



CHAPTER X.

An Act to provide for the dissolution of the conservators appointed by the Commons Regulation (Redhill and Earlswood Commons) Provisional Order Confirmation Act 1884 and for the transfer of the powers and duties of the said conservators to the mayor aldermen and burgesses of the borough of Reigate to confer further powers on the Corporation in regard to their electricity undertaking lands and other matters to make further and better provision for the improvement health local government and finances of the borough and for other purposes. [10th December 1945.]

WHEREAS the borough of Reigate (hereinafter referred to as "the borough") is a municipal borough under the government of the mayor aldermen and burgesses of the borough (hereinafter referred to as "the Corporation"):

And whereas by the Commons Regulation (Redhill and Earlswood Commons) Provisional Order Confirmation Act 1884 (in this Act called "the Act of 1884") there was confirmed a Provisional Order (in this Act called "the Provisional Order") issued by the Land Commissioners for England in pursuance of the Inclosure Acts 1845 to 1878 and set forth in a schedule to the Act of 1884 whereby provision was made for the regulation as commons of certain lands (in this Act called "the commons") then situate in the parishes of Reigate and Horley but now in the parish and borough of Reigate in the county of Surrey and delineated in a sketch map referred to in the Provisional Order (a copy whereof is there stated to be deposited in the office of the said commissioners) which lands comprised (a) certain lands then called or known as Redhill Common and Earlswood

47 & 48
Vict. c. 1.

Common waste of the manor of Reigate (hereinafter called respectively "Redhill Common" and "Earlswood Common") and (b) a plot of land sixteen acres in extent (in this Act called "the sixteen acres") which had formerly been part of Redhill Common but was then vested in the Corporation in trust as a public pleasure ground for the inhabitants of the borough:

And whereas the Act of 1884 provided that the sixteen acres should be subject to the same provisions as the other lands dealt with by the Provisional Order:

And whereas the Provisional Order contained recitals among others to the following effect:—

(1) That Charles Somers Earl Somers then lately deceased (hereinafter referred to as "Earl Somers") was at the time of his entering into the articles of agreement hereinafter mentioned and thenceforth until his death lord of the said manor of Reigate being seised thereof for an estate of inheritance in fee simple subject to contingent estates which did not arise together with the franchises of free warren and estrays and other franchises over the waste lands of the said manor and as parcel of the said manor was seised for such estate as aforesaid of Redhill Common and Earlswood Common subject to the rights of pasture or rights of common of pasture exerciseable thereon by the freehold and copyhold tenants of the said manor and enfranchised copyholders of the said manor to whom re-grants of such rights had been made or might otherwise by law belong and subject as to Earlswood Common to certain licences given to William Brown and Thomas Williams by Earl Somers to dig clay from certain parts thereof:

(2) That by way of compromise of an action brought against Earl Somers by Samuel Barrow of Lorne House Redhill in the county of Surrey on behalf of himself and all other owners and occupiers of land freehold and copyhold of the said manor and of freehold land formerly copyhold of the said manor but then enfranchised articles of agreement were agreed by all the parties to the said action and by Walter Blanford Waterlow of High Trees at Redhill aforesaid the owner of a considerable estate in the said parish and manor of Reigate to which or to some part whereof appertained certain rights of pasturage or commonable rights exerciseable over Redhill Common and Earlswood Common:

(3) That the said articles of agreement which bore date the second day of March one thousand eight hundred

and eighty-three contained provisions to the following effect:—

By article 1 the said Samuel Barrow and Walter Blanford Waterlow agreed to pay to Earl Somers the sum of three thousand pounds;

By article 2 that Earl Somers should not thereafter dig or carry away or give any fresh authority or licence to any person or persons to dig for or carry away clay sand gravel or other materials in upon or from Redhill Common and Earlswood Common or either of them;

By article 3 that the said Samuel Barrow and Walter Blanford Waterlow undertook that application should be made to the Land Commissioners for England or to Parliament or other competent authority for the establishment of a scheme for the regulation of the said commons;

By article 4 that Earl Somers agreed to give his consent to the said scheme in case the same should contain certain provisions specified in the said article;

By article 5 that the said licences to William Brown and Thomas Williams should be continued as therein mentioned;

By article 6 that all further proceedings in the said action should be stayed;

(4) That the said Samuel Barrow and Walter Blanford Waterlow duly paid to Earl Somers the said sum of three thousand pounds of which one thousand pounds was contributed by the said Samuel Barrow one thousand pounds by the said Walter Blanford Waterlow and one thousand pounds by the Corporation as the urban sanitary authority for Reigate:

(5) That the Corporation as such urban sanitary authority for Reigate to which town the said commons were suburban within the meaning of the said Inclosure Acts had with the sanction of the Land Commissioners for England undertaken to contribute out of their funds an annual sum of one hundred and fifty pounds in perpetuity for or towards the maintenance of the said commons as recreation grounds:

And whereas the Provisional Order made provision for the appointment of conservators of the commons for the purposes and in the manner therein mentioned and for the conduct of the proceedings of the said conservators and included the provisions set forth in the First Schedule to this Act with re-

spect to the exercise of certain powers by the said conservators and the regulation of other matters therein mentioned:

And whereas by an award dated the sixteenth day of July one thousand eight hundred and eighty-six made pursuant to the Inclosure Acts 1845 to 1878 effect was given to the purposes of the Provisional Order and the said award was amended by a further award made under the said Acts on the first day of April one thousand eight hundred and ninety-seven:

And whereas by a conveyance dated the ninth day of November one thousand nine hundred and twenty-two and made between Henry Charles Somers Augustus Somerset (therein and hereinafter called "the grantor" and being then the owner in fee simple of the hereditaments thereby conveyed) of the one part and the Corporation of the other part after a recital that the grantor with the intent of promoting the welfare of the borough and in remembrance of the long association of his family with the borough was desirous of making the grant to the Corporation thereafter contained and that the Corporation was willing to accept the same subject to the terms and provisions thereafter contained and on its part to be observed and performed the grantor in consideration of the premises granted to the Corporation the manor or manors of Reigate and Horley in the county of Surrey and all other if any the manors in the said county to which the grantor was then entitled under the will therein mentioned of Earl Somers and dispositions subsequent thereto and (by way of express mention and not so as to limit in any way the operation of such grant) all waste and common lands which were then parcel of the said manor or manors or any of them including Redhill and Earlswood Commons Reigate Heath Wray Common and Petridge Wood Common with all royalties franchises and rights of free warren and estray and markets and fairs with all rights of toll thereto belonging together with certain other premises in the conveyance mentioned all of which hereditaments were described as situate in the parishes of Reigate Horley Betchworth and Leigh or elsewhere in the said county To hold the same unto and to the use of the Corporation its successors and assigns for all the estate and interest of the grantor therein to the intent that except in so far as was thereafter provided the commons should be held and preserved by the Corporation for use as a public open space but expressly subject nevertheless so far as the same were or might be subject thereto to a yearly rentcharge of nine pounds five shillings and fivepence therein referred to (subsequently redeemed) and to all rights of common and other profits or easements and all other rights whether public or private which might be vested in the tenants of the said manor or manors or either

of them or any other person or persons over any part or parts of the lands parcel of the said manor or manors or either of them or any part or parts of the premises thereby granted:

And whereas by a provision referred to in this Act as "the recited declaration in the conveyance" it was agreed and declared by the said conveyance that all moneys which might be received by the Corporation as lord of the said manor or manors by way of compensation in respect of its ownership either of any part of the soil of Redhill and Earlswood Commons part of the waste lands of the said manor or manors or of other rights vested in it in respect of those commons as lord of the said manor or manors under any notice to treat or equivalent proceeding given or taken by any railway company corporation or public body or authority under the provisions of the Lands Clauses Consolidation Act 1845 or any special Act incorporating the said Lands Clauses Consolidation Act 1845 or under any similar or equivalent statutory enactment or any Act of Parliament extinguishing the rights of the Corporation as lord of the said manor or manors in and over the commons or any part or parts of the same should be held by the Corporation upon trust to pay the same to the conservators for the time being acting under the Act of 1884 or such other statutory enactment as might for the time being regulate the commons or other the persons then exercising control over and the management of the commons to be applied by such persons so receiving the same both as to capital and income at their discretion for the purpose of maintaining and improving the commons as a place of public recreation. Provided always that that provision should not apply to any compensation received by the Corporation in respect of the sixteen acres or in respect of any waste or other lands of the said manor or manors other than and except Redhill and Earlswood Commons apart from the said sixteen acres: 8 & 9 Vict.
c. 18.

And whereas under the said conveyance the Corporation covenanted with the grantor that it would not except as was therein provided vary or alter the natural features or aspect of the commons or interfere with free access to every part thereof and would maintain the commons free of all encroachments and would not permit any trespass on or partial or other enclosure of any part thereof:

And whereas by virtue of orders made by the development commissioners in pursuance of their powers under the Development and Road Improvement Funds Acts 1909 and 1910 and dated respectively the fifteenth day of November one thousand nine hundred and twenty-two the seventeenth day of September one thousand nine hundred and twenty-five 9 Edw. 7.
c. 47.
10 Edw. 7.
& 1 Geo. 5.
c. 7.

and the twelfth day of September one thousand nine hundred and thirty three areas of land comprising respectively nine hundred and fifty square yards seven hundred and eighty-six square yards and five hundred square yards which had previously formed parts of the commons were vested in the Corporation as highway authority for the purposes respectively of road improvements and road extension and widening discharged from all rights trusts and incidents to which they had been subject as parts of the commons and in exchange for pieces of land of similar extent provided by the Corporation and described in the said orders respectively and thereby vested in the Corporation as lord of the manor of Reigate subject to the same rights trusts and incidents as then attached to the commons:

And whereas the licences hereinbefore mentioned to William Brown and Thomas Williams to dig clay from certain parts of the commons were in the year one thousand nine hundred and ten the subject of an action in the Chancery Division of His Majesty's High Court of Justice (1910 K. No. 158):

And whereas in pursuance of an order made in the said action with the consent of the parties to the said action and the then Board of Agriculture and the then lord of the manor of Reigate the said action was ended on terms incorporated in an agreement dated the twenty-ninth day of July one thousand nine hundred and eleven and made between the conservators of the one part and Cyril Whittington Brown and Rebecca Brown of the other part whereby the rights thereafter to be exerciseable by virtue of the said licences were limited and defined:

And whereas the body of the conservators now consists of eight persons of whom six are appointed by the council of the borough as representing the Corporation one by the council in virtue of the position of the Corporation as lord of the manor of Reigate and the remaining one by the Minister of Works:

And whereas it is expedient that the conservators should be dissolved and their property rights powers liabilities and obligations should be transferred to the Corporation and that such provisions as are in this Act contained should be made with respect to matters consequential on such dissolution and transfer including the partial repeal of the Act of 1884 and the Provisional Order and the future operation of the unrepealed provisions thereof and the future operation of the said conveyance:

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

And whereas it is expedient that further and better provision should be made in regard to streets buildings sewers

and drains in the borough and that the powers of the Corporation in relation to the health local government and improvement of the borough should be enlarged as in this Act provided:

And whereas by the Reigate Corporation Act 1919 certain provisions were enacted in regard to the finances of the Corporation and it is expedient that the provisions in regard to the finances of the Corporation which are contained in this Act should be made: 9 & 10 Geo. 5.
c. xxiii.

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

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

And whereas in relation to the promotion of the Bill for this Act the requirements of sections 253 254 and 255 of the Local Government Act 1933 have been observed: 23 & 24
Geo. 5. c. 51.

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:—

PART I.

PRELIMINARY.

