



CHAPTER xv.

An Act to provide for the vesting of part of the Wisbech Canal in the mayor aldermen and burgesses of the borough of Wisbech and to enable them to pipe the water of part thereof and fill in the same and lay out other part thereof as a pleasure ground to confer upon the Corporation powers of control over so much of the remainder of the said canal as is in or adjoining the borough to authorise the compulsory purchase of lands by the Corporation to make further provision with regard to the health local government and improvement of the borough and for other purposes.

[27th July 1944.]

WHEREAS the borough of Wisbech (in this Act referred to as "the borough") is under the management and local government of the mayor aldermen and burgesses of the borough (in this Act referred to as "the Corporation"):

And whereas by the Act 34 Geo. III c. 92 the Wisbech Canal Company were incorporated and were empowered to make and maintain a navigable canal from the part of the river Nene formerly known as the Wisbech River at or near the old sluice in the borough to the river Nene in the parish of Outwell in the rural district of Marshland in the county of Norfolk and such canal (in this Act referred to as "the canal") was constructed accordingly:

And whereas by a warrant of abandonment given under the seal of the Minister of Transport on the fourteenth day of June nineteen hundred and twenty-six under section 45 of the Railway and Canal Traffic Act 1888 the said Minister authorised the abandonment for navigation by the Wisbech Canal Company of the canal: 51 & 52 Vict.
c. 25.

And whereas the canal is derelict and has not been used for traffic during the present century and the county councils of the Isle of Ely and Norfolk have constructed across the canal bridges at such a height above the waterway of the canal as to prohibit the use of it for traffic in the borough and for some distance beyond it:

And whereas it is expedient to transfer to and vest in the Corporation so much of the canal as extends from the river Nene at or near the old sluice to New Common Bridge in the borough and to authorise the Corporation to convey by means of a pipe or pipes the water of the canal between the old sluice and a point ninety yards or thereabouts measured in a south-easterly direction from the intersection of the centre lines of Canal Row and Bull's Lane and to fill up raise or lower the bed of the said part of the canal and to empower the Corporation to lay out as a public walk or pleasure ground the banks and towpaths of so much of the said portion of the canal as lies between the point last described and New Common Bridge:

And whereas it is expedient to authorise the Corporation to purchase certain lands in the borough adjacent to the canal so as to enable them to utilise such lands and the lands through which it is proposed as aforesaid to pipe the water of the canal for the purposes of section 154 of the Public Health Act 1875 and the provision of space for the erection of buildings and for the purposes of a car parking place under section 68 of the Public Health Act 1925:

38 & 39 Vict.
c. 55.

15 & 16 Geo. 5.
c. 71.

And whereas the canal is a source of nuisance and danger to the inhabitants of the borough and it is expedient that the powers authorised by this Act of controlling the portion of the canal from New Common Bridge to the south-east corner of the borough at a point seven hundred and seventy-seven yards or thereabouts south of the said bridge should be conferred upon the Corporation:

And whereas it is expedient to make further provision in reference to the health local government and improvement of the borough and to confer upon the Corporation the further powers contained in 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 purposes hereinafter mentioned and such estimates are as follows:—

The purchase of lands under the powers of this Act	£ 64,000
The provision and laying of pipes for conveying the water of part of the canal and the filling up raising or lowering of the bed thereof and other works relating thereto and the execution of the powers of the Corporation under section 154 of the Public Health Act 1875 70,000

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 showing the lands required or which may be taken for the purposes or under the powers of this Act together with a book of reference to those plans containing the names of the owners lessees and occupiers or reputed owners lessees and occupiers of such lands were duly deposited with the clerk of the county council of the administrative county of the Isle of Ely and are hereinafter respectively referred to as the deposited plans and book of reference:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

PART I.

PRELIMINARY.

1. This Act may be cited as the Wisbech Corporation Act 1944. Short and
collective
titles.
2. This Act is divided into Parts as follows:— Division of
Act into
Parts.
 - Part I.—Preliminary.
 - Part II.—Wisbech Canal.
 - Part III.—Lands &c.
 - Part IV.—Streets and buildings.
 - Part V.—Provision of concert halls etc.
 - Part VI.—Police.
 - Part VII.—Finance.
 - Part VIII.—Miscellaneous.

PART I.
—cont.
Incorporation
of Lands
Clauses Acts.
8 & 9 Vict.
c. 18.

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

- (a) Sections 127 to 132 of the Lands Clauses Consolidation Act 1845 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;

but the Lands Clauses Acts shall not apply to the provisions of section 5 (Vesting of part of canal in Corporation) of this Act.

Interpretation.

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

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.

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

“ The borough ” means the borough of Wisbech;

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

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

“ The general rate fund ” means the general rate fund of the borough;

“ The canal ” means the canal with the lands towing-paths and other works forming part of the undertaking of the Wisbech Canal Company extending from the part of the river Nene formerly known as the Wisbech River at or near the old sluice in the borough to the river Nene in the parish of Outwell in the rural district of Marshland in the county of Norfolk;

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

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

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

9 & 10 Geo. 5.
c. 57.

“ The Act of 1875 ” means the Public Health Act 1875;

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

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

“ The Minister ” means the Minister of Health;

“ Telegraphic line ” has the same meaning as in the Telegraph Act 1878;

“ Railway company ” includes the Midland and Great Northern Railways Joint Committee.

PART I.
—cont.

41 & 42 Vict.
c. 76.

PART II.

WISBECH CANAL.

