers of the Corporation with regard to those matters as provided by this Act:

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 the following purposes and such estimates are as follows:—

For and in connection with the purchase of lands and easements - -	£ 625
For and in connection with the strengthening of the existing dams of the lakes to be used for the water undertaking under the authority of this Act - - - - -	1,000
For and in connection with the construction of the intake (Work No. 1) and the aqueducts (Works Nos. 2 5 and 7) authorised by this Act - - - - -	15,220
For and in connection with the construction of the well and pumping station (Work No. 3) authorised by this Act - - - - -	10,100
For and in connection with the construction of the service reservoir (Work No. 6) authorised by this Act - - - - -	4,100
For and in connection with the construction of the gauge weir (Work No. 8) authorised by this Act - -	300

For and in connection with the completion of the Quants reservoir authorised by the Taunton Corporation Act 1937	£ 10,000
For and in connection with the provision of new mains extensions of mains and other waterworks purposes	8,000

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

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

23 & 24
Geo. 5.
c. 51.

And whereas plans and sections showing the lines and levels of the works (other than the gauge weir (Work No. 8)) authorised by 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 the lands required or which may be taken for the purposes or under the powers of this Act (other than for the purposes of the said gauge weir (Work No. 8)) were duly deposited with the clerk of the county council of the administrative county of Somerset which plans sections and book of reference are in this Act referred to as the deposited plans sections and book of reference:

And whereas a plan and section showing the line and level of the said gauge weir (Work No. 8) authorised by 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 the lands required or which may be taken for the purposes of the said gauge weir were in April nineteen hundred and forty deposited with the clerk of the county council of the administrative county of Somerset which plan section and book of reference are in this Act referred to as the additional deposited plan section 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.

Short title.

1. This Act may be cited as the Taunton Corporation Act 1940.

Division of
Act into
Parts.

2. This Act is divided into Parts as follows (that is to say):—

Part I.—Preliminary.

Part II.—Lands.

Part III.—Waterworks and water supply.

Part IV.—Streets and buildings.

Part V.—Disease and sanitary provisions.

Part VI.—Food.

Part VII.—Financial and miscellaneous.

Incorporation of
Acts.

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

(1) The Lands Clauses Acts with the following exceptions and modification:—

8 & 9 Vict.
c. 18.

(a) Sections 127 to 132 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) are not incorporated with this Act;

(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:

10 & 11
Vict.
c. 17.

(2) The Waterworks Clauses Act 1847 except—

(a) the words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” in section 44;

(b) sections 75 to 82. (with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit); and

(c) section 83. (with respect to the yearly receipt and expenditure of the undertakers):

(3) The Waterworks Clauses Act 1863.

PART I
—cont.
26 & 27 Vict.
c. 93.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Act 1936 shall have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Interpre-
tation.

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

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

“ The borough ” means the borough of Taunton;

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

“ The council ” means the council of the borough;

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

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

“ The county ” means the administrative county of Somerset and “ the county council ” means the county council of the county;

“ The Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act;

9 & 10
Geo. 5.
c. 57.

“ The Act of 1929 ” and “ the Act of 1933 ” mean respectively the Local Government Act 1929 and the Local Government Act 1933;

19 & 20
Geo. 5.

“ The Act of 1936 ” means the Public Health Act 1936 and “ the Public Health Acts ” means

c. 17.

PART I
—cont.
38 & 39
Vict.
c. 55.

the Public Health Act 1875 and the Acts amending and extending the same prior to the Act of 1936;

“ The Minister ” means the Minister of Health;

“ The water undertaking ” means the water undertaking of the Corporation;

“ The water limits ” means the limits within which the Corporation are for the time being authorised to supply water;

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

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

“ The Act of 1931 ” and “ the Act of 1937 ” mean respectively the Taunton Corporation Act 1931 and the Taunton Corporation Act 1937.

1 & 2 Geo. 6.
c. 56.

PART II.

LANDS.

Power to
take lands.

5. Subject to the provisions of this Act the Corporation may enter upon take appropriate and use for and in connection with the construction of the works authorised by this Act such of the lands delineated on the deposited plans and the additional deposited plan and described respectively in the deposited book of reference and the additional deposited book of reference as they may require.

Period for
compulsory
purchase of
lands.
3 & 4
Geo. 6.
c. 16.

6. The powers granted by this Act for the compulsory purchase of lands shall cease on the thirty-first day of October nineteen hundred and forty-three. Provided that the Special Enactments (Extension of Time) Act 1940 shall apply to the provisions of this section as if this Act had been passed before the passing of that Act.

Power to
reinstate
owners of
property.

7. The Corporation may enter into and carry into effect agreements and arrangements with the owners of or other persons interested in any lands or buildings which may be acquired by the Corporation under the

provisions of any general or local enactment from time to time in force in the borough with respect to the reinstatement of any such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange.

PART II
—cont.

8.—(1) The Corporation in addition to any other lands acquired or held by them in pursuance of this Act may by agreement purchase take on lease acquire and hold for the purposes of the water undertaking (including the purpose of protecting against pollution nuisance encroachment or injury any of the waters which the Corporation are empowered to take) any lands or any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) over or in respect of lands which the Corporation deem necessary for those purposes.

Power to
purchase
additional
lands by
agreement.

(2) Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands nor (without the approval of the Minister) erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or connected with the water undertaking but the restrictions of this section shall not apply in respect of lands leased or sold by the Corporation.

(3) (a) The Corporation may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses catchpits and other works and conveniences necessary or proper for the purpose of intercepting or taking any foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Corporation are empowered to take from being polluted and the Corporation may for the purposes aforesaid with the consent of the highway authority (which consent shall not be unreasonably withheld and may be given subject to such reasonable conditions as the highway authority think fit) carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

PART II
—cont.

(b) Any question whether any such consent as aforesaid is unreasonably withheld or whether any such conditions are unreasonable shall be determined by arbitration.

PART III.

WATERWORKS AND WATER SUPPLY.

Power to
make
works.

9.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the county in the lines and situations and according to the levels shown upon the deposited plans and sections and the additional deposited plan and section respectively and upon the lands delineated on those plans and described in the deposited book of reference and the additional deposited book of reference respectively the following works (namely):—

Work No. 1 An intake in the existing dam at the southerly end of the lake in the land numbered on the deposited plans 2 in the parish of Otterford in the rural district of Taunton;

Work No. 2 An aqueduct or line or lines of pipes in the said parish of Otterford commencing at the said intake and terminating at the well and pumping station (Work No. 3) authorised by this Act;

Work No. 3 A well and pumping station in the said parish of Otterford on the lands numbered on the deposited plans 1 and 2 in the said parish;

Work No. 5 An aqueduct or line or lines of pipes commencing in the said parish of Otterford at the said well and pumping station and terminating in the parish of Pitminster in the said rural district in the service reservoir (Work No. 6) authorised by this Act;

Work No. 6 A service reservoir on the lands numbered on the deposited plans 28 in the said parish of Otterford and 1 in the said parish of Pitminster;

Work No. 7 An aqueduct or line or lines of pipes in the said parish of Pitminster commencing in the said service reservoir and terminating

by a junction with an existing main of the Corporation in the lands numbered on the deposited plans 6 in the said parish of Pitminster;

PART III
—cont.