1. This Act may be cited as the Reigate Corporation Act Short title. 1945.

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

Division of
Act into
Parts.

Part I.—Preliminary.

Part II.—Redhill and Earlswood Commons.

Part III.—Electricity.

Part IV.—Streets and buildings.

Part V.—Sewers drains &c.

Part VI.—Infectious disease and sanitary provisions.

Part VII.—Human food.

Part VIII.—Public buildings parks &c.

Part IX.—Lands.

Part X.—Sale of coke coal &c.

Part XI.—Financial.

Part XII.—Miscellaneous.

3. The Lands Clauses Acts except sections 127 to 131 of the Lands Clauses Consolidation Act 1845 (relating to the Incorporation
of Lands
Clauses Acts.

PART I.
—cont.

sale of superfluous lands) and except the provisions with respect to the purchase and taking of lands otherwise than by agreement (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act.

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

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 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 Corporation ” means the mayor aldermen and burgesses of the borough of Reigate;

“ The borough ” means the borough of Reigate;

“ The council ” means the council of the borough;

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

“ The Act of 1884 ” means the Commons Regulation (Redhill and Earlswood Commons) Provisional Order Confirmation Act 1884;

“ The Provisional Order ” means the Provisional Order scheduled to and confirmed by the Act of 1884;

“ The commons ” means the lands which are described and to which that expression is applied in the second recital of the preamble to this Act as varied by the exchange of lands effected under the three orders of the development commissioners mentioned in the said preamble and which for the purpose of greater identification are shown on a map signed in triplicate by the Right Honourable George Arthur Maurice Hamilton-Gordon Baron Stanmore the chairman of the committee of the House of Lords to whom the Bill for this Act was referred copies of which have been deposited with the Ministry of Agriculture and Fisheries the clerk of the county council and the town clerk and on which map the commons are delineated by a blue edging;

“ The sixteen acres ” means the plot of land which is described and to which that expression is applied in the said second recital;

“ The conveyance ” means the conveyance dated the ninth day of November one thousand nine hundred

and twenty-two and made between Henry Charles Somers Augustus Somerset of the one part and the Corporation of the other part and referred to in the preamble to this Act;

“The recited declaration in the conveyance” means the provision of the conveyance which is recited and to which that expression is applied in the preamble to this Act;

“The appointed day” means the first day of April one thousand nine hundred and forty-six;

“The conservators” means the persons who at the appointed day constitute the body of conservators for whose appointment provision is made by the Provisional Order;

“The county council” means the county council of the administrative county of Surrey;

“The Lands Clauses Acts” means the Lands Clauses 9 & 10 Geo. 5 Acts as amended by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act; c. 57.

“The Public Health Acts” means the Public Health 38 & 39 Vict. Act 1875 and the Acts amending and extending the same; c. 55.

“The Act of 1892” means the Private Street Works Act 1892; 55 & 56 Vict. c. 57.

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

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

“The electricity limits” means the limits for the time being of the Corporation for the supply of electricity;

“Electric line” has the same meaning as in the Electric Lighting Act 1882; 45 & 46 Vict. c. 56.

“The statutory undertakers” means the County of London Electric Supply Company Limited the East Surrey Gas Company the East Surrey Water Company and the Horley and District Electricity Supply Company Limited;

“Apparatus” where used in relation to any of the statutory undertakers means all or any electric lines mains pipes conduits syphons or other works or apparatus belonging to the undertakers;

“The transport board” means the London Passenger Transport Board;

“Sunday school” means any school in which children are assembled for instruction on a Sunday or

PART I.
—cont.1 & 2 Geo. 6.
c. 56.38 & 39 Vict.
c. 83.

- specially for religious instruction whether on a Sunday or not;
- “ Child ” means a person under the age of sixteen years;
- “ Food ” has the meaning assigned to it by section 100 of the Food and Drugs Act 1938;
- “ The Minister ” means the Minister of Health;
- “ Daily penalty ” means a penalty for each day on which any offence is continued by a person after conviction;
- “ The general rate fund ” and “ the general rate ” mean respectively the general rate fund and the general rate of the borough;
- “ The Act of 1933 ” means the Local Government Act 1933;
- “ The revenues of the Corporation ” means the revenues as defined by section 218 of the Act of 1933;
- “ Statutory security ” means any security in which trustees are for the time being by or under any Act of Parliament authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;
- “ Authorised security ” means any mortgage stock bond or other security which the Corporation are for the time being authorised to grant create or issue or upon or by means of which the Corporation are for the time being authorised to raise money;
- “ Statutory borrowing power ” includes a power of borrowing money conferred on the Corporation by or under any enactment except paragraph (a) of subsection (1) of section 215 of the Act of 1933;
- “ The Corporation undertakings ” means the electricity undertaking of the Corporation and any other undertaking of the Corporation as from time to time existing and from which revenue is derived.

PART II.

REDHILL AND EARLSWOOD COMMONS.

Dissolution of
conservators
and transfer of

5.—(1) As from the appointed day the conservators shall cease to act and their body shall by virtue of this Act be dissolved and cease to exist.

(2) All property rights and powers which immediately before the appointed day belonged to or were vested in the conservators shall as from the appointed day by virtue of this Act and subject to the provisions thereof be transferred to and vest in the Corporation.

their property
liabilities &c.
to Corporation.

(3) All liabilities and obligations which immediately before the appointed day were binding upon the conservators shall as from the appointed day by virtue of this Act and subject to the provisions thereof be transferred to and become binding upon the Corporation.

(4) Any surplus moneys arising from the operation of subsections (2) and (3) of this section shall be credited to the general rate fund and an equivalent amount shall be applied by the Corporation out of the general rate fund in the same manner as they are required to apply moneys retained by them in pursuance of the provisions of the recited declaration in the conveyance as modified by subsection (5) of the section of this Act whereof the marginal note is "Partial repeal of Act of 1884 and Provisional Order and provisions consequential on such repeal."

6.—(1) As from the appointed day the Act of 1884 and the Provisional Order shall be repealed except so far as concerns the provisions of the Provisional Order set forth in the First Schedule to this Act (in this Act referred to as "the unrepealed provisions") which subject to the provisions of this Act shall continue in operation and shall have effect as if the Corporation were therein mentioned in place of the conservators.

Partial repeal
of Act of 1884
and
Provisional
Order and
provisions
consequential
on such repeal.

(2) For the purposes of the application of the unrepealed provisions the expression "the said commons" wherever therein used shall be deemed to mean the commons as in this Act defined.

(3) As from the appointed day clause 21 of the unrepealed provisions shall have effect as if in the last paragraph but one thereof the words "five pounds" were therein inserted in place of "forty shillings".

(4) After the appointed day the byelaws made by the Conservators and confirmed on the fourth day of August one thousand eight hundred and eighty-six shall continue in operation until repealed or amended by the Corporation in pursuance of the powers in that behalf contained in the unrepealed provisions and shall have effect as if the Corporation were therein referred to in place of the conservators and as if the expression "the commons" meant the commons as in Part I of this Act defined.

(5) As from the appointed day the recited declaration in the conveyance shall have effect as if it provided that the moneys

PART II.
—cont.

thereby required to be held by the Corporation upon trust to pay the same to the conservators or other the persons there indicated were to be retained by the Corporation and applied by them in the same manner as the said declaration requires them to be applied by the conservators or such other persons as aforesaid and as if the proviso to the said declaration required that any compensation received by the Corporation in respect of the sixteen acres should be similarly retained and applied by the Corporation.

(6) Save as expressly provided in the last preceding subsection of this section or elsewhere in this Act nothing in this Act shall vary or derogate from or prejudice the operation of any of the provisions of the conveyance or the rights of any persons arising thereunder.

Restriction on appropriation for other purposes of land comprised in commons.

7. Except with the consent of the Minister of Agriculture and Fisheries under any statutory power for the time being vested in him in that behalf no part of the land comprised in the commons shall at any time be appropriated by the Corporation under the powers contained in section 163 of the Act of 1933 or otherwise for any purpose inconsistent with the purposes for which the commons are to be held preserved and maintained by the Corporation under the provisions of the conveyance and in accordance with the intent expressed therein or under the powers conferred by the unrepealed provisions of the Provisional Order set forth in the First Schedule to this Act as continued in operation by this Act.

Expenses.

8.—(1) The Corporation may pay out of the general rate fund all such expenses as they may deem necessary or proper for the purposes of the exercise of the powers conferred upon them under this Act and the performance of any duties devolving upon them under this Act or otherwise in relation to the commons.

(2) On the appointed day any obligation on the part of the Corporation to contribute the annual sum of one hundred and fifty pounds under the articles of agreement referred to in the preamble to this Act for or towards the maintenance of the commons as recreation grounds shall cease.

Transfer of certain employees of conservators to Corporation.

9.—(1) Each of the following persons who are now officers or servants of the conservators (namely):—

Leonard Hewett (common keeper);
Ernest Arthur Burchell (general workman);
Alfred George Widden (general workman);

shall as from the appointed day become an officer or servant of the Corporation and shall hold his office or situation by the same tenure and upon like terms and conditions under the

Corporation as he would have held the same under the conservators if this Act had not been passed and while performing the same duties shall receive not less remuneration than he would have been entitled to from the conservators if this Act had not been passed.

(2) Each of the said persons shall be deemed as from the appointed day to have been within the meaning of paragraph (c) of subsection (2) of section 3 of the Local Government Superannuation Act 1937 specified by a statutory resolution of the council as a contributory employee. 1 Edw. 8. &
1 Geo. 6. c. 68.

(3) Save as in this section provided nothing in this Act shall affect the rights to which the said persons are respectively entitled by virtue of the provisions of subsection (3) of section 5 of the said Act and an agreement dated the twenty-fifth day of September one thousand nine hundred and thirty-six and made between the Corporation of the one part and the conservators of the other part and an agreement dated the eighth day of June one thousand nine hundred and thirty-nine and made between the same parties.

10.—(1) Every officer and servant of the conservators in office on the first day of October one thousand nine hundred and forty-four and on the appointed day who by virtue of this Act or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss due to abolition of office by determination of his appointment or by diminution or loss of office salary or emoluments and for whose compensation for that loss no other provision is made by any enactment for the time being in force shall be entitled to compensation for that loss from the Corporation. Compensation
to officers and
servants of
conservators.

(2) The provisions contained in the Sixth Schedule to the Rating and Valuation Act 1925 shall have effect with regard to the determination and payment of compensation under this Act to officers and servants of the conservators. 15 & 16 Geo. 5.
c. 90.

11.—(a) If at the appointed day any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the conservators in relation to any property right privilege debt liability or obligation the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the dissolution of the conservators but the same may be continued prosecuted and enforced by against or in favour of the Corporation as and when it might have been continued prosecuted and enforced by against or in favour of the conservators if this Act had not been passed. Actions not
to abate.

(b) Except as in this Act otherwise expressly provided all agreements conveyances contracts deeds and other instru-

PART II.
—cont.

ments entered into or made with or by the conservators and in force at the appointed day shall be as binding and of as full force and effect in every respect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the conservators the Corporation had been a party thereto.

(c) All books and documents which if the dissolution of the conservators had not taken place would have been evidence in respect of any matter for or against the conservators shall be admitted in evidence in respect of the same or the like matter for or against the Corporation.

Use of
Earlswood
Ponds for
boating and
bathing.

12. The Corporation may permit the use of the two lakes known as Earlswood Ponds on Earlswood Common for boating and bathing and in connection therewith may erect provide and maintain boating houses bathing huts and cafes for the sale of refreshments and may provide the necessary apparatus and do all such acts and employ such persons as may be required and may make such reasonable charges for the use of the apparatus and facilities provided by the Corporation for boating and bathing on and in the lakes and may let such facilities to any person and may provide and sell or arrange for the provision and sale of refreshments in any buildings provided by them in connection with the boating and bathing facilities and may make byelaws for regulating the use of the lakes for boating and bathing.