5. On the day immediately following the date of the passing of this Act the part of the canal situate between the river Nene at or near the old sluice and a point immediately to the north of New Common Bridge in the borough and numbered 1 on the deposited plans shall by virtue of this Act become and be vested in the Corporation in fee simple in possession without payment therefor and freed and discharged from all debts and liabilities created by the Wisbech Canal Company and affecting the said part of the canal and thereupon the said company shall be released from all obligations and liabilities whatsoever (if any such there be) imposed on them in relation to the said part of the canal by the Act 34 Geo. III. c. 92 and the said Act shall cease to apply to the said part of the canal.

Vesting of
part of
canal in
Corporation.

6. The Corporation may in relation to the part of the canal vested in them by virtue of this Act execute and do all or any of the following matters and things:—

Power to
execute
works &c.

(a) They may convey the water in the part of the canal between the river Nene at or near the old sluice and the point described in subsection (1) of section 10 (Uses to which parts of canal may be put) of this Act by means of a pipe or pipes and may fill up or raise or lower the bed of the said part of the canal;

(b) They may remove any bridge vested in them carrying a highway over the part of the canal vested in them and alter the level of any such highway and widen or otherwise improve any such bridge or the highway carried thereby or any highway vested in them abutting upon the said part of the canal and for the purposes of this paragraph may make up and dedicate as part of the highway so much of the said part of the canal as they shall consider necessary or convenient;

PART II.
—cont.

- (c) They may remove alter or interfere with the towing-paths banks lay-byes basins wharves locks sluices culverts drains and other works forming part of the part of the canal vested in them;
- (d) They may construct or erect and maintain upon any of the part of the canal vested in them such fences walls embankments and other structures erections and works as they may think fit for severing the said part of the canal from any adjoining lands or for preventing the flow or passage of water from or to the said part of the canal and may remove any water from the said part of the canal and make such provision as they may deem necessary or expedient (whether by the execution of works or otherwise) for preventing the flow or passage of water or any liquid or solid matter on to any lands forming part of the said part of the canal from any other lands.

Pipes conveying water of canal not to be sewers.

7. No pipe constructed by the Corporation by means of which they convey the water of any part of the canal shall become a sewer unless expressly dedicated for that purpose by the Corporation and no person shall be entitled to turn sewage from any land or premises into any such pipe except with the consent of the Corporation.

Temporary discharge of water into streams &c.

8.—(1) For the purpose of draining any lands forming part of the canal between the old sluice and New Common Bridge the Corporation may cause the water in on or flowing on to such lands to be temporarily discharged into any available surface water sewer river stream ditch or watercourse:

Provided that any water so discharged shall so far as may be reasonably practicable be free from mud solid or offensive matter and other matter injurious to fish or spawn or spawning beds or food of fish.

(2) For the purposes of this section the Corporation may provide and maintain all necessary pumps and other machinery and may lay down maintain and use sewers drains and pipes and for this purpose may subject to the provisions of the Public Health Act 1936 exercise the powers of paragraph (i) of subsection (1) of section 15 (Provision of public sewers and sewage disposal works) of that Act.

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

(4) The powers of this section shall not be exercised so as to damage or affect injuriously the railways or works of any railway company or the works of any internal drainage board or the surface water drains of the Isle of Ely County Council or any highway vested in that county council.

9. The Corporation may close to through vehicular traffic Blackfriars Road and Ruby Street Bertha Street Boyden Street Stermyn Street Royal Place the junction of Falcon Road with Canal Row access from public car park Norfolk Street to Canal Row and Bull's Lane in the borough where such streets abut upon the canal and upon such closing all rights of way from the said streets to the site of the canal except a right of footway shall be extinguished and the Corporation may erect posts across any of the said streets where it abuts upon the canal.

Closing of portions of highways for vehicular traffic.

10.—(1) The Corporation may hold and use the lands vested in them by virtue of this Act forming part of the canal between the old sluice and a point ninety yards or thereabouts measured in a south-easterly direction from the intersection of the centre lines of Canal Row and Bull's Lane for the purposes of section 154 of the Public Health Act 1875 and for the provision of space for the erection of buildings adjoining or near to any street which may be made widened opened enlarged or otherwise improved under the provisions of that section and any of the said lands which may not be required for the purposes of the said section 154 shall be deemed for the purposes of section 68 of the Public Health Act 1925 to be lands which may lawfully be appropriated for the purpose of providing a parking place or parking places for vehicles:

Uses to which parts of canal may be put.

Provided that the Corporation shall not use the easement which they may acquire in the lands numbered on the deposited plans 186A and 187 in the borough so as to let down any part of the trunk road known as Nene Quay.

(2) The Corporation may lay out and maintain the lands vested in them by virtue of this Act forming part of the canal between the point described in subsection (1) of this section and New Common Bridge as a public walk or pleasure ground and the provisions of the Public Health Act 1875 the Public Health Acts Amendment Act 1890 and the Public Health Acts Amendment Act 1907 and of any other Act for the time being in force relating to public walks and pleasure grounds shall apply to the said last-mentioned lands and the Corporation in relation thereto and the Corporation may make byelaws under section 164 of the Public Health Act 1875 for the regulation of such lands.

53 & 54 Vict. c. 59.
7 Edw. 7. c. 53.

PART II.
—cont.
Power to
dredge &c.

11.—(1) The Corporation for the purpose of maintaining the purity and freedom from nuisance and obstruction of the canal between New Common Bridge and a point seven hundred and seventy-seven yards or thereabouts to the south of the said bridge (in this Part of this Act referred to as “ the controlled part of the canal ”) may—

- (i) dredge cleanse and scour the controlled part of the canal;
- (ii) abate or remove all impediments obstructions and annoyances and all nuisances and abuses whatsoever in or on the banks of the controlled part of the canal;
- (iii) form invert pitch widen deepen straighten strengthen cover in and otherwise improve the waterway bed and banks of the controlled part of the canal;
- (iv) construct and reconstruct walls embankments culverts fences and other works upon or in the neighbourhood of the banks of the controlled part of the canal.