Work No. 8 A gauge weir across the river Otter on the lands numbered respectively on the additional deposited plan 1 in the parish of Churchstanton in the said rural district and 1 in the said parish of Otterford.

(2) The Corporation may maintain and use the five lakes on the lands numbered respectively 1043 1036 1034 1023 and 1022 in the said parish of Churchstanton and 274 276 277 282 and 361 in the said parish of Otterford on the 1/2500 Ordnance map (Second edition 1904) Somerset sheet LXXXVI.8 for the purposes of the water undertaking and in addition to the works described in subsection (1) of this section may strengthen the dams of all or any of the said lakes and may upon any lands for the time being belonging to the Corporation not being land held by them upon a charitable trust or in or over which they have or obtain easements make and maintain all such buildings tanks machinery roads approaches tramroads works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the said works and lakes or any of them or necessary for inspecting maintaining repairing cleansing managing working or using the same but nothing in this subsection shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

10. In the construction of the works authorised by this Act the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and the additional deposited plan respectively (and where on any street or road no such limits are shown the boundaries of such street or road shall be deemed to be such limits) and the Corporation may also deviate vertically from the levels shown on the deposited sections and the additional deposited section respectively to any extent not exceeding in the case of Work No. 1 authorised by this

Power to deviate in construction of works.

PART III
—cont.

Act three feet upwards and in the case of other works five feet upwards and in the case of all the said works to any extent downwards Provided that except for the purposes of crossing over a stream no part of the lines of pipes authorised by this Act shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Period for
completion
of works
and
enlarge-
ment of
works.

11.—(1) The Corporation shall proceed forthwith after the passing of this Act to acquire the necessary lands for the construction of the gauge weir (Work No. 8) authorised by this Act and upon obtaining possession of the said lands shall proceed with all reasonable dispatch to construct and complete the said work and shall thereafter maintain the same.

(2) If the works authorised by this Act and shown on the deposited plans and sections and the additional deposited plan and section respectively are not completed within seven years from the passing of this Act then on the expiration of that period subject to the provisions of subsection (4) of this section the powers granted by this Act for constructing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed:

Provided that the Special Enactments (Extension of Time) Act 1940 shall apply to the provisions of this section as if this Act had been passed before the passing of that Act.

(3) Should any of the works authorised by this Act have been constructed or partly constructed before the passing of this Act under authority of the Minister in pursuance of the Defence Regulations 1939 any such work shall be deemed on and after the passing of this Act to have been constructed under the powers of this Act and the provisions of this Act shall apply to any such work accordingly.

(4) The Corporation may extend enlarge alter reconstruct renew or remove any of the works and plant constructed under this Act and in the case of Works Nos. 2 5 and 7 authorised by this Act lay down additional lines of pipes as and when occasion may require.

12. For the protection of the county council the following provisions shall notwithstanding anything contained in this Act apply and have effect in addition to any other provisions enuring for the protection or benefit of the county council:—

PART III
—cont.
For
protection
of
Somerset
County
Council.

(1) Except—

(a) for the purpose of cleaning out any of the lakes in the rural district of Taunton through which the river Otter flows; and

(b) during the period reasonably necessary for that purpose;

the Corporation shall not at any time so operate the sluices in the dams of the said lakes or otherwise regulate or control the flow of water in the said river as to reduce such flow to a rate of less than two hundred and fifty thousand gallons in twenty-four hours:

(2) If the Corporation contravene the provisions of subsection (1) of this section then without prejudice to any other right or remedy available to the county council in respect of such contravention the Corporation shall for every day on which such contravention occurs forfeit and pay to the county council (who may sue for and recover the same) the sum of five pounds and shall in addition make compensation to any person affected, by such contravention for any loss or injury sustained by him:

(3) The provisions of section 32 (For protection of Somerset County Council) of the Act of 1937 (other than subsection (11) of that section) shall extend and apply and have effect with reference to the execution by the Corporation of the Works Nos. 5 and 7 authorised by this Act or of any works under the authority of the section of this Act of which the marginal note is "Period for completion of works and enlargement of works" as if those works were included in the expression "the works" as defined in the said section and as if references to this Act were substituted for the references in the said section to the Act of 1937.

PART III
—cont.
Power to
take
waters.

13. The Corporation may abstract collect impound take use divert and appropriate for the purposes of their waterworks the waters of the river Otter and its tributaries by means of the intake (Work No. 1) authorised by this Act and may also collect impound take use divert and appropriate for the same purposes all such springs streams and waters as will or may be intercepted by means of the well and pumping station (Work No. 3) authorised by this Act:

Provided that—

- (a) the Corporation shall not abstract collect impound take use divert or appropriate any greater quantity of water by means of the intake (Work No. 1) authorised by this Act than two million five hundred thousand gallons in any one day of twenty-four hours;
- (b) if the Corporation are intercepting water by means of the well and pumping station (Work No. 3) authorised by this Act they shall not take for the said purposes in the aggregate by means of the said intake and the said well and pumping station a greater quantity of water than two million five hundred thousand gallons in any one day of twenty-four hours;
- (c) the Corporation shall not abstract collect impound take use divert or appropriate any of the waters of the river Otter and its tributaries by means of any works authorised by this Act in the months of June July August and September except as provided in the section of this Act of which the marginal note is "Taking of water in summer months";
- (d) the Corporation shall not abstract collect impound take use divert or appropriate any waters of the river Otter and its tributaries by means of any works authorised by this Act in any day on which the flow of the said river (i) at the gauge at or near Royston Bridge referred to in the section of this Act of which the marginal note is "As to meter and gauges" is at a rate of less than two

hundred and fifty thousand gallons in twenty-four hours and (ii) after the gauge weir (Work No. 8) authorised by this Act shall have been completed at the gauge in that work is at a rate of less than seven hundred and fifty thousand gallons in twenty-four hours while water is being taken in pursuance of subsection (1) of the section of this Act of which the marginal note is "Taking of water in summer months" and at other times is at a rate of less than one million gallons in twenty-four hours;

- (e) the Corporation shall not abstract collect impound take use divert or appropriate in any one year a greater quantity of the waters of the river Otter and its tributaries than two hundred million gallons or in any year not later than three years after the date which His Majesty may by Order in Council declare to be the date on which the emergency which was the occasion of the passing of the Emergency Powers (Defence) Act 1939 came to an end such greater quantity as the Minister and the Minister of Agriculture and Fisheries on the application of the Corporation may allow. One month before any such application shall be made notice in writing of the application shall be given by the Corporation to the county councils of the administrative counties of Devon and Somerset both or either of whom may if they think fit submit any objection or representation with respect to such application to the said Ministers before the expiration of that period and the said Ministers before giving any decision upon such application shall consider any objection or representation so submitted.

PART III
—cont.2 & 3
Geo. 6.
c. 62.