For protection
of statutory
undertakers.

13. Nothing in the unrepealed provisions shall restrict the rights of the statutory undertakers to maintain any existing apparatus and to lay new apparatus in under and along any highways on the commons and to repair renew and inspect any such apparatus and for those purposes to break up the site and soil of any such highways.

PART III.

ELECTRICITY.

Incorporation
of Electric
Lighting
(Clauses) Act
1899.
62 & 63 Vict.
c. 19.
60 & 61 Vict.
c. lxy.

14. The provisions contained in the schedule to the Electric Lighting (Clauses) Act, 1899 (with the exception of sections 83 and 84 of that schedule) as amended by the Electricity (Supply) Acts 1882 to 1936 are incorporated with and form part of this Act and the electricity undertaking and the Corporation with respect thereto shall be subject to those provisions and so much of the Reigate Electric Lighting Order 1897 (which was scheduled to and confirmed by the Electric Lighting Orders Confirmation (No. 5) Act 1897) as is inconsistent with those provisions is hereby repealed without prejudice to anything done or suffered thereunder:

Provided that in its application to the Corporation and the electricity undertaking section 8 of the schedule to the Electric Lighting (Clauses) Act 1899 shall have effect as if the words "ten acres" were inserted therein instead of the words "five acres."

15. The Corporation may be authorised from time to time to purchase compulsorily land within the electricity limits for the purpose of the erection thereon of a station for transforming converting or distributing electricity by means of a compulsory purchase order made by the Corporation and submitted to the Minister of Fuel and Power and confirmed by him and subject to the provisions of this section sections 161 162 174 and 175 of the Act of 1933 and the Sixth Schedule to that Act shall with any necessary modifications and with the substitution of the Minister of Fuel and Power for the Minister apply in relation to a compulsory purchase order made under this section as they apply to a compulsory purchase order made under Part VII of that Act Provided that anything which under the Act of 1933 has to be prescribed shall for the purposes of this section be prescribed by the Minister of Fuel and Power in such manner as he may think fit:

Acquisition of
land for
substations.

Provided also that the restrictions contained in paragraphs (a) (b) and (c) of section 179 of the Act of 1933 shall apply to any compulsory purchase order made under this section:

Provided also that any such certificate as is referred to in subsection (2) of section 174 of the Act of 1933 shall be given (in the case of a common or an allotment) by the Minister of Agriculture and Fisheries and (in the case of an open space not being a common or an allotment) by the Minister of Town and Country Planning and the proviso to the said subsection (2) shall have effect accordingly.

16. The Corporation may agree with the owner or occupier of any land across which any electric line has been placed or across which it is intended by the Corporation to place any such line in either case under the provisions of section 22 of the Electricity (Supply) Act 1919 that a term or condition upon which they may place the said line across such land shall be the payment by the Corporation to such owner or occupier of a sum of money in gross and the payment of such sum of money shall if so agreed between the parties secure for the Corporation as against such owner or occupier (as the case may be) and his executors administrators successors and assigns the right to retain and maintain such line across the said land for such period as may be agreed.

Further
provisions as
to wayleaves.
9 & 10 Geo. 5.
c. 100.

PART III.

—cont.

As to area of
supply of
electricity.

17. Where the electricity limits are bounded by or abut upon any street wholly or for part of its width outside those limits the Corporation may for the purpose of supplying electricity to the owner or occupier of any premises within the electricity limits exercise with respect to the whole width of the street the like powers of breaking up the street for the purpose of laying maintaining inspecting repairing and renewing electric lines and works as are exerciseable by them in respect of streets within the electricity limits and subject to the like conditions:

Provided that nothing in this section shall entitle or require the Corporation to supply electricity to the owner or occupier of any premises outside the electricity limits.

Supply to
premises
partly without
electricity
limits.

18. The Corporation may supply electricity to any house or building which is partly within and partly outside the electricity limits in the same manner as if those premises were wholly within such limits:

Provided that the Corporation shall not supply electricity under this section to any such house or building within the limits of any other authorised electricity undertakers without the consent of such undertakers which consent shall not be unreasonably withheld. Any question as to whether any such consent is unreasonably withheld shall be determined by the Electricity Commissioners.

Use for one
purpose of
electricity
supplied for
another
purpose.

19.—(1) Where the charges made by the Corporation for electricity supplied by them for one purpose are less than the charges made by them for electricity supplied for another purpose electricity supplied by the Corporation for the first-mentioned purpose shall not without the consent in writing of the Corporation be used (whether after transformation or conversion or not) for the last-mentioned purpose and if any person to whom any electricity is supplied uses it or suffers it to be used in contravention of 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.

(2) Where a person is convicted of an offence under this section in respect of the use of electricity for any purpose the court may direct that all or any portion of the electricity which has been supplied to him by the Corporation within one year previous to the date when the proceedings were instituted at a rate of charge lower than the rate of charge appropriate for electricity supplied for the said purpose shall be charged for at the last-mentioned rate.

(3) For the purposes of this section electricity shall not be deemed to be used for lighting purposes by reason only that

it is used for the purposes of some electrical apparatus which contains a lamp if the purposes of the apparatus as a whole are not lighting purposes.

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

Further powers as to entry upon premises.

(a) The premises which may be entered shall include all premises in the electricity limits in which electric fittings are being or have been installed with a view to taking a supply of electricity from the Corporation;

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

The Corporation shall not have any power of entry into any such premises except through an officer duly authorised by the Corporation who shall if so required produce his authority.

(2) Any person who shall refuse to admit any such officer of the Corporation to any premises which they are entitled to enter in pursuance of the said section 24 as amended by this section or shall hinder any such officer from entering any such premises or from exercising the powers conferred by the said section as so amended shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) For the purposes of this section "electric fittings" includes electric lines meters accumulators fittings works and apparatus for the supply of electricity.

(4) The provisions of this section shall not apply to or in respect of any building or premises (not being a dwelling-house) belonging to the transport board or any railway company and used for the purpose of their railway and forming part of any station or goods depot.

21.—(1) Notwithstanding anything in any Act or Order relating to the Corporation or the electricity undertaking the Corporation on the one hand and any authority company body or person (other than authorised distributors) to whom

Agreements for supply of electricity.

PART III.
—cont.

the Corporation are authorised to supply electricity on the other hand may enter into and carry into effect contracts or agreements for or with respect to the supply of electricity by the Corporation to such authority company body or person and at such price and on such terms and conditions as may be agreed and the Corporation may supply electricity accordingly Provided that the Corporation shall not in making any such contract or agreement show any undue preference to any such authority company body or person.

(2) Any agreements entered into by the Corporation with any authority company body or person prior to the passing of this Act which would have been valid under the provisions of this section if made after the passing thereof shall be deemed to have been made under this section.

Provisions as
to supply of
electricity by
agreement.

22. A consumer supplied with electricity by the Corporation under the terms of any agreement shall be deemed to be a person to whom the Corporation may be and are required to supply energy within the meaning of section 30 of the schedule to the Electric Lighting (Clauses) Act 1899 and—

- (a) the provisions of that section shall apply to the supply afforded by the Corporation under such agreement;
- (b) any failure on the part of the Corporation to supply energy to such consumer under the agreement shall not render them liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Corporation:

Provided that—

- (i) the provisions of this section shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions; and
- (ii) nothing in this section shall apply in relation to any agreement which expressly excludes the application of this section.

For
determining
stand-by
supplies.

12 & 13 Geo. 5.
c. 46.

23. If any question shall arise under section 23 of the Electricity (Supply) Act 1922 as to whether a supply of electricity is demanded or received for the purpose of a stand-by supply only or as to whether a supply of electricity or of gas steam or other form of energy is in use or ready for use for the purposes for which a stand-by supply of electricity is required the same shall in default of agreement be determined by arbitration in manner provided by the Electricity (Supply) Acts 1882 to 1936.

24. Except in the case of electricity supplied in pursuance of any agreement the maximum electrical power with which any consumer shall be entitled to be supplied by the Corporation shall not include any supply of electricity taken on extraordinary occasions unless such consumer shall pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Corporation in order to meet the possible maximum demand for the premises of such consumer. Any question as to whether the provisions of this section apply and if so the sum to be paid shall be determined in default of agreement by arbitration in the manner provided by the Electricity (Supply) Acts 1882 to 1936.

As to maximum power which may be demanded.

25. The Corporation may refuse to supply electricity to any person from whom payment for the supply of electricity or meter rent is for the time being in arrear (not being the subject of a bona fide dispute) whether the payment be due to the Corporation in respect of the premises for which a supply is demanded or in respect of other premises.

Power to refuse to supply electricity in certain cases.

26. If the Corporation commence proceedings for the summary recovery of a sum due for the supply of electricity any other sum due or payable to the Corporation in respect of the sale or hire of any apparatus or fittings supplied by them for or in connection with the consumption or use of electricity or the provision of materials and work in connection therewith or the fixing setting up repairing altering maintaining or removal thereof may be included in the same summons and may be recovered summarily provided the amount due or payable in respect thereof does not exceed twenty pounds.

As to recovery summarily of sums due for fittings.

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

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

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

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

(a) any building forming part of an aerodrome; or

PART III.
—cont.

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

but if in the opinion of the Corporation any consent under subsection (1) of this section is unreasonably withheld in relation to any such building or bridge they may appeal in the case of a building or bridge owned by any highway authority or railway company to the Minister of War Transport and in any other case to the Minister of Fuel and Power and the Minister of War Transport or the Minister of Fuel and Power as the case may be may by order either allow the attachments subject to such terms (if any) as to compensation or rent or otherwise as he thinks fit or disallow the attachments.

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

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

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

(6) In this section—

The expression “owner”—

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

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

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

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

PART III.
—cont.

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

10 & 11 Geo. 5.
c. 80.

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

Power of entry
for substitu-
tion of cables
&c.

Provided that the Corporation shall not exercise the powers of this section in respect of any premises which form part of the railway of the Southern Railway Company except with the consent of such company which consent shall not be unreasonably withheld. Any question as to whether such consent is unreasonably withheld shall be determined by the Electricity Commissioners.

29. Where a separate transformer is provided at the expense of the Corporation for the purpose of affording a supply of electricity to any consumer the Corporation may subject to the provisions of the agreement under which the transformer was provided use such transformer for the purpose of affording a supply of electricity to other consumers so long as such use does not prejudice or interfere with the supply for which such transformer was originally provided so however that the powers conferred by this section shall not enable the Corporation to extend the transformer so provided beyond the limits of the original site thereof.

As to use of
transformers.

30. For the purposes of section 13 of the Electric Lighting Act 1882 and section 12 of the schedule to the Electric Lighting (Clauses) Act 1899 in their application to the Corporation a county council shall be deemed to be a local authority.

Removal of
restriction on
breaking up
streets.

31.—(1) If the owner or occupier of any premises erected or in process of erection within the electricity limits on land abutting on any street laid out as such but not dedicated to public use or if so dedicated not repairable by the inhabitants

Power to
break up
private streets.

PART III.
—cont.

at large applies to the Corporation for a supply of electricity to those premises then—

- (a) so much of any Act or Order applying to the Corporation as requires the consent of the person by whom the street is repairable to the breaking up by the Corporation of the street shall not have effect in relation to the street;
- (b) The Gasworks Clauses Act 1847 in its application to the Corporation shall have effect in relation to the land comprised in the street as if section 7 thereof had been excepted from incorporation with the Acts and Orders applying to the Corporation; and
- (c) except in the case of such streets as are referred to in subsection (2) of this section the authority who would be responsible for the maintenance and repair of the street if it were repairable by the inhabitants at large shall have the like rights under section 15 of the schedule to the Electric Lighting (Clauses) Act 1899 as are thereby conferred on the person by whom the street is repairable.