(2) For the purposes of any work under the provisions of this section the Corporation may deposit on the banks of the controlled part of the canal materials excavated therefrom.

(3) For the purposes of this section the Corporation or their officers servants contractors and workmen with or without vehicles may from time to time upon producing if required authority in writing from the Corporation for the purpose and after (except in cases of emergency) not less than three days' previous notice to the owner and occupier enter upon the bed and banks of the controlled part of the canal and any lands or premises adjoining the same and any person who shall obstruct the Corporation their officers servants contractors or workmen in the exercise of the powers of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Prohibition
against
offensive
matter
passing into
canal.

12. Any person who casts or deposits or causes or permits to be cast or deposited or to pass into the controlled part of the canal any trade waste or any refuse or offensive matter whether solid or fluid shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding one pound.

Power to
Corporation
to flush
canal and
to control
sluices.

13. The Corporation may from time to time as and when they think fit flush the canal or any channel substituted therefor between the old sluice and the point described in section 11 (Power to dredge &c.) of this Act by turning water from the river Nene at or near the old sluice into the canal or any such channel and for that purpose and for the purpose of exercising the powers of the said section the Corporation may raise or

lower any of the sluices in the said part of the canal and may from time to time alter or reconstruct any of such sluices and may discharge water into the part of the canal outside the borough:

PART II.
—cont.

Provided that the powers contained in this section shall not be exercised in any manner that may be likely to cause damage to or injuriously to affect any works or drains being carried out by or belonging to any internal drainage board.

14. Nothing contained in this Part of this Act shall authorise the Corporation except with the consent of the London and North Eastern Railway Company (hereinafter called "the company") to interfere with the structure of the bridge carrying the company's Wisbech and Lynn railway over the Wisbech Canal or the lines of the Wisbech and Upwell tramway of the company or any other work connected with the said railway or tramway or the user thereof or the traffic thereon.

Saving for
London and
North Eastern
Railway
Company.

PART III.

LANDS &C.

15. Subject to the provisions of this Act the Corporation may enter upon take appropriate and use all or any of the lands shown on the deposited plans and described in the deposited book of reference other than the lands forming part of the canal numbered 1 on the said plans which they may require for any of the purposes mentioned in section 154 of the Public Health Act 1875 and for the provision of space for the erection of buildings adjoining or near to any street which may be made widened opened enlarged or otherwise improved under the provisions of that section:

Power to
acquire lands.

Provided that the Corporation shall not take appropriate or use any part of the lands numbered on the deposited plans 186 and 189 in the borough except with the consent of the Minister of War Transport.

16. The powers of the Corporation for the compulsory purchase of lands under the powers of this Act shall cease on the expiration of three years after the termination of the period of the emergency which was the occasion of the passing of the Emergency Powers (Defence) Act 1939.

Period for
compulsory
purchase of
lands.

2 & 3 Geo. 6.
c. 62.

17. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices having jurisdiction in the borough for the correction of such plans or book of reference

Correction
of errors in
deposited
plans and
book of
reference.

PART III.
—cont.

and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate or a copy thereof shall be deposited with the clerk of the county council of the Isle of Ely and a duplicate thereof shall be deposited with the town clerk and such certificate or copy and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon such plans or book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands in accordance with such certificate.

As to taking
parts of
certain
properties.

18.—(1) Section 92 (Parties not to be required to sell part of a house) of the Lands Clauses Consolidation Act 1845 shall not apply but the following provision shall have effect in reference to the properties whereof the whole or part is referred to in the First Schedule to this Act:—

No person shall be required to sell a part only of any house building or manufactory or of any land which forms part of a park or garden belonging to a house if he is willing and able to sell the whole of the house building manufactory park or garden unless the tribunal determine that in the case of a house building or manufactory such part as is proposed to be taken can be taken without material detriment to the house building or manufactory or in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house and if the tribunal so determine compensation shall be awarded in respect of the severance of the part so proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the Corporation that part of the house building manufactory park or garden.

(2) The provisions of this section shall be stated in every notice given thereunder to sell and convey any of the properties referred to in the said schedule.

Persons under
disability may
grant ease-
ments &c.

19. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges

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

PART III.
—cont.

20. 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 this Act any lands not exceeding fifty acres 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.

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 part of the canal vested in the Corporation by this Act but the restrictions of this section shall not apply in respect of lands leased or sold by the Corporation.

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

Power to enter upon property for survey and valuation.

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

Further powers of entry.

23. In determining the amount of compensation or purchase money to be paid by the Corporation in respect of the acquisition under this Act of any part of the lands of any person the

Benefits to be set off against compensation.

PART III.
—cont.

enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are contiguous to such adjoining lands arising out of the exercise of the powers of this Act shall be fairly estimated and shall be set off against the said compensation or purchase money.

Compensation
in case of
recently
acquired
interest.

24. For the purposes of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the twentieth day of November nineteen hundred and forty-three if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Agreements
with owners of
property &c.

25. The Corporation may subject to the provisions of this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands or property abutting on any portion of the lands which the Corporation may acquire under the powers of this Act with respect to the sale by the Corporation to such person of any lands or property (including any part of a street or thoroughfare appropriated by the Corporation under the powers of this Act and not required for the purposes thereof) for such consideration as may be agreed upon between the Corporation and such person and the Corporation may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or property required by the Corporation for the purposes of this Act.

Purchase
of lands for
exchange.

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

Extinction of
private rights
of way.