14.—(1) For the purpose of measuring the quantity of water abstracted collected impounded diverted taken or used by the Corporation by means of the intake (Work No. 1) and the well and pumping station (Work No. 3) authorised by this Act the Corporation shall provide and fix and shall thereafter

As to meter
and gauges.

PART III
—cont.

maintain in the said pumping station a self-recording meter through which the quantity of water so abstracted collected or diverted by the Corporation by means of the said intake or the said well and pumping station shall pass.

(2) For the purpose of measuring the rate of flow of the river Otter the Corporation shall provide and fix and shall thereafter maintain at a point in the said river at or near Royston Bridge and in the gauge weir (Work No. 8) authorised by this Act proper and suitable automatic self-recording measuring gauges by means of which the flow of the said river shall be measured.

(3) The design and construction of the said recording meter and gauges shall be agreed between the Corporation and the Minister of Agriculture and Fisheries and the same shall be open at all reasonable times to the inspection and examination of all bodies and persons interested in the flow of the river Otter or their duly accredited representatives and the county councils of the administrative counties of Devon and Somerset may if they so desire take copies of any records obtained by means of the said meter and gauges.

(4) The Corporation shall within seven days after the expiration of each month in which the said recording meter and gauges shall have been in operation deliver to the county council of the administrative county of Devon a copy (certified as correct by the engineer of the Corporation) of the records of the said recording meter and gauges.

(5) In case of any neglect on the part of the Corporation to maintain the said recording meter and gauges or any of them in a state of efficiency or in case of any other neglect by or in consequence of which water shall be abstracted collected diverted taken or used by the Corporation in contravention of the provisions of this and the preceding section the Corporation shall for every day on which such neglect occurs forfeit and pay to each of the persons affected thereby (including the said county councils) who may sue for and recover the same the sum of five pounds and shall in addition make compensation for any loss or injury sustained by any such person.

(6) If any difference arises between the Corporation and the Minister of Agriculture and Fisheries with respect to the design and construction of the said recording meter and gauges or any of them or between the Corporation on the one hand and any body or person so interested as aforesaid on the other hand with respect to the use of the said recording meter and gauges or any of them or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed) on the application of either party after notice in writing to the other of them by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 and the Arbitration Act 1934 shall apply to any such arbitration.

PART III
—cont.52 & 53 Vict.
c. 49
24 & 25 Geo. 5.
c. 14.

15.—(1) If the reservoir (Work No. 1) authorised by the Act of 1937 shall not have been completed in the years nineteen hundred and forty and nineteen hundred and forty-one and if for sufficient reason the said reservoir shall not have been completed by the thirty-first day of December nineteen hundred and forty-one then in any year until the said reservoir shall have been completed the Corporation may abstract collect impound take use divert or appropriate any of the waters of the river Otter and its tributaries by means of Works Nos. 1 and 3 authorised by this Act or either of them in the months of June July August and September subject to the following conditions:—

Taking of
water in
summer
months.

- (a) After the gauge weir (Work No. 8) authorised by this Act shall have been completed the flow of the river Otter shall not be reduced below seven hundred and fifty thousand gallons in any day of twenty-four hours at such gauge weir nor shall the existing reservoirs of the Corporation be caused to overflow by the taking of the said waters;
- (b) Such abstraction collection impounding taking using diversion or appropriation shall not take place if the existing reservoirs of the Corporation are full or if there are in the said reservoirs in the aggregate forty million gallons of water and a quantity of water equal

PART III
—cont.

to one million gallons multiplied by the number of days between the day on which the Corporation desire to take water under the powers of this section and the first day of October then following.

(2) The Corporation may abstract collect impound take use divert or appropriate by means of the said Works Nos. 1 and 3 authorised by this Act or one of them in the months of June July August or September in any year such quantity of water from the river Otter and its tributaries not exceeding fifteen thousand gallons in any day of twenty-four hours as they may require for the purpose of furnishing a supply of water in bulk to the Taunton Rural District Council for use in the parishes of Churchstanton and Otterford or either of them.

Supply of
water to
Taunton

16. If at any time after the passing of this Act the Taunton Rural District Council (in this section referred to as "the district council") shall by notice in writing to the Corporation require the Corporation to furnish to them a supply of unfiltered water in bulk for the parishes of Churchstanton and Otterford or either of them the Corporation shall as soon as practicable after the receipt of such notice commence and shall thereafter continue for such period as the district council shall require the same to supply in bulk to the district council such quantity of water as the district council shall from time to time require to be so supplied to them not exceeding fifteen thousand gallons per day Such supply shall be furnished from such source at such point on any of the lands shown on the deposited plans which shall have been acquired by the Corporation and upon and subject to such terms and conditions as may be agreed between the Corporation and the district council or as failing such agreement shall be determined by the Minister The district council shall in any event repay to the Corporation any expense which the Corporation may properly incur in the execution of works or otherwise as shall be necessary to enable such bulk supply to be given but the specification and plans of such works and the cost thereof shall be agreed between the Corporation and the district council or failing such agreement shall be determined by the Minister.

17. The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of the river Otter above the intake (Work No. 1) authorised by this Act with reference to the execution by the Corporation or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters by this Act authorised to be abstracted collected impounded diverted taken and appropriated by the Corporation.

PART III
—cont.
Power to
agree as to
drainage
of lands
&c.

18.—(1) The Corporation may make byelaws for preventing the pollution fouling or contamination of the water which they are by this Act authorised to take and may by such byelaws prescribe the construction maintenance and use of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the water.

Byelaws
for
preventing
pollution
of water.

(2) The byelaws made under this section shall be in force within the area or areas defined in the byelaws being parts of the parishes of Churchstanton and Otterford in the rural district of Taunton.

(3) In addition to the requirements of section 250 (Procedure &c. for making byelaws) of the Act of 1933 the Corporation shall exhibit in some conspicuous place in each of the parts of parishes referred to in subsection (2) of this section in which the said byelaws are for the time being in force a copy of the notice referred to in that section and any landowner who may be affected by any such byelaws shall be entitled to be furnished with a copy thereof and to oppose the confirmation thereof.

(4) A copy of any such byelaws shall be sent to the clerk of the county council and to the clerk of the rural district council of Taunton three months at least before application is made for their confirmation and before confirming the byelaws the Minister shall have regard to any representations thereon which may be made within the said three months by the county council or the said rural district council.

(5) The Corporation shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the

PART III provisions of this section whose legal rights shall be
 —cont. injuriously affected by the restrictions imposed by such
 byelaws or who are required by such byelaws to con-
 struct any works or to do any act or thing which could
 not lawfully be required by the local sanitary authority
 of the district in which such lands are situate and such
 compensation shall be settled in default of agreement
 by arbitration in accordance with the provisions of the
 Arbitration Acts 1889 to 1934 and for the purposes of
 this subsection the expression "legal rights" shall
 include a user of land in respect of which the local
 authority might have taken proceedings under the Act
 of 1936 or under their byelaws but have decided not to
 do so having regard to the character or situation of the
 land.

(6) Section 298 (Restriction on right to prosecute)
 of the Act of 1936 shall with any necessary modifica-
 tions extend and apply in respect of proceedings for
 the recovery of any penalty imposed by any byelaw
 made under this section.