(2) Nothing in this section shall authorise the breaking up by the Corporation of any street which is repairable by a railway company or by any of the statutory undertakers unless the consent in writing of such company or undertakers is obtained by the Corporation but such consent shall not be unreasonably withheld.

(3) Any question arising under subsection (2) of this section as to whether or not a consent is unreasonably withheld shall be determined by the Minister of Fuel and Power in the case of a street repairable by electricity or gas undertakers and by the Minister in the case of a street repairable by water undertakers.

Fraudulent
abstraction of
electricity.

32. Any person who for the purpose of operating any pre-payment meter through which electricity is supplied to him or to premises occupied by him frequently or habitually uses any thing other than the coin of the realm by which such prepayment meter is designed and intended to be operated shall be liable to a penalty not exceeding forty shillings.

Penalty for
interference
with works.

33. If any person without lawful excuse (the proof whereof shall lie on him) shall wilfully interfere with any electric line or other work or apparatus used for or in connection with the supply of electricity by the Corporation or do or cause to be done anything which is calculated to interfere with or damage any such work or apparatus he shall for every such offence (without prejudice to any other liability or cause of action which may arise out of or by reason of such act) be liable to a penalty not exceeding five pounds.

34.—(1) Any person who unlawfully and maliciously cuts injures or tampers with any electric line or work of the Corporation with the intent to cut off or injuriously affect the supply of electricity by the Corporation shall be guilty of a misdemeanour and be liable on conviction on indictment to imprisonment for any term not exceeding two years but nothing in this section shall exempt the person from any proceeding for any offence which is punishable under any provision of the Electricity (Supply) Acts 1882 to 1936 or of the Electric Lighting (Clauses) Act 1899 or under any other Act or the common law but so that no such person be punished twice for the same offence.

PART III.
—cont.
Interference
with works
with intent to
cut off supply
of electricity.

(2) The Electric Lighting Act 1882 in its application to the Corporation shall be read and have effect as if section 22 of the said Act were hereby repealed.

35.—(1) The provisions of section 38 of the Gasworks Clauses Act 1871 (incorporated with the Electric Lighting Act 1882) shall apply to any person who wilfully fraudulently or by culpable negligence injures or detaches or suffers to be injured or detached any of the sealing or locking devices attached to any sealed or locked receptacle meter or apparatus inserted by the Corporation in any electric line within a consumer's premises or opens or suffers to be opened any such sealed or locked receptacle meter or apparatus.

Protection of
seals &c.
belonging to
Corporation.
34 & 35 Vict.
c. 41.

(2) If any person accidentally injures or detaches or suffers to be injured or detached any such sealing or locking device as aforesaid he shall within forty-eight hours of such injury or detachment give notice in writing thereof to the Corporation and any person who fails to comply with the provisions of this subsection shall be liable to a penalty not exceeding five pounds.

36.—(1) The Corporation may for the purpose of preventing fire in or any injury to any building or premises supplied or proposed to be supplied with electricity by them or injury to any person make byelaws—

Byelaws as to
wires
apparatus and
fittings.

(a) with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply; and

(b) with respect to the charging of accumulators;

and may refuse to supply electricity or cut off and discontinue the supply of electricity to any building or premises in which such byelaws are not complied with.

(2) No byelaw made under this section shall apply to or in respect of any building or premises (not being a house) be-

PART III.

—cont.

I Edw. 8. &
I Geo. 6. c. 67.Charges for
special
readings of
electricity
meters.Period of
error in
defective
meters.Minimum
charges for
electricity.

longing to and forming part of the railway of the Southern Railway Company or to or in respect of any building or premises to which the Factories Act 1937 applies.

37. The Corporation may make and recover such charges as they think fit for taking the reading of any electricity meter fixed in a house which is either in whole or in part let furnished at the request of and for the convenience of consumers at times other than those of the periodical readings:

Provided that such charges shall not exceed the sum of two shillings and sixpence for each reading.

38.—(1) Where a meter supplied by the Corporation is found on a test to register erroneously to a degree exceeding the degree permissible as respects meters of the class to which the meter belongs it shall in the absence of agreement to the contrary be deemed to have registered erroneously to the degree so found from the penultimate date on which the register of the meter was ascertained before the date on which the meter was tested or removed for the purpose of the test except in a case where the meter is proved to have begun to register erroneously as aforesaid on some date after such penultimate date.

(2) The amount of the allowance to be paid to or the surcharge to be made upon such person by the Corporation shall be paid by or to the Corporation as the case may be and in the case of a surcharge shall be recoverable in the like manner as charges for electricity are recoverable.

(3) The Corporation shall notify the consumer at least forty-eight hours in advance of any test of his meter and shall notify the consumer of the result of the test.

(4) Nothing in this section shall affect the rights of the Corporation under section 38 of the Gasworks Clauses Act 1871 (which relates amongst other things to the injuring of meters):

39. The minimum charges per quarter which are specified in the Fourth Schedule to the Reigate Electric Lighting Order 1897 as for the time being revised by any order of the Minister of Fuel and Power shall if so required by the Corporation be paid to them by the occupier of any premises connected to a distributing main of the Corporation in respect of each quarter of any year during the whole or any part of which quarter such premises are so connected whether electricity has actually been consumed on such premises or not during the currency of such quarter:

Provided that nothing in this section shall affect the operation of the Electricity Minimum Charges Orders and General

Directions 1942 and 1944 (or any modification thereof) made and given by the Minister of Fuel and Power under Regulation 56 of the Defence (General) Regulations 1939.

PART III.
—cont.

40.—(1) A notice to the Corporation from a consumer for the discontinuance of a supply of electricity shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Corporation.

Notice to
discontinue
supply of
electricity.

(2) Notice of the effect of this section shall be endorsed on any demand note for electricity.

41. The provisions of section 59 of the Rating and Valuation Act 1925 relating to the sending or service of demand notes shall apply to demand notes for any charges made in connection with the electricity undertaking.

Service of
electricity
demand
notes.

42. The Corporation may if they think fit make an allowance by way of discount on all sums of money due to them for the supply of electricity from any person who pays the same within such time of the demand thereof as the Corporation think fit to prescribe in that behalf and notice to that effect shall (if and so long as the Corporation shall allow such discount) be endorsed on every demand note in respect of such charges. Provided that the Corporation shall make the same allowance to all consumers under similar conditions.

Discounts for
prompt
payment.

PART IV.

STREETS AND BUILDINGS.

43.—(1) The Corporation may enter into and carry into effect agreements with persons having a legal interest in lands adjoining any street for the adjustment of the boundary of any such street within the borough 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.

Adjustment of
boundaries of
streets.

(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 (a copy of which advertisement shall if the street is a county road be forthwith sent by the Corporation to the county council) and during such period of one month any four inhabitant householders of the borough by themselves or their agent or the

PART IV.
—cont.

county council if the street is a county road (whether the Corporation shall have claimed to exercise the functions of maintenance and repair of such street or not) may appeal to a court of summary jurisdiction against the proposals and subsections (2) to (7) of the section of this Act of which the marginal note is "As to appeals" 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 enactment 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.

(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.

(5) Notwithstanding any agreement entered into under this section the Central Electricity Board shall continue to have the same powers and rights in respect of any electric lines belonging to or used by them which shall remain over the site of any such street as if the same had continued to be part of the street.

Further powers as to future line of street.

15 & 16 Geo. 5.
c. 71.

44.—(1) The Corporation may at any time after prescribing the improvement line of any street in pursuance of the power conferred upon them by section 33 of the Public Health Act 1925 on giving six months' previous notice in writing to the owner require that any building or erection which or any part of which was beyond or in front of any such improvement line at the date when the same was so prescribed shall be pulled down set back or altered so that the same shall not project beyond or in front of such improvement line.

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

(3) In the event of any building or erection being pulled down set back or altered in accordance with any requirement of the Corporation under this section the Corporation

shall make compensation to any owner lessee or tenant of any such building or erection for any loss or damage sustained by him in consequence of complying with such requirement.

(4) The amount of any compensation payable under this section and any other question under this section the determination whereof is not otherwise provided for by this Act shall in default of agreement be determined in accordance with the provisions of the Lands Clauses Acts but in estimating the amount of any such compensation the benefit arising from the widening or improvement of the street and accruing to the property in respect of which such compensation shall be payable shall be fairly estimated and set off against such compensation.

(5) Any person who shall fail to comply with a requirement of the Corporation under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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

Frontage line
in new streets.

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

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

PART IV.
—cont.
51 & 52 Vict.
c. 52.

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

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

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

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

As to termina-
tion of new
streets.

46.—(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:

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.

Stopping up
and diversion
of highways.

47.—(1) Subject to the provisions of this section a court of summary jurisdiction if satisfied on the application of the Corporation that a highway within the borough is unnecessary

may by order authorise the stopping up thereof and if so satisfied that a highway within the borough can be diverted so as to make it nearer or more commodious to the public may by order authorise it to be so diverted:

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

(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; and

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

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

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

(5) For the purposes of the provisions of the Summary Jurisdiction Act 1879 as amended by the Summary Jurisdiction Act 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1923, 1924, 1925, 1926, 1927, 1928, 1929, 1930, 1931, 1932, 1933, 1934, 1935, 1936, 1937, 1938, 1939, 1940, 1941, 1942, 1943, 1944, 1945, 1946, 1947, 1948, 1949, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962, 1963, 1964, 1965, 1966, 1967, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 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tion (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 Surrey.
- (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 clerk of the peace together if the order be for diverting a highway with the written consents produced to the court and the 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.

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(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.

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

Amendment of section 17 of Public Health Acts Amendment Act 1907.
7 Edw. 7. c. 53.

49. The Corporation may if they think fit in any case vary the relative widths of the carriageway and footway or footways in any street within 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.

Whenever the Corporation in the exercise of the powers of this section shall add to the carriageway of a street any portion of the footway in which there are any electric lines works or apparatus of the Central Electricity Board that board may and shall if so required by the Corporation alter the position of such electric lines works or apparatus to such a depth below the surface of the carriageway or to such a position under the footway as may be reasonable and the Corporation shall repay to that board the reasonable expenses of and in connection with such alteration as aforesaid.

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

Provision for intersecting streets.

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

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—cont.

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

Restrictions on
rights of
breaking up
streets.

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

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

(2) Any dispute or difference which may arise between the Corporation and any undertakers under the provisions of the preceding subsection shall be referred to arbitration.

(3) Nothing in this section shall prevent any such undertakers as aforesaid from carrying out extending or enlarging works in any street in case of emergency or prevent any such undertakers from carrying out any works necessary to enable them to perform their statutory duties as such undertakers or their obligations under any contract subsisting at the date of the giving of the notice by the Corporation in default of which they would be liable to any penalty or damages or from making altering repairing extending enlarging or disconnecting communication pipes or service connections or laying service lines between premises and distributing mains or altering repairing extending enlarging or disconnecting any service line or from laying mains or pipes for the supply of property not previously supplied with gas or water as the case may be. In this subsection the expression "service line" has the meaning assigned thereto by the schedule to the Electric Lighting (Clauses) Act 1899.

(4) The provisions of this section shall not apply to any street which for the time being is prescribed by an order made by the Minister of War Transport under section 4 (5) of the London Traffic Act 1924.