27.—(1) All private rights of way over any lands which the Corporation are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Corporation be extinguished except to the extent to which the Corporation shall by resolution otherwise determine.

(2) Provided that the Corporation shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided

by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

PART III.
—cont.

28.—(1) The Corporation may accept a surrender of any lease or letting granted by them of lands acquired under the powers of any Act or Provisional Order and in their discretion grant either to the lessee or tenant under the surrendered lease or letting or to any other person a new lease or letting of all or any of the lands leased or let by the surrendered lease or letting and may grant reversionary leases of all or any of such lands as aforesaid.

Powers with
reference to
leases of
surplus lands.

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

(3) Provided that any lease granted by the Corporation in pursuance of this section shall be subject to similar conditions and limitations as are prescribed in section 33 (Retention and disposal of lands) of this Act with respect to leases granted thereunder.

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

Power to make
allowances to
certain persons
displaced.

30. The Corporation may enter into and carry into effect agreements and arrangements with the owners of or other persons interested in any lands or buildings which may be acquired by the Corporation under the provisions of any general or local enactment from time to time in force in the borough with respect to the reinstatement of any such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange.

Power to
reinstate
owners of
property.

PART III.

—cont.

Compensation
may be in land
&c.

31. The Corporation when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such person make such compensation wholly or partly in works land or money but in the case of land for the alienation of which the consent of any Government department is required only with such consent.

Power to use
or dispose of
building
materials.

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

Retention
and disposal
of lands.

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

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

Provided that the Corporation shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such lands or any interest therein at a price or rent or for a consideration of a value less than the current market value of such lands or interest but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained:

Provided also that nothing in this section shall be taken to dispense with the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Corporation other than lands acquired under any local Act applying to the Corporation in any case in which such consent would have been required if this Act had not been passed.

(2) Nothing in this section shall release the Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions payable in respect of or affecting the lands other than the restrictions imposed by

sections 127 to 131 of the Lands Clauses Consolidation Act 1845 but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in the like manner and to the same extent as if this Act had not been passed.

PART III.
—cont.

34. The Corporation may so far as they consider necessary apply subject to the approval of the Minister any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the powers of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same either—

Proceeds of
sale by
Corporation of
surplus lands.

- (a) in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loans except to such extent and upon such terms as may be approved by the Minister; or
- (b) in such other manner as may be approved by the Minister.

35. The Corporation may (with the consent of the Minister) lay out and develop any lands at any time belonging to the Corporation and not required for the purposes for which they were acquired and may erect and maintain houses shops offices warehouses and any other buildings and construct sewer drain pave flag channel and kerb streets roads and ways on any such lands.

Power to
develop
lands &c.

36.—(1) The Corporation in connection with the execution by them on the lands shown on the deposited plans of the powers of the Corporation under section 154 of the Public Health Act 1875 may stop up the whole or such portion or portions as they think fit of the highways and parts of highways described in the Second Schedule to this Act and thereupon all rights of way over or along the same shall be extinguished and the Corporation may appropriate and use the sites of the highways or parts of highways stopped up:

Stopping up
of highways.

Provided that the Corporation shall not under the powers of this subsection stop up any part of a highway unless—

- (a) it is bounded on both sides by houses and lands belonging to the Corporation; or
- (b) the Corporation obtain the consent of the owners lessees and occupiers of the houses and lands abutting on such part of a highway.

PART III.
—cont.

(2) The Corporation shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

(3) Notwithstanding the stopping up of the whole or any portion of Canal Street or East Street under the provisions of this section the Postmaster-General may if he so desires (without derogation from any other right vested in him) remove from the street or portion of the street stopped up any telegraphic line belonging to or used by him which is in under upon over along or across the same and the Corporation shall pay to the Postmaster-General the expense incurred by him of or incidental to the removal of such telegraphic line and of any telegraphic line connected therewith which in consequence will be rendered useless and the substitution of a telegraphic line in such other place as the Postmaster-General may require.

PART IV.

STREETS AND BUILDINGS.

Adjustment of
boundaries of
streets.

37.—(1) The Corporation may enter into and carry into effect agreements with persons having a legal interest in lands adjoining any street in the borough vested in the Corporation for the adjustment of the boundary of any such street and for such purpose may give land including land forming part of the street in exchange for other land. For the purposes of this section the Corporation shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey the same in accordance with an agreement entered into in pursuance of this section.

(2) Provided that no such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the borough and during such period of one month any four inhabitant householders of the borough by themselves or their agent may appeal to a court of summary jurisdiction against the proposals and subsections (2) to (7) of section 70 (As to appeals) of this Act shall apply to any such appeal as if the proposals were a decision of the Corporation.

(3) Notwithstanding any agreement entered into under this section the Postmaster-General shall continue to have the same powers and rights in respect of any telegraphic line belonging to or used by him which remains in under upon over along or across the site of any such street as if the same had continued to be part of the street. Provided that if the Corporation or any person in whom such site is vested desires

that such telegraphic line should be altered the enactments of section 7 of the Telegraph Act 1878 shall thereupon apply in all respects as though the Corporation or the said person (as the case may be) were undertakers within the meaning of the said Act.

PART IV.
—cont.

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

38.—(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.

Stopping up
and diversion
of highways.

(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 (when the application relates to a classified road as defined in the Local Government Act 1929) on the Minister of War Transport and the county council of the Isle of Ely; and

19 & 20 Geo. 5.
c. 17.

(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.

PART IV.
—cont.

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

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

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

(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 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.

(12) The Corporation shall not make an application in pursuance of this section in respect of a trunk road.