Prevention
 of
 pollution
 of water.

19.—(1) For the prevention of the pollution of
 any waters which the Corporation are by this Act
 authorised to take and use or of any stream or water-
 course through which any water may from time to
 time flow into any such waters the Corporation may
 with the consent in each case of the Minister and of the
 county council and of the rural district council in whose
 county or district such pollution occurs or (subject to
 the provisions of this section) of one of such councils if
 the other refuse such consent and decline to do the work
 themselves enforce the provisions of the Rivers Pollu-
 tion Prevention Acts 1876 and 1893 or of the Act of
 1936 or any Act amending those Acts or any of them
 with respect to any such waters streams and water-
 courses or in respect of any nuisance which may exist
 in proximity thereto and the Corporation with such
 consents as aforesaid shall have and may (if they think
 fit) from time to time exercise such or the like powers
 as may for the time being be exerciseable by the council
 of such county or district (as the case may be) under
 any enactment for the prevention of the pollution of
 any such waters stream or watercourse or for the pre-
 vention or abatement of any such nuisance and the
 provisions of such enactment shall for the purpose

39 & 40
 Vict.
 c. 75.
 56 & 57
 Vict.
 c. 31.

aforesaid extend and apply mutatis mutandis to the Corporation.

PART III
—cont.

(2) If the Corporation shall have obtained the consent of the Minister to the enforcement by them of the said Acts and if the council of the county or district in which the pollution occurs refuse or neglect for the space of one month after being requested by the Corporation (by notice in writing under the hand of the town clerk) either to enforce the provisions of the said Acts or to consent to the enforcement thereof by the Corporation the Corporation may appeal to the Minister who may dispense with the consent of the council whose consent has not been given and thereupon the Corporation may proceed to enforce the provisions of the said Acts.

(3) The Minister on giving any consent to the Corporation under subsection (1) of this section or on dispensing with any consent of any council under subsection (2) of this section may attach such terms and conditions as he may think fit.

(4) The powers conferred on the Corporation by this section shall be exercised subject to the following limitations:—

(a) Where the discharge of polluted waters (other than trade waste) from any building farmyard manure pit cesspool or tank which is not connected with a sewer is at the passing of this Act permitted by a rural district council without objection from the county council in whose county the polluted waters are discharged but if continued is likely in the opinion of the Corporation to endanger the purity of the waters at the intake (Work No. 1) authorised by this Act the cost of constructing any works which may be required by the Corporation under the powers of this section for preventing the pollution of the waters to be taken by the Corporation under this Act shall be borne by the Corporation;

(b) If in pursuance of any requirement by the Corporation any expense is reasonably incurred by any owner or occupier of lands in fencing off any watering place for horses or

PART III
—cont.

cattle on any river or stream and in providing or maintaining a convenient alternative watering place and supplying or keeping the same supplied with water suitable for the needs of horses and cattle in order to prevent the pollution or the risk of pollution of any waters which the Corporation are by this Act authorised to take or use or which find their way into such last-mentioned waters such expense shall be repaid to such owner or occupier by the Corporation and may be recovered by the owner or occupier from the Corporation summarily as a civil debt;

- (c) Nothing in this section shall authorise the prohibition of the use of manures or fertilisers for the purpose of agricultural horticultural or market gardening operations so long as the manures or fertilisers are stored in a covered building or at a greater distance than fifty yards from the nearest river stream or watercourse or are stacked for immediate use in any field at a greater distance than twenty-five yards from the nearest river stream or watercourse and whether stored or stacked are on lands not liable to flooding and so long as the use of such manures or fertilisers does not cause the pollution of the water in any river stream or watercourse to such an extent as to infringe the rights of the riparian owners and occupiers thereon.

As to
streets
forming
boundary
of water
limits.

20.—(1) Where the water limits are bounded by or abut on any street or part of a street wholly outside those limits the Corporation may for the purpose of supplying water to the owner or occupier of any premises abutting on that street or part of a street and being within the water limits exercise with respect to such street or part of a street outside those limits the like powers of breaking up the same for the purposes of laying maintaining inspecting repairing and renewing pipes as are exerciseable by them with respect to streets within the water limits subject nevertheless to the observance of the conditions imposed on an exercise of those powers within the said limits.

(2) The Corporation by means of a pipe laid in any such street or part of a street as is first referred to in subsection (1) of this section may with the consent of any local authority company body or person supplying water under parliamentary authority to the area which includes the houses outside the water limits abutting upon such street or part of a street supply such houses with water.

(3) The owner or occupier of any premises to which subsection (1) of this section applies may for the purpose of laying any communication pipe or of complying with any obligation to maintain any pipe or apparatus which he is liable to maintain exercise the like power of opening the ground between any main or pipe of the Corporation and his premises and of opening or breaking up so much of the pavement of the street as shall be between such main or pipe and his premises and any sewer or drain therein as if such street or part of a street were wholly within the water limits.

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

Supply to
houses
partly
used for
trade &c.

(a) any premises used as a house whereof a part is used by the same occupier for any trade or manufacturing purpose for which water is required;

(b) any public institution;

(c) any hospital sanatorium school club hostel assembly hall place of public entertainment restaurant or licensed premises within the meaning of that expression as used in the Licensing (Consolidation) Act 1910;

(d) any boarding-house capable of accommodating twelve or more persons including the persons usually resident therein.

10 Edw. 7.
& 1 Geo. 5.
c. 24.

(2) The minimum annual charge for a supply of water by meter to any of the premises in this section mentioned shall be a sum equal to the annual amount which would be payable according to the scale for the time being in force for a domestic supply furnished to a dwelling-house of the same net annual value.

PART III

—cont.

Agree-
ments as to
supply of
water in
certain
cases.

22. The Corporation may agree with the owner or occupier of any premises within the water limits who is not entitled to demand a supply of water from the Corporation to extend their mains to or over the property of such owner or occupier or to supply such premises with water in either case upon such terms as may be agreed and may recover from such owner or occupier any sum or sums of money agreed to be paid in respect of such supply in the same manner as water rates or rents are recoverable by them.

Erection of
stand-
pipes.

23.—(1) The Corporation may erect and maintain stand-pipes on any land belonging to them and on any land purchased or acquired by them for the purpose or in respect of which a right for the purpose is acquired by them by agreement and (with the consent of the road authority) on and at the side of any road within the water limits.

(2) The Corporation may provide and maintain prepayment meters in connection with any such stand-pipes for the supply of water for road vehicles and in respect of any such supply may make and recover such reasonable charges as they think fit.

(3) In respect of any such stand-pipes as may be erected and maintained for the purpose of the supply of water for domestic purposes and the recovery of water rates or water rents for the use of any such stand-pipes the Corporation shall have and may exercise the powers of a local authority who provide stand-pipes under section 128 (Power to charge for water supplied by stand-pipes &c.) of the Act of 1936.

PART IV.

STREETS AND BUILDINGS.

Stopping
up and
diversion
of
highways.