52.—(1) Where the owner or occupier of any premises fronting or abutting on any street repairable by the inhabitants at large habitually uses or permits to be used any kerbed footway or paved footway in such street as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor cycle) in passing to and from such premises the Corporation may either—

Crossings for
horses or
vehicles over
footways.

- (a) require the construction across such footway of a carriage-crossing for the purpose aforesaid constructed of such materials and in such manner as they may be prescribe; or
- (b) allow the use of the footway for the purpose aforesaid subject to the condition that the footway is strengthened or adapted in such manner as the Corporation may prescribe or subject to such other reasonable conditions (if any) as they may impose.

(2) If the Corporation require the construction of any carriage-crossing across the footway or allow the use of the footway subject to a condition that it is strengthened or adapted they may execute such works as may be necessary to secure compliance with such requirement or condition and may recover the expenses of so doing from the owner or occupier.

(3) If the Corporation allow the use of the footway as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor cycle) subject to any condition other than the strengthening or adaptation of the footway any person who knowingly uses or permits to be used the footway as a crossing as aforesaid in contravention of that condition shall be liable to a penalty not exceeding five pounds.

(4) Notwithstanding the provisions of section 18 of the Public Health Acts Amendment Act 1907 every person desirous of forming a carriage-crossing across a footway in any street or of strengthening or adapting any part of any such footway as a carriage-crossing shall apply in writing to the Corporation for an estimate of the cost thereof and after having obtained such estimate may deposit with the Corporation the amount thereof. When such deposit shall have been made the Corporation shall with all convenient speed carry out the works and any difference between the sum so deposited and the actual cost of the works shall be paid to or by the Corporation by or to such person as the case may require.

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(5) Nothing in this section shall impose on the owner or occupier any obligation to maintain any crossing constructed or footway strengthened or adapted in pursuance of a requirement of or condition imposed by the Corporation under this section.

Power to place
fences near
school
entrances &c.

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

Direction
signs.

54.—(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 within the borough signs indicating the classified road number of such street and the 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.

Interference
with telephone
call boxes &c.

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

56.—(1) Every person who negligently or wilfully breaks throws down or otherwise damages any street refuge public lamp or lamp-post traffic light traffic signal street danger signal air-raid shelter or the lamps thereof street orderly bin or other receptacle for the temporary deposit and collection of dust ashes and rubbish or street sand bin or life-saving apparatus or any other property of the Corporation shall make full compensation to the Corporation for the damage done and such compensation to an amount not exceeding fifty pounds may (without prejudice to any other right or remedy of the Corporation) be recovered summarily as a civil debt.

(2) Where the public lamp or lamp-post in respect of which any sum is paid to or recovered by the Corporation under the provisions of this section is for the time being maintained by or at the expense of any person other than the Corporation any sum so paid or recovered for making good damage which such person is liable to make good at his own expense shall be paid by the Corporation to such person.

57.—(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.

Signs over
streets.

(2) (a) If it appears to the Corporation that any sign which is placed over any street within 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 persons 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 first day of November one thousand nine hundred and forty-four.

(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.

(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

PART IV.
—cont.

the amenities of the street and such consent may be given subject to such conditions as the Corporation may think fit.

(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.

Window blinds
&c.

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

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

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

(4) Nothing in this section shall prejudice or affect the provisions of section 104 of the London Passenger Transport Act 1934 section 89 of the London Passenger Transport Act 1935 and section 65 of the London Passenger Transport Act 1938.

Fencing of
forecourts.

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

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

Provisions as
to forecourts.

60.—(1) If the Corporation shall by resolution determine that any stall structure or other erection on any forecourt is by reason of its character injurious to the amenities of the street in which such forecourt is situate they may by notice

in writing require the owner of or person responsible for such stall structure or other erection within such period (not being less than seven days) as may be specified in the notice to make such alterations to such stall structure or other erection as may be necessary to prevent the same from being injurious to the amenities of such street.

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

61.—(1) Before any person other than a highway authority shall erect on any land within the borough a retaining wall of greater height than six feet abutting on or adjacent to or within twelve feet of any street he shall submit to the Corporation plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as may be approved by the Corporation. As to erection of retaining walls.

(2) The council shall consult the county council before approving plans sections and specifications in respect of a retaining wall abutting on or adjacent to a road in respect of which the functions of maintenance and repair are for the time being exerciseable by the county council.

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

(4) Any person aggrieved by a decision of the Corporation under this section may within twenty-one days from the date on which notice of the decision was given to him give notice to the Corporation that he desires to appeal to an arbitrator and in that case the question involved in the decision shall be determined by arbitration.

(5) The provisions of this section shall not extend or apply to any land belonging to or which may hereafter be acquired by a railway company or to any retaining wall erected thereon.

62.—(1) It shall be lawful for the owner or occupier of any property with the consent in writing of the Corporation to construct in any pavement forming part of any street in the borough any means (in this section referred to as "pavement As to pavement lights.

PART IV.
—cont.

lights ") for the admission of light or air through such pavement to any room or premises situate under or adjoining the same.

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

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

Amendment of Act of 1892 in relation to parts of streets which are public footways or otherwise repairable by inhabitants at large.

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

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

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

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

Regulation of petroleum filling stations. 18 & 19 Geo. 5. c. 32.

64. Section II (Byelaws as to petroleum filling stations) of the Petroleum (Consolidation) Act 1928 in its application to the borough shall be extended so as to empower the Corporation to make byelaws in accordance therewith for the purpose of preserving for the enjoyment of the public or residents the amenities of any street.

Streets broken up to be reinstated.

65.—(1) When any street repairable by the inhabitants at large shall be opened or broken up by any person he shall with all convenient speed complete the work on account of

which the same shall have been broken up and fill in the ground and reinstate and make good to the reasonable satisfaction of the surveyor and with materials to be reasonably approved by him the street so opened or broken up.

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—cont.

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

66. The Corporation when carrying out any private street works in any street may with the consent in writing of a majority in number and rateable value of the owners of houses and land in such street cause trees or shrubs to be planted and grass margins to be laid out in such street and erect guards or fences and otherwise do everything expedient for the protection of such trees shrubs and grass margins and any expense incurred by the Corporation under this section shall be deemed part of the expenses of carrying out the private street works in any such street. Provided that no such tree shrub grass margin guard or fence shall be placed or laid out in such a situation as to hinder the reasonable use of the highway by any person entitled to the use thereof or so as to be a nuisance or injurious to the owner or occupier of any land or premises adjacent to the said street:

Planting of
trees in private
streets.

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.

67.—(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 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.

Prohibition of
persons
vehicles &c.
on grass
margins.

(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.

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—cont.

As to evasion
by owners of
private street
works
expenses.

68. If—

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

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

As to urgent
repairs of
private streets.

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

Extension of
power to
contribute to
expenses of
private street
works.

70. The power of the Corporation under section 15 of the Act of 1892 to contribute the whole or a portion of the expenses incurred by them in executing private street works with respect to any street or part of a street shall be extended so as to cover also the contribution of the whole or any

portion of the amount which would otherwise be apportioned and charged under that Act in respect of the said expenses against any premises of which only a flank fronts adjoins or abuts on such street or part of a street and the amount which would otherwise so be apportioned and charged against any such premises shall be reduced by the amount of the contribution made by the Corporation under this section in respect of such premises.

71.—(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—

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 town planning scheme; 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

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

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

(b) Any person who 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.

(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

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—cont.

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.

Restriction on
advertisement
hoardings.

72.—(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 which exceeds a height of 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.

(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.

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

73.—(1) Before placing or erecting any hoarding wall (not being a wall forming part of the structure of a permanent edifice) or fence at or within a distance of ten yards from the corner of any street the person proposing to place or erect such hoarding wall or fence shall give notice of his intention so to do to the Corporation and such notice shall be accompanied by plans and particulars of the hoarding wall or fence 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 two months 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 two months of the receipt of the said notice the Corporation shall not have prohibited such placing or erection or allowed the same subject to a condition or to a modification of such plans or particulars they shall be deemed to have allowed such placing or erection.

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

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

(5) The provisions of this section shall not apply to any part of a street with respect to which restrictions have been imposed under section 4 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.

74.—(1) The Corporation may by notice in writing require— Repair of
hoardings &c.

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

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

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

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—cont.
Restriction on
erection of
stands.

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

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

(3) The provisions of this section shall not apply to any stand or structure erected by—

- (a) the transport board for the accommodation of passengers and servants of that board under the provisions of section 104 (Shelters &c.) of the London Passenger Transport Act 1934 or section 89 (Shelters &c.) of the London Passenger Transport Act 1935; or
- (b) a person who is the proprietor of a travelling circus roundabout or amusement fair for the purposes of his business as such.

Elevation of
buildings
erected on
front lands to
require
approval.

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

- (i) If the owner lessee or occupier of any such land shall construct—
 - (a) any door or entrance in an existing building communicating with that street; or
 - (b) any wall or fence by the side of that street; he shall construct the door entrance wall or fence in such position and in accordance with such elevations as may be approved by the Corporation;
- (ii) If the Corporation within five weeks after particulars of position and elevations shall have been submitted to them under this section shall have failed to notify their determination in writing to the person submitting the same the Corporation shall be deemed to have approved of the position and elevations.

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

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

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

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

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

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

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

78.—(1) Every chimney erected in the borough after the passing of this Act for carrying smoke or steam or for the conveying away of any noisome or deleterious gases or effluvia from any buildings used for manufacturing or other purposes shall within such time as may be specified in that behalf in a notice in writing given by the Corporation to the owner of such chimney be raised to such height measured from the level of the centre of the street nearest thereto as the Corporation shall reasonably require having regard to the use of such chimney the position of dwelling-houses or other buildings near thereto the description of such buildings the levels of the neighbouring ground and any other condition requisite for consideration in determining such height and the Corporation may if they think fit contribute towards the cost of raising the chimney to comply with any such requirement: Height of chimneys.

Provided that before exercising the powers conferred by this section in relation to any chimney situated within two miles of an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating that Act the Corporation shall obtain the consent of the Minister of Civil Aviation.

PART IV.
—cont.

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

Power to order alteration of chimneys.

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

Erection of buildings to greater height than adjoining building.

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

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

Powers on inspection.

81. In exercising any powers of entry upon and inspection of any building or works in course of construction the surveyor and his assistants shall have from the builder of or contractor for such building or works free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works Any person who shall refuse such use and assistance as aforesaid or shall obstruct the surveyor or his assistants in the use of such ladders scaffolding and plant as aforesaid shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Closet accommodation in houses occupied by more than one family.

82. Section 44 of the Public Health Act 1936 shall with the necessary modifications apply to a part of a house within the borough occupied by a separate family as it applies to the whole of a house.

83.—(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.

PART IV.
—cont.
Sanitary
conveniences
for workmen.

(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.

84. Nothing contained in the sections in this Part of this Act of which the marginal notes are—

Saving for
railway
companies.

“ Further powers as to future line of street ”;

“ Frontage line in new streets ”;

“ Restrictions on rights of breaking up streets ”;

“ As to urgent repairs of private streets ”;

“ Elevation of buildings erected on front lands to require approval ”;

shall extend or apply to any building (not being a house) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by any such 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.

85.—(1) Unless otherwise agreed in writing between the Corporation and the county council nothing in the sections of this Act of which the marginal notes respectively are “ Adjustment of boundaries of streets ” “ Power to vary width of carriageways and footways ” “ Crossings for horses or vehicles over footways ” and “ As to pavement lights ” shall apply to any county road in respect of which the functions of maintenance and repair are for the time being exercisable by the county council.

For protection
of county
council.