39. The Corporation may if they think fit in any case vary the relative widths of the carriageway and footway or footways in any street in the borough repairable by the inhabitants at large. Provided that twenty-one days before commencing any work under this section which will materially reduce the width of any carriageway or footway the Corporation shall send notice of the proposed work to the Minister of War Transport: Power to vary width of carriageways and footways.

Provided also that the Corporation shall not exercise the powers of this section in respect of any trunk road without the previous consent in writing of the Minister of War Transport or in respect of any street situate upon a bridge over the railway of a railway company or upon the approaches thereto without the previous consent in writing of the railway company as the case may require.

40.—(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 termination of new streets.

PART IV.
—cont.

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.

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

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

Provided always that nothing in this section contained shall empower the Corporation to prevent any person residing in any premises in or abutting on any such street having full and free right and liberty of access to and from such premises from and to the metalled or paved portion of such street:

Provided further that for the purposes of section 7 of the Telegraph Act 1878 any work done in exercise of the powers conferred by this section shall be deemed to be work done in the execution of an undertaking authorised by Act of Parliament and the Corporation shall be deemed to be the undertakers.

Prohibition
of persons
vehicles &c.
on grass
margins.

42.—(1) In so far as the Corporation may indicate by notices conspicuously placed on or in proximity to any grass or other area which is situate in or forms part of or adjoins any street in the borough and is mown or maintained by the Corporation in an ornamental condition that such area is not intended for use by foot passengers horses cattle or vehicles any person who shall wilfully walk or otherwise proceed or lead ride or drive any horse cattle or vehicle on over or across any such area shall be liable to a penalty not exceeding twenty shillings.

(2) Nothing contained in this section shall affect—

(a) the duty of the Corporation under section 58 (Provision of footpaths and grass or other margins) of the Road Traffic Act 1930;

(b) the statutory rights of the statutory undertakers with respect to any area which is situate in or forms part of a street.

43. The Corporation when carrying out any private street works in any street in the borough 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 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.

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

As to
hoardings
and similar
structures.

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

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

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

51 & 52 Vict.
c. 52.

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

PART IV.
—cont.

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

(b) Any person who shall neglect or refuse to comply with a notice from the Corporation given in pursuance of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may at their own expense take down or remove and if required by the owner or occupier shall re-erect so as not to contravene the provisions of subsection (1) of this section any structure erected or maintained in contravention of those provisions.

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

(4) The provisions of this section shall not apply to any wall erected on land belonging to a railway company so long as such land is used by the railway company primarily for railway purposes.

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

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

(2) If the placing or erection of such hoarding wall or fence would constitute a danger to the traffic in the streets upon adjoining or near to which the same is proposed to be placed or erected by obstructing the view of any foot passenger or the driver of any vehicle in a street of vehicular or pedestrian traffic the Corporation may within one month of the receipt of the said notice prohibit such placing or erection or may

allow the same subject to such conditions or modifications of the said plans and particulars as they may think fit. If within one month of the receipt of the said notice or (if the notice is submitted less than three clear days before a meeting of the council) within five weeks of such receipt the Corporation shall not have prohibited such placing or erection or allowed the same subject to a condition or to a modification of such plans or particulars they shall be deemed to have allowed such placing or erection.

PART IV.
—cont.

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

(4) For the purposes of this section the corner of any street shall be deemed to be the point at which the frontage or boundary line of that street (if necessary continued in a straight line) intersects the frontage or boundary line of any other street (if necessary similarly continued).

(5) The provisions of this section shall not apply to any part of a street with respect to which restrictions have been imposed under section 4 of the Roads Improvement Act 1925 or by section 1 or section 2 of the Restriction of Ribbon Development Act 1935.

15 & 16 Geo. 5.
c. 68.
25 & 26 Geo. 5.
c. 47.

46.—(1) For the purpose of preserving the amenities of the borough it is hereby enacted that it shall not be lawful after the passing of this Act to erect in or within fifteen feet of any street in the borough any hoarding or similar structure to be used either partly or wholly for advertising purposes to a greater height than twelve feet above the level of such street without the consent of the Corporation and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoarding or similar structure as the Corporation may determine.

Restriction on
advertisement
hoardings.

(2) Any person acting in contravention of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) The consent of the Corporation under this section shall not be required for a hoarding or similar structure erected within any railway station or upon any property of a railway company for the purposes of such railway company except in so far as such hoarding or similar structure fronts upon a street repairable by the inhabitants at large.

PART IV.
—cont.
Repair of
hoardings &c.

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

- (a) the owner of any hoarding wall or similar structure in the borough 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.

(3) The provisions of this section shall not apply to any hoarding wall or similar structure erected upon any property of a railway company except in so far as such hoarding wall or similar structure fronts upon a street repairable by the inhabitants at large.

Signs over
streets.

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

(2) (a) If it appears to the Corporation that any sign which is placed over any street in the borough at the date of the passing of this Act is a source of danger or objectionable by reason of its size construction or situation or an injury to the amenities of the street over which it is placed they may by notice in writing require the owner of or person responsible for the placing of such sign to remove it or to comply with such conditions as may be specified in the notice within such period not being less than seven days as may be specified in the notice.

(b) For a period of two years from the passing of this Act the foregoing provisions of this subsection shall not apply to any sign which was in use on the twenty-sixth day of November nineteen hundred and forty-three.

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

(b) The consent of the Corporation under this subsection shall not be withheld except on the ground that in their opinion the sign would be a source of danger or objectionable

by reason of its size construction or situation or an injury to the amenities of the street and such consent may be given subject to such conditions as the Corporation may think fit.

PART IV.
—cont.