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

Provided that the Corporation shall not make an application under this section in regard to a county road without the consent of the county council which shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by the Minister of Transport. PART IV
—cont.

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

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

(a) has at least twenty-eight days before the date on which the application is made been served either personally or by registered post on the owners or reputed owners and the occupiers of all land abutting on the highway and (in any case in which the Corporation are aware of the existence in or under the highway of any mains pipes or apparatus of the Taunton and District Gas Company) on the said company and (when the application relates to a classified road as defined in the Act of 1929) on the Minister of Transport and the county council; and

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

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

(4) On the hearing of such an application the Corporation and any person who is interested in land

PART IV
—cont.

abutting on or served by the highway or uses the highway or is otherwise aggrieved shall have a right to be heard and an appeal against the decision of the court may be brought to quarter sessions either by the Corporation or by any such person as aforesaid who was or claimed to be heard by the court.

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

(a) a refusal by a court of summary jurisdiction to make an order under this section shall be deemed to be an order;

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

(c) any appeal under this section whether against an order or against a refusal to make an order shall be in the nature of a rehearing.

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

(7) Provided that—

(i) nothing in this section shall authorise the diversion over any land of any highway unless the written consent of every person having a legal interest in that land is produced to and deposited with the court; and

(ii) an order under this section authorising the diversion of a highway shall not authorise the stopping up of any part thereof until the new part to be substituted for the part stopped up has been completed to the satisfaction of two justices and a certificate to

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

that effect signed by them has been transmitted by their clerk to the clerk of the peace for the county.

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

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

(10) Any application or order under this section—

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

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

(11) The Corporation and the owner of or other person interested in any land affected by the exercise of the powers of this section may enter into and fulfil agreements relative thereto and to the payment of any expenses incurred by the Corporation in or in consequence of the exercise of those provisions.

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

25.—(1) In this section “apparatus” means mains pipes or apparatus for conveying gas.

(2) If it shall be agreed between the Corporation and the Taunton and District Gas Company (in this section referred to as “the company”) or (in case of difference) determined by arbitration that in consequence of the stopping up or diversion of a highway or

For
protection
of Taunton
and District
Gas
Company.

PART IV
—cont.

part of a highway under the powers of the section of this Act of which the marginal note is "Stopping up and diversion of highways" it is reasonably necessary that any apparatus belonging to the company and situate in or under the highway or part of a highway stopped up or diverted should be removed or diverted the company may remove or divert the apparatus accordingly.

(3) Any such diversion of apparatus shall be carried out in accordance with plans sections and particulars to be previously submitted by the company to and reasonably approved by the Corporation or failing such approval determined by arbitration as hereinafter provided. Provided that unless within one month after the submission to them of any such plans sections and particulars the Corporation intimate in writing to the company the Corporation's objection thereto or make any requirement with reference thereto they shall be deemed to have approved the said plans sections and particulars as submitted to them.

(4) Forthwith after the completion of any such removal or diversion of apparatus the company shall to the reasonable satisfaction of the Corporation fill in the excavation and make good the surface of the ground.

(5) The Corporation shall repay to the company the amount of the costs and expenses reasonably incurred by them in or in connection with the carrying out of any such removal or diversion of apparatus as aforesaid and in or in connection with the carrying out of their obligations under this section.

(6) (a) Whenever by reason of the exercise by the Corporation of the powers of the said section of this Act any apparatus (other than apparatus for which new apparatus is substituted at the expense of the Corporation under the foregoing provisions of this section) is rendered derelict useless or unnecessary the Corporation shall forthwith pay to the company such a sum as may be agreed between the company and the Corporation or as failing such agreement shall be determined by arbitration to be the value of such apparatus and such apparatus shall upon such payment become the property of the Corporation.

(b) The Corporation shall also pay to the company the reasonable cost of and incidental to the cutting off of any such apparatus as is referred to in paragraph (a) of this subsection from any other apparatus and of and incidental to any other works or things rendered reasonably necessary or expedient in consequence of any such apparatus being rendered derelict useless or unnecessary.

PART IV
—cont.

(7) Any difference between the Corporation and the company under this section shall be referred to arbitration. Provided that for the purposes of this section the section of this Act of which the marginal note is "Application of Arbitration Acts" shall have effect as if the President of the Institution of Civil Engineers were named therein instead of the Minister.

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

As to
termina-
tion of
new
streets.

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

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

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

Byelaws
as to
alteration
of streets.

PART IV
—cont.
Frontage
line in new
streets.

28.—(1) Every person who intends to lay out a new street shall in addition to the information required to be supplied to the Corporation by virtue of any enactment or byelaw with respect to streets and buildings from time to time in force within the borough distinctly define and mark on a plan drawn to such scale as the Corporation may require and to be prepared and submitted by such person to the Corporation for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called "the building line") and the Corporation shall be deemed to have approved any building line unless within one month or (where the plan is submitted less than three clear days before a meeting of the council) five weeks after the date of submission thereof they shall have signified to the person submitting the same their disapproval thereof.

(2) The Corporation may also prescribe the building line to be observed in those parts of any street (not being a highway maintainable by them or by any highway authority) already formed upon which buildings have not already been erected.

(3) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof or any addition to any house or building if the building line for such street has been disapproved by the Corporation or before the expiration of the one month or five weeks aforesaid without their approval nor without the approval of the Corporation beyond or in front of the building line approved or prescribed by the Corporation and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(4) The provisions of section 3 (Buildings not to be brought forward) of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been approved or prescribed by the Corporation.

(5) In the event of the Corporation requiring as a condition of their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of a new street than one-half

51 & 52
Vict.
c. 52.

of the width of the street and ten feet in addition or in the case of a street already formed to a greater distance from the centre of the street than the line at which buildings could be erected having regard to the provisions of the byelaws with respect to streets and buildings in force within the borough or of the Public Health (Buildings in Streets) Act 1888 the Corporation shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

PART IV
—cont.

(6) Any building line approved under subsection (1) or prescribed under subsection (2) of this section shall not be approved or prescribed so that land belonging to the Great Western Railway Company and held or used by them in the exercise of their statutory powers for the purpose of railway works stations or depots shall lie between such building line and the centre of such new street.

(7) For the purposes of this section the surveyor shall by certificate under his hand at or before the time of the approval of the building line by the Corporation determine the centre of any street or intended street.

(8) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Lands Clauses Acts.

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

Power to
place
fences near
school
entrances
&c.

PART IV
—cont.
Fencing of
forecourts.

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

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

Provision
as to
forecourts.

31.—(1) If the Corporation shall by resolution determine that any stall structure or other erection 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.

(2) Any person neglecting or refusing to comply with the requirement of any such notice shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Planting of
trees in
private
streets.