(2) (a) The Corporation shall not give any consent make any requirements or impose any conditions affecting any county road in respect of which the functions of maintenance and repair are for the time being exercisable by the county council under the section of this Act of which the marginal note is “ Signs over streets ” without the consent in writing of the county council but such consent shall not be unreasonably withheld and may be given on such terms and subject to

PART IV.
—cont.

such conditions as the county council may reasonably determine.

(b) Any question arising under this subsection shall be referred to arbitration.

For further
protection of
statutory
undertakers.

86. For the protection of the statutory undertakers (in this section severally referred to as "the undertakers") the following provisions shall notwithstanding anything in this Part of this Act and unless otherwise agreed in writing between the Corporation and the undertakers apply and have effect:—

- (1) Whenever pursuant to any agreement entered into under the powers of section 43 (Adjustment of boundaries of streets) of this Act the Corporation propose to give up to or convey to any person having a legal interest in land any part of a street in or under which any apparatus is laid or placed the Corporation shall give to the undertakers to whom the apparatus belongs notice of their proposal accompanied by a plan showing the position and dimensions of the portion of the street proposed to be given up or conveyed and notwithstanding any agreement entered into or grant or conveyance executed by the Corporation under that section those undertakers their engineers and workmen shall have and may exercise the same powers rights and privileges with respect to such apparatus as if the land in or under which the apparatus is laid or placed had continued to be part of the street or those undertakers may at their option (and if reasonably so required by the Corporation or the owner of the land shall) alter the position of such apparatus to such position under and at such depth below the footway or carriageway of the street as altered under the said powers as may be reasonable:
- (2) Nothing in section 44 (Further powers as to future line of street) or section 45 (Frontage line in new streets) of this Act shall apply to or affect any land specifically authorised by any Act or Order having the force of an Act to be used by any of the undertakers for the generation of electricity or for the manufacture or storage of gas or for a pumping station except with the consent of the undertakers to whom such land belongs but such consent shall not be unreasonably withheld Any question whether any such consent is unreasonably withheld shall be determined by the Minister of Fuel and Power:
- (3) Whenever by virtue of section 47 (Stopping up and diversion of highways) of this Act any highway or

part of a highway in which any apparatus is for the time being laid or placed is stopped up or diverted the undertakers to whom the apparatus belongs shall be at liberty—

(i) to remove it to and relay it in the highway (if any) substituted for the highway or part of a highway so stopped up or diverted in such position as the Corporation may reasonably approve or in such other situation as the Corporation may reasonably approve; or

(ii) to provide and lay in such substituted highway or other situation as aforesaid similar apparatus equally suitable in lieu of such existing apparatus:

(4) Not less than twenty-eight days before the Corporation in the exercise of the powers of section 49 (Power to vary width of carriageways and footways) of this Act add to the carriageway of a street any portion of the footway in or under which any apparatus is for the time being situate the Corporation shall give to the undertakers to whom such apparatus belongs notice in writing of their intention so to do accompanied by a plan and section of the intended alteration and those undertakers may if it is reasonably necessary (and if reasonably so required by the Corporation shall) alter the position of any such apparatus in or under such footway by relaying it in such position (under either the carriageway or the footway) and at such depth as may be reasonable:

(5) Not less than twenty-eight days before the Corporation pursuant to section 52 (Crossings for horses or vehicles over footways) of this Act—

(a) require the construction of a carriage-crossing across any footway in or under which any apparatus is for the time being situate; or

(b) allow the use of any such footway as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor cycle);

the Corporation shall give notice in writing to the undertakers to whom the apparatus belongs and if in consequence of the construction of the carriage-crossing across such footway or the use of such footway for the purpose aforesaid it shall be reasonably necessary to alter the position or depth of the apparatus under the footway the undertakers may (and if so required by the Corporation shall) alter the apparatus by relaying the same in such position and at such depth as may be reasonable:

PART IV.
—cont.

- (6) The undertakers shall give to the Corporation not less than twenty-one days' notice of their intention to alter (otherwise than on the requirement of the Corporation) the position or depth of any apparatus under the foregoing provisions of this section and shall at the same time deliver to the Corporation a plan and section of the proposed alteration. If such plan and section are not disapproved by the Corporation within twenty-one days from the receipt thereof the position and depth of the apparatus shown thereon shall be deemed to be reasonable:
- (7) The Corporation shall repay to the undertakers the reasonable expenses incurred by them of or in connection with (a) the alteration of the position of any apparatus or the provision and laying of any new apparatus under the provisions of subsection (3) of this section (b) the alteration of the position of any apparatus under the provisions of subsections (1) (4) and (5) of this section and (c) the reasonable cost of and incidental to the cutting off of any apparatus and of and incidental to any other works or things rendered reasonably necessary in consequence of any such alteration as aforesaid:
- (8) The Corporation shall not exercise the powers of section 66 (Planting of trees in private streets) of this Act so as to cause damage to or obstruct or render less convenient the access to any apparatus:
- (9) The provisions of section 71 (As to hoardings and similar structures) of this Act shall not except with the consent of the East Surrey Gas Company apply to any wall situate or erected on any land belonging to that company and specifically authorised by any Act or Order having the force of an Act to be used for the manufacture or storage of gas:
- (10) (a) Any difference which may arise between the Corporation and the undertakers under this section (other than a difference arising under subsection (2) and a difference as to the meaning or construction of this section which does not arise in the course of the arbitration) shall be referred to arbitration;
- (b) In settling any difference under this section the arbitrator shall have regard to any duties or obligations which the undertakers may be under in respect of any apparatus and may if he thinks fit require the Corporation to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

PART V.

SEWERS DRAINS &C.

87. For the purpose of facilitating the disposal of surface water and sewage the powers of the Corporation under section 157 of the Public Health Act 1875 shall extend to the making of byelaws requiring any person constructing a new street within the borough to provide separate sewers for the reception of surface water and of sewage respectively.

Separate
sewers for
sewage and
surface water.

88.—(1) If a water-closet drain or soil-pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such nuisance or injury or danger to health could not have been avoided by the exercise of reasonable care be liable to a penalty not exceeding twenty pounds.

Improper
construction
or repair of
water-closet
or drain.

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if the person charged proves to the satisfaction of the court that he has used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

89. Section 81 of the Public Health Act 1936 shall extend to empower the Corporation to make byelaws for preventing slop water from any house or premises from being discharged or thrown or suffered to be discharged or thrown or to pass into any street gully in the borough.

Byelaws as to
throwing slop
water into
street gullies.

90.—(1) Where the Corporation resolve to construct a sewer in a street or part of a street within the borough repairable by the inhabitants at large which has not been previously sewered and the resolution states that the construction of the sewer will in the opinion of the Corporation increase the value of premises fronting adjoining or abutting on such street or part of a street then subject to the provisions of the section of this Act of which the marginal note is "Provisions applicable to the last two preceding sections" the expenses incurred by the Corporation in constructing the sewer so far as they do not exceed the sum authorised by that section shall be apportioned by the Corporation on the premises fronting adjoining or abutting on the street or part of a street according

Apportion-
ment to
frontagers of
expenses of
sewer
constructed
under public
highway.

PART V.
—cont.

to the frontages of the respective premises as existing at the date when the resolution becomes operative.

(2) Such resolution as aforesaid shall become operative when but not until notice thereof is published in a local newspaper circulating in the borough. Copies of the newspaper containing the notice shall be sufficient evidence of the publication thereof.

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

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

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

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

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

Provisions applicable to the last two preceding sections.

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

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

(3) Any owner on whose premises any sum has been apportioned shall be entitled within fourteen days of the service upon him of such notice as aforesaid to appeal to a court of summary jurisdiction against the amount of the sum so apportioned and may on such appeal dispute the correctness of the surveyor's certificate. If the court finds that the certificate of the surveyor is erroneous the court shall order the revision of the sums apportioned not only to the appellant but also to the owners of the other premises affected.

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

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

For the purposes of this subsection—

- (a) a building shall be deemed to be a new building erected after the date in question unless the erection of the building was completed before that date;
- (b) any such re-erection alteration or extension of a building as is mentioned in the Third Schedule to the Restriction of Ribbon Development Act 1935 shall be deemed to be the erection of a new building. Provided that references in the said schedule to the date on which the restrictions came into force shall for the purposes of this subsection be construed as references to the date when the resolution became operative or the street was laid out as the case may be.

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

15 & 16 Geo. 5.
c. 22.

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

PART V.
—cont.

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

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

(9) Where under this section any sum becomes recoverable in respect of any premises that sum together with interest from the date of service of a demand therefor may be recovered summarily as a civil debt by the Corporation from the person who is the owner of the premises at the date when a demand for payment is served and as from that date that sum and interest accrued due thereon shall until recovered be a charge on the premises and on all estates and interests therein and the following provisions of the Public Health Act 1936 shall apply as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

Subsections (2) to (4) of section 291;

Subsection (2) of section 293;

Section 329.

As to evasion
by owners of
sewerage
expenses.

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

- (i) that the owner of any land has conveyed sold leased or otherwise disposed of a portion of the land; and
- (ii) that by reason of such disposition any part of the land has ceased to be or has not become land fronting adjoining or abutting on a street within the meaning of the section of this Act of which the marginal note is "Apportionment to frontagers of expenses of sewer constructed under public highway" or as the case may be of the section of this Act of which the

marginal note is " Apportionment to frontagers of expenses of construction of sewer before land became a street "; and

PART V.
—cont.

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

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

PART VI.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

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

Information to be furnished in case of notifiable disease.

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

95.—(1) As from the commencement of this section any parent or other person having the care or charge of a child attending at a school in the borough who is aware of or has reason to suspect the occurrence of any disease to which this section applies in any person residing with him or is himself suffering from such a disease and who fails forthwith to notify such occurrence to the head teacher principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings.

Parents &c. to notify certain diseases.

PART VI.
—cont.

In any proceeding under this subsection a certificate purporting to be under the hand of the head teacher principal or superintendent of the school at which the child named in the certificate is in attendance stating that he has or has not received any notification as required under this section shall be evidence of the facts stated in such certificate unless the defendant shall require that the person by whom the certificate has been signed shall be called as a witness.

(2) The diseases to which this section applies are notifiable diseases as defined by the Public Health Act 1936 and any other disease which the Minister by regulation made under section 143 of the Public Health Act 1936 declares to be a notifiable disease for the purpose of this section.

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

Restrictions on
attendance at
schools and
places of
assembly.

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

- (a) who is or has been attending any school or any part thereof which for the time being is closed by or on behalf of the local education authority or of the Corporation with the view of preventing the spread of a disease to which this section applies; or
- (b) who is suffering from a disease to which this section applies; or
- (c) who with the view of preventing the spread of a disease to which this section applies has been prohibited from attending school by the medical officer or school medical officer;

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

(2) The diseases to which this section applies are notifiable diseases as defined by the Public Health Act 1936 and any other disease which the Minister by regulation made under section 143 of the Public Health Act 1936 declares to be a notifiable disease for the purpose of this section.

(3) In this section the expression "day school" means a school (not being a school maintained by a local education authority) at which some or all of the children are not boarders

but the provisions of this section shall not apply to the attendance at a day school of children who are boarders at that school.

PART VI.
—cont.

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

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

Power to close schools and exclude children from entertainments.

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

(3) The diseases to which this section applies are notifiable diseases as defined by the Public Health Act 1936 and any other disease which the Minister by regulation made under section 143 of the Public Health Act 1936 declares to be a notifiable disease for the purpose of this section.

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

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

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

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

Removal of infirm and diseased persons in certain cases.