(4) Any person who (a) neglects or refuses to comply with the requirement of any such notice as is referred to in subsection (2) of this section or (b) after the date of the passing of this Act places any sign over any street without the consent of the Corporation or without complying with any conditions attached to any such consent shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings and the Corporation may themselves remove any such sign and any expense incurred by them in so doing may be recovered by them from such person.

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

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

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

50.—(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 the borough 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. Provision as to forecourts.

(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.

51.—(1) The Corporation may cause to be put up or painted on a conspicuous part of any house building or place at or near to the corner of any street in the borough signs indicating the classified road number of such street and the Direction signs.

PART IV.
—cont.

direction or the distance to towns railway stations public buildings and other places of a public character:

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

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

(4) The exercise of the powers conferred by this section shall be subject to the provisions of the Road Traffic Acts 1930 to 1937 with respect to traffic signs and to any regulations made or any general or other directions given by the Minister of War Transport in pursuance of the said provisions.

Temporary
stoppage
of streets.

52.—(1) The Corporation during and for the purpose of the execution of the powers of section 6 (Power to execute works &c.) of this Act and in connection with the purposes mentioned in section 154 of the Public Health Act 1875 and section 68 of the Public Health Act 1925 may temporarily stop up and divert and interfere with any street and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any house in the street from passing along and using the same.

(2) The Corporation shall provide reasonable access for foot-passengers bona fide going to or from any such house and for vehicular traffic bona fide going to or from any railway station or depot of any railway company.

(3) The Corporation shall not exercise the powers of this section in relation to any trunk road except with the previous consent in writing of the Minister of War Transport.

Sanitary
conveniences
for workmen.

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

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

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

54. The provisions of the sections of this Act of which the respective marginal notes are—

PART IV.
—cont.

Saving for
railway
companies.

- “ Fencing of forecourts ”;
“ Provision as to forecourts ”;

shall not extend or apply to any building (not being a dwelling-house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to a railway company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by a railway company with the authority of Parliament so long as any such building railway work or land is used or held by such company primarily for railway purposes.

PART V.

PROVISION OF CONCERT HALLS &c.

55.—(1) The Corporation may provide concert halls entertainment rooms reading rooms pavilions and bandstands with all necessary and suitable offices refreshment rooms kitchens cloak-rooms lavatories conveniences and appliances.

Power to
provide
concert halls
&c.

(2) For the purposes aforesaid the Corporation may—

- (a) erect or adapt buildings in any public park or pleasure ground belonging to them;
(b) acquire buildings or acquire land and erect buildings thereon;
(c) with the consent of the Minister adapt any premises or erect buildings on any land belonging to them but not already appropriated to entertainment purposes;

and may provide erect and maintain shops and offices as part of the buildings so acquired or erected.

(3) The Corporation may furnish and equip any premises provided by them under this section.

56.—(1) The Corporation may use or allow to be used or let any premises provided under subsection (1) of the last preceding section for concerts and other entertainments and may themselves provide or arrange for the provision of or contribute towards the expenses of any such concerts or entertainments and may make or allow to be made such charges as they think fit in connection therewith:

Power to
provide &c.
entertain-
ments.

Provided that—

- (a) the Corporation shall not themselves use any such premises for a cinematograph theatre except for the exhibition of a cinematograph film relating to the functions of county councils or other local authorities nor shall they grant or let the use of any such

PART V.
—cont.

buildings for the purposes of a theatre music-hall or cinematograph theatre except on the best terms that can be obtained;

- (b) the power of the Corporation themselves to provide entertainments shall include a power to provide concerts and pierrot or other entertainments whether theatrical costume is or is not used in connection therewith and either with or without appropriate scenery but save as aforesaid the Corporation shall not provide or arrange for the provision of stage plays performed by persons other than members of any amateur dramatic society or any entertainment for which scenery or theatrical costume is used and which forms a complete programme of variety entertainments as usually given at a music-hall;
- (c) the net amount of the expenses incurred by the Corporation under this section when added to the net amount of the expenses incurred by them in the provision of entertainments under section 56 of the Public Health Act 1925 shall not in any one year exceed the amount (calculated in accordance with the rules made from time to time by the Minister under sections 9 and 58 of the Rating and Valuation Act 1925) which would be produced by a rate of one penny and a third in the pound:

15 & 16 Geo. 5.
c. 90.

Provided that the limitation hereby imposed shall not apply in respect of any excess rate which may be approved by the Minister under the provisions of subsection (3) of section 56 of the Public Health Act 1925.

(2) The Corporation may provide and sell or authorise the provision and sale of programmes of any concerts or entertainments given in pursuance of this section.

(3) The Corporation may make byelaws for securing good and orderly conduct during any concerts or entertainments given in pursuance of this section.

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

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

(6) No power conferred upon the Corporation by this or the last preceding section shall be exercised in such manner as to be at variance with any trust subject to which any lands or buildings are held managed or controlled by the Corporation without an order of the High Court or of the Charity Commissioners or the Board of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of such donor or other person.

PART V.
—cont.

57. When any portion of any park or place of public resort or recreation is set apart by the Corporation for any purpose under section 76 of the Public Health Acts Amendment Act 1907 the Corporation may permit the exclusive use by any club or other body or persons of any 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 fifty per centum 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 twenty-five per centum of the total area of all such parks and places.

PART VI.

POLICE.

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

As to barriers
in streets.

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

59. The powers conferred by section 21 (Power to make orders for preventing obstructions in the streets during public processions &c.) of the Town Police Clauses Act 1847 shall within the borough extend to enable the Corporation on days appointed for ceremonies public processions rejoicings fairs

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

PART VI.
—cont.

exhibitions carnivals races sports illuminations or similar occasions to direct the passage and stoppage of vehicles along or in particular streets to direct particular routes to be taken for particular descriptions of traffic and to prohibit the passage or stoppage of particular vehicles through or in certain streets at certain hours.