32. The Corporation when carrying out any private street works in any street may with the consent in writing of a majority in number and rateable value of the owners of houses and land in such street cause trees or shrubs to be planted and grass margins to be laid out in such street and erect guards or fences and otherwise do everything expedient for the protection of such trees shrubs and grass margins and any expense incurred by the Corporation under this section shall be deemed part of the expenses of carrying out the private street works in any such street:

Provided that no such tree shrub grass margin guard or fence shall be placed or laid out in such a situation as to hinder the reasonable use of the highway by any person entitled to the use thereof or so as to be a nuisance or injurious to the owner or occupier of any land or premises adjacent to the said street:

Provided also that for the purposes of section 7 (Provision as to work which involves alteration in telegraphic line) of the Telegraph Act 1878 any work done in exercise of the powers conferred by this section shall be deemed to be work done in the execution of an undertaking authorised by an Act of Parliament and the Corporation shall be deemed to be the undertakers.

PART IV
—cont.
41 & 42
Vict.
c. 76.

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

As to
urgent
repairs of
private
streets.

7 Edw. 7.
c. 53.

34.—(1) The Corporation may by notice in writing require—

Repair of
hoardings
&c.

(a) the owner of any hoarding wall or similar structure used for advertising purposes to maintain the same in good order and condition;

(b) the person using any hoarding wall or similar structure for advertising purposes to maintain any advertising matter thereon in good order and condition.

(2) If such owner or other person shall neglect or refuse to comply with any such notice the Corporation may carry out such alterations or repairs as may be reasonably necessary and recover summarily as a civil debt from such owner or other person any expense incurred by them in so doing.

35. Section 11 (Byelaws as to petroleum filling stations) of the Petroleum (Consolidation) Act 1928 in its application to the borough shall be extended so as to empower the Corporation to make byelaws in accordance therewith for the purpose of preserving for

Regulation
of
petroleum
filling
stations.
18 & 19
Geo. 5.
c. 52.

PART IV
—cont.

the enjoyment of the public or residents the amenities of any street.

As to
neglected
sites.

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

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

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

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

No build-
ing allowed
until
street
defined.

37.—(1) Where plans and sections of a new street have been deposited with and approved by the Corporation no person except with their consent shall in any such street commence to erect any new building or to excavate for the foundation thereof until he has defined by posts or in some other suitable manner the approved line width and level of so much of the street as abuts upon or adjoins the land on which the building is to be erected or any land which will be occupied in connection with that building and it shall not be lawful for any person except with such consent to erect the building or any fence nearer to the centre of the street than the posts or other marks by which the width of the street has been defined.

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

(3) The provisions of this section shall not extend or apply to any building (not being a dwelling-house) or fence constructed by or belonging to or which may hereafter be constructed by or belong to the Great

Western Railway Company in the exercise of their statutory powers so long as any such building or fence is used by such company primarily for railway purposes.

PART IV
—cont.

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

No
buildings
to be
erected
until
street
formed.

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

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

55 & 56
Vict.
c. 57.

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

(4) The provisions of this section shall not apply to any new street or part of a new street belonging to the Great Western Railway Company and forming the approach to any station or depot of such company not being a new street or part of a new street intended to be laid out for dwelling-houses or shops.

PART IV
—cont.
Means of
access to
buildings.

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

(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 either such person shall not begin to erect or proceed with the erection of any building to which the notice relates or shall not sell let or occupy such building (as the notice shall specify) until the notice of the Corporation has been complied with or until security has been given to the satisfaction of the Corporation that the notice will be complied with.

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

40.—(1) Section 61 (Byelaws as to buildings and sanitation) of the Act of 1936 is hereby extended so as to enable the Corporation to make byelaws providing

Elevations
of new
buildings.

in such manner as they may think necessary that any person intending to erect a new building in any street specified in the byelaws shall furnish the Corporation with drawings or other sufficient indication of the design or external appearance of the building including such indication of the materials to be used in its construction as may be necessary for the purpose (which drawings and particulars are in this section included in the expression "specifications").

PART IV
—cont.

(2) Where the specifications of any building proposed to be erected are required to be submitted to the Corporation by a byelaw made under the said section 61 as extended by this section the Corporation shall within one month after the submission to them of the specifications by notice in writing—

(a) approve the specifications; or

(b) if they shall consider that having regard to the character of the locality and of the neighbouring buildings in the street the building to which the specifications relate would seriously disfigure the street whether by reason of the height of the building or its design or external appearance disapprove the specifications and in that event the notice shall be accompanied by a statement of the grounds for the disapproval.

(3) The grounds on which a person may appeal against any such disapproval to a court of summary jurisdiction under the section of this Act of which the marginal note is "As to appeals" shall include the ground that compliance with the Corporation's decision would involve an increase in the cost of the building which would be unreasonable having regard to the character of the locality and of the neighbouring buildings.

(4) Where the specifications of a building have been disapproved under this section it shall not be lawful to erect the building until the specifications thereof have been approved by the Corporation and any person who offends against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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Act, 1940.

PART IV
—cont.

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

(6) Section 93 (Further power to make byelaws as to new buildings &c.) of the Act of 1931 is hereby repealed.

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

41.—(1) Notwithstanding anything in section 7 (Undertakers not to enter on private land without consent) of the Gasworks Clauses Act 1847 the Corporation may with the consent in writing of the owner of any building or any bridge over any street attach thereto such brackets electric lines and attachments (in this section called "attachments") as may be required for the purposes of the electricity undertaking of the Corporation.

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

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

- (a) any building forming part of an aerodrome; or
- (b) any building which the owner thereof alleges to be a building of architectural or historic interest; or
- (c) any building or bridge owned by any highway authority railway company or gas undertakers;

but if in the opinion of the Corporation any consent under subsection (1) of this section is unreasonably withheld in relation to any such building or bridge they may appeal in the case of a building owned by gas undertakers to the Board of Trade and in any other case to the Minister of Transport and the said Board or Minister may by order either allow the attachments subject to such terms (if any) as to compensation or

rent or otherwise as they or he think fit or disallow the attachments.

(4) Where any attachments have been affixed to a building or bridge under this section and the person who gave the consent or who was the owner when the order allowing the attachments was made ceases to be the owner of the building or bridge the subsequent owner may give to the Corporation notice in writing requiring them to remove the attachments and subject to the provisions of this subsection the Corporation shall within three months after the service of the notice remove the attachments:

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

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

(6) In this section—

The expression “owner”—

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

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

(c) in relation to a building forming part of an aerodrome means (notwithstanding anything in this subsection) the person having control of the aerodrome;

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

PART IV
—cont.—
10 & 11
Geo. 5.
c. 80.

The expression "aerodrome" means an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same.

(7) The provisions of section 290 (Power of government departments to direct inquiries) of the Act of 1933 shall apply to the determination by the Board of Trade of any difference referred to them under this section.

Power to
order
alteration
of
chimneys.

42. 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 in the borough is a nuisance to any of the inhabitants of the borough to make an order requiring the owner of such chimney flue or pipe within such time as shall be specified in such order to cause the same to be raised or such other means for preventing or mitigating such nuisance to be adopted as may seem fitting to such court and as shall not involve an expenditure exceeding twenty pounds and any such owner as aforesaid who shall neglect or refuse to obey such order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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

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

- (a) the erection of buildings intended or adapted for use as dwelling-houses on any land which in their opinion is liable to flooding; or
- (b) the erection of dwelling-houses on land which in their opinion would by reason of the nature of the subsoil involve danger or injury to health.