(a) is aged or infirm or physically incapacitated and resides in premises which are insanitary owing to any neglect on the part of the occupier thereof or under insanitary conditions; or

(b) is suffering from any grave chronic disease;

and that such person is unable to devote to himself or to receive from persons with whom he resides proper care and attention and that thorough inquiry and consideration have

PART VI.

—cont.

.012.

shown the necessity in the interest of the health of such person and for preventing injury to the health of or serious nuisance to other persons that he should be removed from the premises in which he is residing the medical officer may make application to a court of summary jurisdiction and such court upon oral proof of the allegations in such certificate and subject to examination of such person by a registered medical practitioner to be nominated by them (if they think fit) may make an order for the removal of such person to a suitable hospital infirmary or other institution or other suitable place provided within the borough or within a convenient distance of the borough and for the detention and maintenance of such person therein for such period not exceeding three months as may be determined by such order or such further period or periods each not exceeding three months as may be determined by any further order or orders made under and in accordance with the provisions of this section :

Provided that any such further order may be made if the court is satisfied by the certificate of the medical officer of the institution and such further evidence (if any) that the court may require that the conditions which led to the making of the original order continue or would recur if the person therein referred to were no longer detained.

(2) When an order has been made under this section for the detention and maintenance of a person in an institution the court on the application of the medical officer may make a further order for the transfer of such person to another institution within the borough or within a reasonable distance therefrom and for his detention and maintenance in such other institution.

(3) The medical officer shall give to any person proposed to be removed under the provisions of this section or to some person being in charge of such person three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(4) The cost of the removal of any person to a hospital infirmary or other institution or place as aforesaid and of his detention and maintenance therein in pursuance of an order made under this section shall be borne by the Corporation and during any period for which a person is so detained the Corporation may and if so required by the court shall make towards the maintenance of any dependants of that person such contributions as the Corporation may think fit or as may be directed by the court as the case may be :

Provided that where the institution to which the said person is to be removed is a public assistance institution the

authority to which the institution belongs may in the exercise of their powers under any scheme made under Part I of the Local Government Act 1929 assume such obligations with regard to the maintenance of the said person and his dependants as may be agreed between that authority and the Corporation.

PART VI:
—cont.
19 & 20 Geo. 5.
c. 17.

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

(6) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to a court of summary jurisdiction acting for the same place as the court which made the order by or on behalf of the person in respect of whom the order was made for the rescission of the order and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made.

Such person or other the person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

(7) The provisions of section 184 (Recovery of expenses of maintenance in certain institutions) of the Public Health Act 1936 shall apply as if such person were a patient maintained in an institution as defined in that section.

(8) The powers of this section shall not be put into operation by the medical officer unless he is authorised by a resolution of the Corporation so to do either generally or in any particular case in which those powers are proposed to be exercised and no order shall be made under the provisions of this section for the removal of any person to any hospital or other institution without the consent in writing of the authority or body having the control thereof.

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

Entry into
premises in
case of disease.

PART VI.
—cont.

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

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

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

Supply of
antidotes
against notifi-
able disease.

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

Further
provisions as
to working
class houses.

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

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

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

Discontinu-
ance of
offensive trade.

103.—(1) In any case in which premises are being used for the carrying on of an offensive trade within the meaning of section 107 of the Public Health Act 1936 and the Corpora-

tion by resolution decide that it is inexpedient in the interests of public health or having regard to any change since the date of the establishment of such offensive trade in the character of the neighbourhood in which such premises are situate that such trade should be carried on in such premises the Corporation may serve on the owner or occupier of such premises notice in writing stating the effect of the resolution and requiring him before the expiration of six months from the date of the notice to cease to use such premises for the carrying on of such offensive trade.

(2) Any person who fails or neglects to comply with any requirement of the Corporation under the provisions of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) If the Corporation require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person compensation for any loss sustained by him in consequence of the action of the Corporation. Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Corporation shall have been given for a period only unless the Corporation shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

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

104. Section 6 of the Housing Act 1936 shall operate so as to empower the Corporation to make byelaws with respect to houses which are let in lodgings or occupied by members of more than one family for requiring a separate approach to each room or tenement separately occupied without passing through any other room or tenement. Byelaws as to lodging-houses.

105. The Corporation may make byelaws for securing the proper ventilation and lighting of any existing stable used for the accommodation of horses (whether the same is used as such at the passing of this Act or not) and for the prevention of insanitary conditions (a) in or about or arising out of any such stable or (b) in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected after the passing of this Act. Byelaws as to stables.

106. Section 82 of the Public Health Act 1936 in its application to the borough shall be extended so as to empower the Corporation to make byelaws prescribing the times and the Byelaws as to burning of refuse.

PART VI.
—cont.

days of the week during which trade refuse may be set fire to or burned in yards and gardens.

Byelaws as to
tipping refuse.

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

(2) The Corporation may by any byelaws made by them in pursuance of this section impose on offenders against the same such penalties as they think fit not exceeding the sum of fifty pounds for each offence and in the case of a continuing offence a daily penalty not exceeding ten pounds.

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

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

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

Prohibition on
sale of
verminous
furniture.

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

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

(3) Any officer of or other person duly authorised by the Corporation in that behalf may enter any premises in which second-hand furniture mattresses bed linen or similar articles

are sold or exposed for sale for the purpose of examining whether there be any contravention of the provisions of this section.

PART VI.
—cont.

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

(5) In this section the expression "dealer" means any person (other than a pawnbroker) who trades in second-hand furniture mattresses bed linen or similar articles for reward as part of his trade or business.

109. The foregoing provisions of this Part of this Act other than those which are mentioned in subsection (3) of the section of this Act of which the marginal note is "Commencement of certain provisions of this Act" shall come into operation on the first day of October one thousand nine hundred and forty-five.

Commence-
ment of certain
provisions of
Part VI of this
Act.

PART VII.

HUMAN FOOD.

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

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

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

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

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

PART VII.
—cont.

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

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

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

(4) (a) The Corporation may refuse to register any such person or premises as is or are referred to in subsection (1) of this section or (after giving one month's notice in writing to the person registered or in whose name any such premises are registered) may revoke the registration of any such person or premises if they are satisfied (as regards any such person) that the public health is or is likely to be endangered by any act or default of such person in relation to the quality storage or distribution of the meat or meat food product or fish or fruit or vegetables as the case may be or (as regards any such premises) that such premises are not suitable to be used for the purposes aforesaid:

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

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

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

(5) The medical officer the sanitary inspector or any other officer of the Corporation appointed for the purpose shall have power at all reasonable times to enter and inspect any premises in the borough in respect of which an application

has been received for registration under the provisions of this section and also any premises which he shall have reason to believe are being used as storage accommodation for meat or meat food product or fish or fruit or vegetables intended for sale from a cart barrow or other vehicle or from a basket pail tray or other receptacle.

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

(7) In and for the purposes of this section—

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

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

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

Notice of slaughter of animal unfit for food.

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

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

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

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

112.—(1) If the medical officer shall certify that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state and that he is employed within the borough in the cooking preparation or handling of food intended for consumption by persons other than himself or

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

PART VII.
—cont.

members of his household and that his continuance in such employment would in the judgment of the medical officer be detrimental to the public health the Corporation may request such person to stop his employment and on such request being made the Corporation may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage.

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

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

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

PART VIII.

PUBLIC BUILDINGS PARKS ETC.

Power to
provide
concert halls
&c.

113.—(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.

(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 and adapt 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.

(4) Notwithstanding anything contained in this section the Corporation shall not without the consent of the county council use for the purposes thereof any land acquired by

them as an open space where the county council have prior to the passing of this Act contributed to the purchase or the acquisition of such land. PART VIII.
—cont.

114.—(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 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:

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.

PART VIII.
—cont.

(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 and may provide and sell or authorise the provision and sale of refreshments at the premises referred to in the last preceding 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 Minister 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 or of any enactment relating to the sale of intoxicating liquor refreshments or tobacco.

Boating pools.

115.—(1) Subject to the provisions of this Act the Corporation may in any park recreation ground or open space belonging to them construct and maintain boating pools together with such buildings works appliances and conveniences as may be necessary or proper in connection therewith.

(2) The Corporation may make such reasonable charges as they may think fit for the admission to and use of any boating pools by this Act authorised to be constructed or any part thereof or any works appliances or conveniences provided in connection therewith or any other buildings erected with the approval of the Minister and the Corporation may if they think fit let any such works appliances conveniences and buildings.

(3) The provisions of subsection (2) of section 44 of the Public Health Acts Amendment Act 1890 shall apply as if a boating pool were a lake or piece of water in a park or pleasure ground provided by the Corporation.

(4) The Corporation may make byelaws for regulating the use of any such boating pool and works appliances and conveniences in connection therewith.

Charges for
and letting of
parks &c. for
games.

116. 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 of 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:

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.

117.—(1) The provisions of section 68 of the Public Health Act 1925 as amended by section 16 of the Restriction of Ribbon Development Act 1935 shall extend to enable the Corporation from time to time to utilise as lands which may lawfully be appropriated as a parking place or as parking places for vehicles such part or parts of their parks recreation grounds or pleasure grounds not exceeding in the case of any park recreation ground or pleasure ground one acre as the Minister may sanction and the provisions of the said section relating to the utilisation for parking places of land not forming part of a street shall mutatis mutandis apply and have effect for the purposes of this subsection.

As to use of parts of recreation grounds for parking places for vehicles and stations for public service vehicles.

(2) The provisions of section 90 of the Road Traffic Act 1930 except subsections (1) (7) and (9) thereof and subsection (2) of section 29 of the Road Traffic Act 1934 shall apply to any parking place provided under this section.

20 & 21 Geo. 5.
c. 43.

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

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

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

Officers may be sworn in as constables.

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

11 & 12 Geo. 5.
c. 31.

PART IX.

LANDS.

Further powers for acquisition of lands.

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

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

Acquisition of land for open spaces.

6 Edw. 7. c. 25.

121.—(1) The Corporation may for the purpose of providing an open space from time to time acquire by agreement any land (not being at the date of such acquisition an open space within the meaning of the Open Spaces Act 1906) in the borough.

(2) If at any time the Corporation are unable to acquire by agreement any open space within the borough which they may reasonably require or any land within the borough which they may reasonably require for the purpose of providing an open space they may purchase such open space or land compulsorily by means of an order made by the Corporation and confirmed by the Minister and the provisions of subsections (2) to (7) inclusive of section 161 and sections 162 and 174 and section 179 of the Act of 1933 except paragraphs (d) (e) (f) (g) and (h) thereof shall apply to and with respect to any such order as if the same were such an order as is referred to in subsection (1) of section 161 of that Act:

Provided that this subsection shall not apply to land vested in the county council under their statutory powers or without their consent to the purchase or acquisition of which they have contributed.

(3) The Corporation may alter adapt and lay out any land acquired by the Corporation under this section or under an order made in pursuance of this section and remove any buildings from such land and otherwise deal with the land so as to make the land an open space within the meaning of the said Act of 1906 and hold the land accordingly as an open space under that Act and exercise with respect thereto all or any of their powers and duties under that Act.

122.—(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 :

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

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

(2) Nothing in this section shall release the Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Corporation or any person from or through whom the Corporation may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in the like manner and to the same extent as if this Act had not been passed.

123. The Corporation on selling any lands may reserve to themselves all or any part of the water rights or other rights or easements belonging thereto and may make the sale subject to such reservation accordingly and may also make any such

PART IX.
—cont.

sale subject to such other reservations special conditions restrictions and provisions with respect to the exercise of noxious trades or the discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Power to
develop lands
&c.

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

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

Proceeds of
sale of surplus
lands.