Notice of
processions
to be given.

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

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

For protection
of railway
companies.

61. The Corporation shall not exercise the powers of the sections of this Act of which the respective marginal notes are:—

“ As to barriers in streets ”;

“ Power to make regulations as to traffic on carnival &c. days ”;

in such manner as to cause obstruction to or interference with the access to or exit from any station or depot of a railway company except with the consent of such company.

PART VII.

FINANCE.

Power to
borrow.

62.—(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 borrowed within such periods as the Corporation may determine not

exceeding those respectively mentioned in the third column of the said table:—

PART VII.
—cont.

(1)	(2)	(3)
Purpose:	Amount.	Period for repayment.
(a) The purchase of lands for the purposes mentioned in section 154 of the Act of 1875:	£64,000	Sixty years from the date or dates of borrowing.
(b) The provision and laying of pipes for conveying the water of part of the canal and the filling up raising or lowering of the bed thereof and other works relating thereto and the execution of the powers of the Corporation under section 154 of the Act of 1875 (that is to say for the purpose of the making widening opening enlarging or otherwise improving of any street) or for defraying the expenses incurred for those purposes.	£70,000	Fifty years from the date or dates of borrowing.
(c) 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.

63. 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) Acts 1939 and 1940, 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) without such consent.

Saving for emergency restrictions on borrowing. 3 & 4 Geo. 6. c. 20.

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

Application of Act of 1933 to existing sinking funds.

PART VIII.
—cont.

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

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

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

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

- (a) no proceedings in respect of any failure to execute the work or take the action shall be taken;
- (b) the Corporation shall not execute such work or take such action; and
- (c) any such person may carry on such business and use such premises for such purpose;

until the time for appealing has expired or when an appeal is lodged until the appeal has been disposed of or withdrawn or fails for non-prosecution thereof.

(7) Where upon an appeal under this Act a court varies or reverses any requirement refusal or other decision of the Corporation effect shall be given to the order of the court and in particular any necessary consent certificate or other document shall be granted or issued and any necessary entry in any register shall be made.

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

Application
of section 265
of Public
Health Act
1875.

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

PART VIII.
—cont.
Apportionment of expenses in case of joint owners.

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

Breach of conditions of consent of Corporation.

74. 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) section 59 (Power to make regulations as to traffic on carnival &c. days) and section 67 (Ejection of steam and waste gas to annoyance of public) of this Act as if they were offences created by or under that Act.

Restriction on right to prosecute.

75. 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.

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

Inquiries by Minister.

77. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 (Compensation to individuals for damage resulting from exercise of powers under Act) of the Act of 1936.

Compensation how to be determined.

78. Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

Damages and charges to be settled by court.

PART VIII.
—cont.
Application of
Arbitration
Acts.

79. 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.

Application of
provisions of
Public Health
Act 1936.

80. The sections of the Public Health Act 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):

Provided that the said sections 287 289 291 292 294 295 and 329 shall only apply to the provisions contained in Part IV (Streets and buildings).

81. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act. Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

PART VIII.
—cont.
Saving for
indictments
&c.

82. For the protection of the Wisbech Electric Light and Power Company Limited (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Corporation have effect:—

For protection
of Wisbech
Electric Light
and Power
Company
Limited.

- (1) In this section "apparatus" means electric lines and works (as respectively defined in the Electric Lighting Act 1882) of the company:
- (2) Nothing in this Act shall authorise any alteration in the position of or other interference with any apparatus except in accordance with and subject to the provisions of section 15 of the Electric Lighting Act 1882 and section 17 of the schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of those sections shall apply to such alteration or interference accordingly whether any such apparatus is or is not under a street and shall be deemed to extend to any such apparatus constructed upon or above the level of the ground:

45 & 46 Vict.
c. 56.
62 & 63 Vict.
c. 19.
- (3) If under the powers of this Act any building work or structure is erected or placed or any materials are deposited by the Corporation on any land under which any apparatus has been laid or placed before the erection placing or deposit of such building work structure or materials and the company give to the Corporation notice in writing of their desire to obtain access to such apparatus the Corporation shall pay to the company any additional expense reasonably incurred by the company in obtaining such access in consequence of the existence of the building work structure or materials:
- (4) Whenever under the powers of section 6 (Power to execute works &c.) or section 38 (Stopping up and diversion of highways) of this Act any highway or towing-path in which any apparatus of the company is for the time being situate is removed widened or otherwise improved altered or diverted or the

PART VIII.
—cont.

level thereof is altered the company if it is reasonably necessary so to do may at their option either—

(i) remove such apparatus to and relay the same in such other situation as the company may reasonably determine; or

(ii) provide and lay in such other situation similar apparatus equally suitable as and in lieu of such existing apparatus;

and the Corporation shall on demand pay to the company the expenses reasonably incurred by them in so doing:

- (5) If under the powers of section 9 (Closing of portions of highways for vehicular traffic) of this Act the Corporation close to through vehicular traffic any road or street in which any apparatus is for the time being situate the company their engineers and workmen shall continue to have and be entitled to exercise the same powers rights and privileges with respect to such apparatus as they had before such closing:
- (6) Whenever under the powers of section 37 (Adjustment of boundaries of streets) of this Act the Corporation propose to give up to or convey to any person having an interest in land any part of a street in or under which any apparatus is situate the Corporation shall (in addition to any notices given by them pursuant to that section) give to the company notice in writing of their proposal and notwithstanding any agreement entered into or grant or conveyance executed by the Corporation under that section the company their engineers and workmen shall have and may exercise the same powers rights and privileges with respect to such apparatus as if the land in or under which the same is situate had continued to be part of the street or the company may at their option and if so required by the owner of the land shall divert or alter the position of such apparatus to such position in and at such depth below the footway or carriageway of the street as altered under the said powers as may be agreed between the Corporation and the company or failing agreement determined by arbitration Any expenses reasonably incurred by the company in effecting any such diversion or alteration as aforesaid shall on demand be repaid to them by the Corporation:
- (7) Whenever under the powers of section 39 (Power to vary width of carriageways and footways) of this Act the Corporation add to the carriageway any

portion of the footway in or under which any apparatus is for the time being situate the company if it should be reasonably necessary so to do may at their option either—

PART VIII.
—cont.