(2) Before any order made under this section shall come into force the Corporation shall submit the order to the Minister for his approval and shall give notice of the proposals of the order to the owner of any land affected by the order and by advertisement in a local newspaper circulating in the borough and in the

London Gazette and in such other manner (if any) as the Minister may direct. PART IV
—cont.

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

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

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

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

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

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

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

(9) If at any time it appears to the Corporation that by reason of the execution of works of drainage or for any other reason an order made under this section may properly be revoked in whole or in part or any

PART IV
—cont.

conditions imposed by such an order may properly be relaxed the Corporation may by order revoke the original order in whole or in part or relax any conditions imposed thereby.

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

PART V.

DISEASE AND SANITARY PROVISIONS.

Entry into
premises
in case of
disease.

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

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

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

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

PART V

—cont.

45. The Corporation may provide and supply (with or without charge therefor) to any registered medical practitioner antidotes and remedies against any notifiable disease.

Supply of
antidotes
against
notifiable
diseases.

46. If any person at the request of the Corporation or the medical officer stop his employment for the purpose of preventing the spread of a notifiable disease the Corporation may make compensation to him for any loss occasioned by reason of such stoppage.

Compensation
to persons for
ceasing em-
ployment to
prevent
spread of
disease.

47.—(1) No dealer shall sell or expose for sale any second-hand furniture mattress bed-linen or similar articles if the same are to his knowledge infested with bugs or other vermin or if by taking reasonable precautions he could have known the same to be so infested.

Prohibition
of sale of
verminous
furniture
&c.

(2) A dealer offending against the provisions of this section shall be liable to a penalty not exceeding five pounds.

(3) (a) The sanitary inspector may enter any premises in which second-hand furniture mattresses bed-linen or similar articles are sold or exposed for sale for the purpose of examining whether there be any contravention of the provisions of this section.

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

(4) In and for the purposes of this section "dealer" means any person (other than a pawnbroker duly licensed for that purpose) who trades or deals in any of the articles referred to in this section.

48.—(1) Section 81 of the Act of 1936 shall extend to empower the Corporation to make byelaws for regulating the tipping of dust spoil and refuse and for prohibiting the use of any refuse tip so as to be a nuisance to the occupiers of any premises in the neighbourhood thereof.

Byelaws as
to tipping
refuse.

PART V
—cont.

(2) Any byelaws made by the Corporation in pursuance of this section may contain provisions for imposing on offenders against the same for every offence a penalty not exceeding the sum of fifty pounds and a daily penalty not exceeding ten pounds.

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

(4) Provided that a person offending against any byelaws made in pursuance of this section shall not in respect of such offence be subjected both to a penalty under the byelaws and to a penalty under section 94 of the Act of 1936 as applied by subsection (3) of this section nor shall any such offender be subjected in respect of one and the same period both to a daily penalty under the byelaws and to a penalty under section 95 of the Act of 1936 (as so applied) for failing to comply with an order or contravening an order.

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

PART VI.

FOOD.

49.—(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 the medical officer or the sanitary inspector of such intention and shall on the application of the medical officer or the sanitary inspector within six weeks from the date of such slaughter furnish such

Notice of
slaughter
of animal
unfit for
food.

information within his knowledge as the medical officer or the sanitary inspector may reasonably require for the purpose of enabling inquiries to be made to trace the disposition of the carcasses or any part thereof.

PART VI
—cont.

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

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

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

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

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

Registra-
tion of
hawkers
of meat
fish fruit
and
vegetables
and
premises.

- (a) any person other than a person keeping open shop for the sale of meat or meat food product or fish or fruit or vegetables who shall by himself or by any person employed by him sell or offer or expose for sale any meat or meat food product or fish or fruit or vegetables from any cart barrow or other vehicle or from any basket pail tray or other receptacle; and
- (b) any premises used or proposed to be used as storage accommodation for any meat or meat food product or fish or fruit or vegetables intended for sale from any such vehicle or receptacle;

shall be registered with the Corporation in the case of any such person by himself and in the case of any such premises by the owner or occupier or intending owner or occupier thereof.

(2) (a) No person other than a person keeping open shop for the sale of meat or meat food product or fish or fruit or vegetables shall by himself or by any person employed by him sell or offer or expose for sale any meat or meat food product or fish or fruit or vegetables from any cart barrow or other vehicle or

PART VI
—cont.

from any basket pail tray or other receptacle unless he is so registered as aforesaid.

(b) No premises shall be used as storage accommodation for any meat or meat food product or fish or fruit or vegetables intended for sale from a cart barrow or other vehicle or from a basket pail tray or other receptacle unless such premises are so registered as aforesaid.

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

(4) (a) The Corporation may refuse to register any such person or premises as is or are referred to in subsection (1) of this section or (after giving one month's notice in writing to the person registered or in whose name any such premises are registered) may revoke the registration of any such person or premises if they are satisfied (as regards any such person) that the public health is or is likely to be endangered by any act or default of such person in relation to the quality storage or distribution of the meat or meat food product or fish or fruit or vegetables as the case may be or (as regards any such premises) that such 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 them not less than seven days after the date of the notice to show cause why the Corporation should not for reasons to be specified in the notice refuse to register or revoke the registration of the person or premises. 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 the section of this Act of which the marginal note is "As to appeals") against any such refusal or revocation shall do so within fourteen days from the date of the notice of such refusal or revocation. PART VI
—cont.

(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 meat or meat food product or fish or fruit or vegetables 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) In and for the purposes of this section—

"meat" means the flesh of cattle swine sheep or goats including bacon and ham and edible offal and fat which is sold or intended for sale for human consumption;

"meat food product" means any article of food intended for sale for human consumption and derived or prepared in whole or in part from meat.

PART VII.

FINANCIAL AND MISCELLANEOUS.

51.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column of the said table and they shall pay off all moneys so Power to
borrow.

PART VII
—cont.

borrowed within such periods as the Corporation may determine not exceeding those respectively mentioned in the third column of the said table (namely):—

1.	2	3
Purpose.	Amount.	Period for repayment.
(a) The purchase of lands and easements.	£ 625	Sixty years from the date or dates of borrowing.
(b) The strengthening of the existing dams of the lakes to be used for the water undertaking under the authority of this Act.	1,000	Sixty years from the date or dates of borrowing.
(c) The construction of the intake (Work No. 1) and the aqueducts (Works Nos. 2 5 and 7) authorised by this Act.	15,220	Forty years from the date or dates of borrowing.
(d) The construction of the well and pumping station (Work No. 3) authorised by this Act.	10,100	Forty years from the date or dates of borrowing.
(e) The construction of the service reservoir (Work No. 6) authorised by this Act.	4,100	Forty years from the date or dates of borrowing.
(f) The construction of the gauge weir (Work No. 8) authorised by this Act.	300	Forty years from the date or dates of borrowing.
(g) The completion of the Quants reservoir authorised by the Act of 1937.	10,000	Sixty years from the date or dates of borrowing.
(h) The provision of new mains extensions of mains and other waterworks purposes.	8,000	Thirty-five years from the date or dates of borrowing.
(i) 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 Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

52. So long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Act 1939 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.