(i) relay the apparatus under the altered footway; or

(ii) lower the apparatus so as to provide adequate protection therefor against injury;

and the Corporation shall on demand pay to the company the expenses reasonably incurred by them in so doing:

- (8) Whenever under the powers of section 41 (Power to lay out grass margins &c. in streets) of this Act the Corporation add to the footway or carriageway of any street any grass margin in or under which any apparatus is for the time being situate the company if it should be reasonably necessary in order to safeguard the apparatus may at their option either—

(i) relay the apparatus in or under the reduced grass margin (if any) of the street; or

(ii) lower the apparatus so as to provide adequate protection therefor against injury; or

(iii) if the grass margin be added to the carriageway of the street and there be a footway on the other side of the street relay the apparatus in that footway at such depth as will provide protection against injury;

and the Corporation shall on demand pay to the company the expenses reasonably incurred by them in so doing:

- (9) If under the powers of section 52 (Temporary stoppage of streets) of this Act the Corporation shall temporarily stop up or divert any street in which any apparatus is situate the company shall be entitled to reasonable means of access to that street for the purpose of exercising or discharging their powers rights duties and obligations:

- (10) Whenever by reason of the exercise by the Corporation of any of the powers of this Act any apparatus (other than apparatus for which new apparatus shall be substituted at the expense of the Corporation under the provisions of subsection (5) 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 Corporation and the company or as failing such agreement

PART VIII.
—cont.

may be determined by arbitration to be the value of such apparatus and the apparatus shall upon such payment become the property of the Corporation:

- (11) The Corporation in executing any work under the provisions of this Act shall make good all damage done by them to any apparatus of the company and shall make full compensation for any loss damage costs or expenses which the company may sustain or incur by or in consequence of any interference with such apparatus or the access thereto:
- (12) Any difference which shall arise between the Corporation and the company under this section (other than a difference as to the meaning or construction of this section) shall be referred to and determined by an arbitrator to be agreed upon between the parties or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Electrical Engineers.

For protection
of Isle of Ely
County
Council.

83.—(1) The Corporation in exercising the powers of section 6 (Power to execute works &c.) of this Act and in executing any works which may be carried out in pursuance of the powers of section 10 (Uses to which parts of canal may be put) of this Act or constructed on the lands referred to in section 15 (Power to acquire lands) of this Act shall not alter or interfere with any county road vested in the county council of the administrative county of the Isle of Ely except subject to such reasonable conditions as the said county council may require. Any difference between the Corporation and the said county council with regard thereto shall be settled by arbitration.

(2) The Corporation in exercising the powers of the said section 6 of this Act and in executing any works which may be carried out in pursuance of the powers of the said section 10 of this Act or constructed on the lands referred to in the said section 15 of this Act shall provide equal facilities for carrying off the surface water drainage of those parts of Elm Road and Norwich Road which drained into the canal at the date of the passing of this Act to those existing at that date but the Corporation shall not be liable to the said county council for any damage or inconvenience caused by the fact that the said surface water drainage or any part thereof cannot be received into any pipe by which the water of any part of the canal is conveyed in pursuance of the powers of the said section 6.

(3) The Corporation shall not exercise the powers of section 39 (Power to vary width of carriageways and footways)

section 41 (Power to lay out grass margins &c. in streets) or section 58 (As to barriers in streets) of this Act with respect to a county road without the previous consent in writing of the county council of the administrative county of the Isle of Ely.

PART VIII.
—cont.

84. The Corporation shall not under the powers of this Act construct on under or above the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high water mark of ordinary spring tides any work without the previous consent of the Minister of War Transport to be signified in writing under the hand of a secretary or some person authorised by the said Minister to act in that behalf and then only according to such plan and under such restrictions and regulations as the said Minister may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Minister of War Transport may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

Works below high-water mark not to be constructed without consent of Minister of War Transport.

85. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Minister of War Transport respectively without the consent in writing of the Commissioners of Crown Lands or the Minister of War Transport as the case may be on behalf of His Majesty first had and obtained for that purpose.

Crown rights.

86. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed and ascertained 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 or out of money to be borrowed under this Act for that purpose.

Costs of Act.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

PROPERTIES OF WHICH PART ONLY MAY BE TAKEN.

Area.	Number on deposited plans and the book of reference.
Borough of Wisbech	56 74A 75 190 199 203 219 231 232.

THE SECOND SCHEDULE.

HIGHWAYS AND PARTS OF HIGHWAYS WHICH MAY BE STOPPED UP.

Number on deposited plans.	Name or description of highway or part of highway.
27	Canal Street
32	Soulby's Passage
38	East Place
58	East Street
67	Middle Lane
103	Footpath from Sluice Row to Horsefair
157	Sluice Passage
158	Footpath from Sluice Row to Cunnington Square
159	Footpath from Horsefair to Cunnington Square
168	Cunnington Square.

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