PART VII
—cont.
Saving for
emergency
restrictions
on
borrowing.

53. 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 part of any park or place of public resort or recreation set apart as aforesaid and of any pavilions buildings or refreshment or other rooms or conveniences subject to such charges and 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-third 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.

54. Every person who negligently breaks throws down or otherwise damages any public lamp or lamp-post or street orderly bin or other receptacle for the temporary deposit and collection of dust ashes and rubbish or street sand bin or life-saving apparatus or any other property of the Corporation shall make full compensation to the Corporation for the damage done and such compensation to an amount not exceeding twenty pounds shall be recoverable summarily as a civil debt.

Compensa-
tion for
injuring
lamps &c.

55.—(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

Officers
may be
sworn in as
constables.

PART VII
—cont.

not act as a constable unless in uniform or provided with a warrant.

11 & 12
Geo. 5.
c. 31.

(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.

Penalty
for failure
to carry
out work
until after
issue of
summons.

56. In any proceedings for the abatement of a nuisance to which the provisions of section 93 (Service of abatement notice) of the Act of 1936 apply if the person on whom a notice to abate a nuisance has been served delays making compliance with any of the requisitions thereof until after a summons has been issued requiring him to appear before a court of summary jurisdiction the court in addition to any other powers conferred upon them by the said Act may if satisfied that the alleged nuisance existed impose a penalty not exceeding five pounds on the person on whom the notice was served notwithstanding that the nuisance is abated.

In
executing
works for
owner
Corpora-
tion liable
for
negligence
only.

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

As to
appeals.

58.—(1) Any person aggrieved by any requirement refusal or other decision of the Corporation or

of any officer thereof under Part IV (Streets and buildings) Part V (Disease and sanitary provisions) or Part VI (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. PART VII
—cont.

(2) The procedure upon any such appeal shall be by way of complaint for an order and the Summary Jurisdiction Acts shall apply to the proceedings.

(3) The time within which any such appeal may be brought shall except where otherwise expressly provided be twenty-one days from the date on which notice of the requirement refusal or decision was published or served upon the person desiring to appeal and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.

(4) In any case in which such an appeal lies the document notifying the requirement refusal or decision in the matter shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought unless these have already been stated in a notice to the person concerned informing him of his right to a hearing before the Corporation with regard to the same matter.

(5) Where a person aggrieved by any order determination or other decision of a court of summary jurisdiction under this Act is not by any other enactment authorised to appeal to a court of quarter sessions he may except where otherwise expressly provided appeal to such a court.

(6) Where any requirement refusal order determination or other decision against which a right of appeal is conferred by this Act involves the execution of any work or the taking of any action or makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time of such requirement refusal order determination or other decision or to use any premises for any purpose for which they were lawfully used up to such time—

(a) no proceedings in respect of any failure to execute the work or take the action shall be taken;

PART VII
—cont.

(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.

Commence-
ment of
certain
provisions
of this Act.

59.—(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 sections of this Act of which the marginal notes are—

“ Notice of slaughter of animal unfit for food ”;

“ Registration of hawkers of meat fish fruit and vegetables and premises.”

(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 came into operation—

PART VII
—cont.

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

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 the section of this Act of which the marginal note is "As to appeals."

60. Section 298 (Restriction on right to prosecute) of the Act of 1936 shall apply to offences created by or under Part IV (Streets and buildings) Part V (Disease and sanitary provisions) and Part VI (Food) of this Act as if they were offences created by or under that Act except that the said section shall not apply to those created by or under the section of this Act of which the marginal note is "Regulation of petroleum filling stations."

Restriction on right to prosecute.

61. 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.

62.—(1) The Minister of Transport may hold such inquiries as he may consider necessary in regard to the exercise of any powers or duties conferred upon him or the giving of consents under this Act or any existing Act or Order of the Corporation.

Inquiries by Minister of Transport.

(2) Where the Minister of Transport causes any inquiry to be held in pursuance of this section or of any provision of any Act or Order of the Corporation section 290 (Power of government departments to direct inquiries) of the Act of 1933 shall apply to such inquiry notwithstanding the provisions of any such Act or Order of the Corporation.

PART VII

—cont.

Applica-
tion of
Arbitration
Acts.

63. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be subject to the provisions of the Arbitration Act 1889 and the Arbitration Act 1934 and unless otherwise agreed the arbitrator shall be appointed by the Minister.

Applica-
tion of
provisions
of Public
Health
Act 1936.

64. 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 275 (Power of local authority to execute certain work on behalf of owners or occupiers);

Section 277 (Power of councils to require information as to ownership of premises);

Section 283 (Notices to be in writing; forms of notices &c.);

Section 284 (Authentication of documents);

Section 285 (Service of notices &c.);

Section 286 (Proof of resolutions &c.);

Section 287 (Power to enter premises);

Section 288 (Penalty for obstructing execution of Act);

Section 289 (Power to require occupier to permit works to be executed by owner);

Section 291 (Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments);

Section 292 (Power to make a charge in respect of establishment expenses);

Section 293 (Recovery of expenses &c.);

Section 294 (Limitation of liability of certain owners);

- Section 295 (Power of local authority to grant charging orders);
- Section 296 (Summary proceedings for offences);
- Section 297 (Continuing offences and penalties);
- Section 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):

PART VII
—cont.15 & 16
Geo. 5.
c. 22.

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 and buildings) Part V (Disease and sanitary provisions) and Part VI (Food) of this Act.

65. The following provisions of the Act of 1931 and the Act of 1937 shall so far as they are applicable for the purpose extend and apply with the necessary modifications to this Act:—

Applica-
tion of
provisions
of Acts
of 1931 and
1937.

The Act of 1931—

- Section 16 (Persons under disability may grant easements &c.);
- Section 17 (Acquisition of easements);
- Section 20 (Agreements with owners of property &c.);
- Section 24 (Application of capital moneys on disposal of lands);
- Section 26 (Power to develop lands &c.);
- Section 35 (Works to form part of water undertaking);
- Section 274 (Damages and charges to be settled by court);
- Section 277 (Informations by whom to be laid);
- Section 279 (Compensation how to be determined);

PART VII
—cont.

Section 280 (Saving for indictments &c.);

Section 283 (Application of section 265 of
Public Health Act 1875);

Section 285 (Crown rights).

The Act of 1937—

Section 6 (Correction of errors in deposited
plans and book of reference);Section 8 (Power to enter upon property for
survey and valuation);Section 9 (Compensation in case of recently
acquired interest) Provided
that in the application of the
said section it shall be read and
have effect as if the words “ the
“ twentieth day of November
“ nineteen hundred and thirty-
“ nine ” were inserted therein
instead of the words “ the
“ twentieth day of November
“ nineteen hundred and thirty-
“ six ”;Section 10 (Extinction of private rights of
way);

Section 13 (Purchase of lands for exchange);

Section 82 (Inquiries by Minister).

Costs of
Act.

66. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund and the general rate or out of moneys to be borrowed under this Act for that purpose.

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