125.—(1) The Corporation may 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 (subject to the provisions of the section of this Act of which the marginal note is "Consolidated loans fund") apply the same either—

(a) in or towards the extinguishment of any loan raised by them under the powers aforesaid such application being in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister; or

(b) in such other manner as may be approved by the Minister.

(2) Any capital moneys received by the Corporation on the re-sale or exchange of or by leasing any lands acquired under any public general Act from time to time in force in the borough or under any local enactment shall be applied in the same manner as capital moneys received under such public general Act or local enactment are applicable or in such other manner as may be approved by the Minister.

Power to
reinstate
owners of
property.

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

for that purpose and the Corporation may pay or receive money for equality of exchange.

PART IX.
—cont.

127. Nothing in this Part of this Act shall authorise the use laying out or development of any lands or the erection or maintenance of any buildings or the construction of any streets roads or ways in contravention of any provision of any Act or Order which—

Saving for certain enactments.

- (i) prescribes or enables a county council urban local highway or other authority to prescribe a building or frontage line to be observed in any street or road; or
- (ii) prohibits or controls the erection of buildings or the making of excavations within a specified distance of any part of any street or road; or
- (iii) restricts or controls the use of land or the construction of any means of access to land.

PART X.

SALE OF COKE COAL &C.

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

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

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

Penalty on fraudulent sale.

130. Every vehicle carrying coal or coke for sale or for delivery on sale shall have the seller's name and place of business together with the words "coal merchant" or "coke merchant" as the case may require or words to the like effect clearly marked and visible on the front of such vehicle. Provided that this section shall not apply to vehicles belonging to the East Surrey Gas Company and used for the purposes of the undertaking of that company.

Requirements as to vehicles carrying coal or coke for sale or delivery on sale.

PART X.

—cont.

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

As to sale of
coal or coke
otherwise than
in sacks from a
vehicle.

131. Proviso (a) to section 27 of the Weights and Measures Act 1889 in its application to the borough shall be read and have effect as if in that proviso the words "one mile" were substituted for the words "half a mile."

132.—(1) Any person selling or intending to sell or exposing for sale coal or coke from or on a vehicle otherwise than in sacks and not carrying on such vehicle a weighing instrument of a type approved by the Corporation stamped by an inspector of weights and measures shall sell at one time only the whole load of such coal or coke on such vehicle and shall be furnished with a ticket or note stating the gross tare and nett weight of such load and shall produce such ticket or note to any inspector of weights and measures or other officer appointed for the purpose by the Corporation on demand.

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

Application of
this part of
Act.

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

Notice of
Part X.

134.—(1) Public notice of the provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in a newspaper published or circulating in the borough.

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

PART XI.

FINANCIAL.

Power to
borrow.

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

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

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

PART XI.
—cont.
Application of
Act of 1933 to
existing
sinking funds
of Corpora-
tion.

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

Receipts in
case of minors.

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

Closing of
registers.

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

139.—(1) In addition to any other form of borrowing the Corporation may exercise any statutory borrowing power by the issue of bonds to be called " Reigate Corporation bonds " (and in this Act referred to as " bonds ") in accordance with the provisions of this Act.

Power to
borrow by
issue of bonds.

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

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

(4) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899 as amended by section 10 of the Finance Act 1907.

62 & 63 Vict.
c. 9.
7 Edw. 7. c. 13.
54 & 55 Vict.
c. 39.

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

140.—(1) The Corporation may give notice to any person being registered as a holder of any authorised security of the Corporation (other than stock) that they intend to send

Dividend
warrants by
post.

PART XI.
—cont.

interest or dividends to him by post if he does not object and if such person does not within fourteen days from the receipt of such notice give notice to the Corporation of such objection the Corporation may from time to time send orders for the payment of interest or dividend warrants by post to the address of such person appearing in the register. Provided that if such person give notice to the Corporation that he desires such orders or warrants to be sent to another person at a given address the Corporation may from time to time send the same by post to such other person at such address.

(2) Where more persons than one are registered as joint holders of any authorised security any one of them may for the purpose of this section be regarded as the holder of the security unless notice in writing to the contrary has been given to the Corporation by any other of them.

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

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

45 & 46 Vict.
c. 61.

Scheme for
equated
periods.

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

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

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

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

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

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

- (a) all moneys borrowed by the Corporation by the issue of authorised securities together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;
- (b) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose; and
- (c) the appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

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

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

- (a) in the redemption of authorised securities the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Corporation; and
- (b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation:

And the moneys of the consolidated loans fund not used or applied in these ways or about to be so used or applied within

PART XI.
—cont.

a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not except with the consent of the Minister be used or applied otherwise than as provided in this section.

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

(4) The Corporation may pay into the consolidated loans fund any moneys forming part of any reserve capital renewals repairs depreciation contingency superannuation or other similar fund (hereinafter referred to as "the lending fund") and not for the time being required and such moneys shall be deemed to be moneys borrowed by the Corporation within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

(a) The moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the said fund was established; and

(b) There shall be paid out of the consolidated loans fund to the general rate fund an amount equal to the interest on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the average rate of interest payable by the Corporation on their current borrowings and in the accounts of the general rate fund an amount equal to the interest as aforesaid (subject in the case of any of the said funds to any prescribed limit on the amount thereof) shall be credited to the lending fund.

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

(6) The powers conferred by this section shall not be put into operation by the Corporation except in accordance with a scheme to be approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

(7) Any scheme approved by the Minister under this section may be altered amended or revoked by a scheme made in like manner as the original scheme.

143.—(1) The Corporation may establish a fund to be called "the capital fund" to which they may pay any sums derived from the sale of corporate estate the balance of the general rate fund in hand at the close of any year and such other sums from the general rate fund (including a sum equal to the interest earned on the capital fund and any income arising from the application of the fund to the purposes authorised) as the Corporation may by resolution passed at a meeting of the council held after five days' notice direct not being moneys directed by law to be applied to any other purpose:

Provided that—

(a) any sum directed by the Corporation to be paid to the capital fund from the general rate fund (exclusive of the sum equal to the interest earned on the capital fund and the income (if any) arising from the application of the fund to the purposes authorised) shall not exceed in any year the equivalent of a rate of twopence in the pound calculated according to the rules made from time to time by the Minister under sections 9 and 58 of the Rating and Valuation Act 1925;

(b) payments into the capital fund shall cease to be made whenever the said fund amounts to the sum of thirty-five thousand pounds.

(2) The Corporation may apply the moneys in the capital fund for the purpose of defraying (to an amount not exceeding five thousand pounds in any one transaction) expenditure to which capital is properly applicable other than expenditure in connection with the electricity undertaking of the Corporation.

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

(b) Any income arising from the investment or use of the moneys in the capital fund in the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the fund to the purpose authorised shall be carried to and form part of the general rate fund.

(4) All moneys derived from the sale of corporate land which are applied from the capital fund under the provisions of this section shall and all other moneys which are applied from the capital fund under those provisions may if the Corporation think fit be repaid from the account to which such moneys were advanced by such annual instalments with or without interest and within such period as may be determined by the Corporation:

PART XI.
—cont.

Provided that where the advance is in the exercise of a statutory borrowing power such period shall not exceed the period prescribed for the repayment of moneys borrowed under that power.

Renewal and
repairs fund.

144.—(1) The Corporation may if they think fit in any financial year by resolution passed at a meeting of the Council held after five days' notice apply from the general rate fund or from the proceeds of the general rate to a fund to be called "the renewal and repairs fund" any sum not exceeding (without the consent of and to such extent as may be approved by the Minister) the equivalent of a rate of two-pence in the pound calculated according to the rules made from time to time by the Minister under sections 9 and 58 of the Rating and Valuation Act 1925.

(2) The maximum amount standing to the credit of the renewal and repairs fund shall not at any time exceed (without the consent of and to such extent as may be approved by the Minister) twelve thousand pounds.

(3) If in any financial year the amount standing to the credit of the renewal and repairs fund is insufficient for the purposes of that fund the deficiency may be made good out of the general rate fund notwithstanding that the amount of the deficiency when added to any amount applied from the general rate fund under the provisions of this section exceeds the aggregate sum which may in that financial year be applied pursuant to this section.

(4) The renewal and repairs fund shall be applicable only to meet expenditure incurred in repairing maintaining or renewing any buildings works plant appliances or things the cost of repairing maintaining or renewing which is payable out of the general rate fund Provided that such fund shall not be applied in defraying any expenditure in connection with—

(a) buildings works plant appliances or things for the purpose of any undertaking in respect of which the Corporation are empowered under any other enactment to provide a reserve fund; or

(b) buildings in respect of which the Corporation are required by the Housing Act 1936 to keep a housing repairs account.

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

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

145.—(1) Notwithstanding anything contained in any other Act or Order all moneys received by the Corporation whether on capital or revenue account including (but without prejudice to the generality of this provision)—

Receipts and
expenses.

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

(b) interest and other annual proceeds received on the investments forming part of any fund accumulated for the redemption of debt or working capital or as a reserve capital renewals repairs depreciation contingency consolidated loans superannuation or other similar fund (including any interest payable to any such fund in pursuance of the section of this Act whereof the marginal note is "Consolidated loans fund");

shall be carried to and form part of the general rate fund and all payments and expenses made and incurred by the Corporation in respect of any such undertaking or in carrying into execution the powers and provisions of this or any other Act whether public or local (including interest on moneys borrowed by the Corporation and all sums required by law to be paid or transferred or which the Corporation may determine to pay or transfer to any such fund as is referred to in paragraph (b) of this subsection) shall be paid or transferred out of the general rate fund:

Provided that an amount equivalent to the interest and other annual proceeds as aforesaid shall (subject in the case of any of the said funds to any prescribed limit on the amount thereof) be credited to the accounts of the fund of the investments on which the same is received.

(2) Nothing in this section shall authorise the Corporation to apply capital money to any purpose other than purposes to which capital money is properly applicable.

146.—(1) The Corporation shall keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the Corporation undertakings (each of which is in

Accounts.

PART XI.
—cont.

this section separately referred to as "the undertaking") on the one side all receipts in respect of the undertaking (including the income from any such fund as is referred to in paragraph (b) of subsection (1) of the last foregoing section authorised in connection with the undertaking) and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts representing—

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

(2) The Corporation shall show in their accounts relating to the undertaking all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking.

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

Application of
general rate
fund for
certain
purposes

147.—(1) If in respect of any year the moneys received by the Corporation on account of the revenue of any of the Corporation undertakings (including the interest and other annual proceeds received by the Corporation in that year on the investments representing or forming part of any such fund as is referred to in paragraph (b) of subsection (1) of the section of this Act whereof the marginal note is "Receipts

and expenses" provided in connection with the undertaking) shall exceed the moneys expended or applied by the Corporation in respect of that undertaking for the several purposes mentioned in paragraphs (a) (b) (c) and (d) of subsection (1) of the section of this Act whereof the marginal note is "Accounts" the Corporation may in respect of that year (if they think fit) apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes:—

- (a) In the reduction of capital moneys borrowed for the purpose of the undertaking;
- (b) In the renewal and (subject in the case of the electricity undertaking to the consent of the Electricity Commissioners as respects expenditure chargeable to capital account) the construction extension or improvement of any works and conveniences for the purposes of the undertaking;
- (c) In providing a reserve fund in respect of the undertaking by setting aside such an amount as the Corporation may from time to time think reasonable and (unless the amounts so set aside are used under the provisions of the section of this Act whereof the marginal note is "Consolidated loans fund") investing the same in statutory securities until the reserve fund so provided amounts—
 - (i) in the case of the electricity undertaking to a sum equal to one-tenth of the aggregate capital expenditure of the Corporation on that undertaking; and
 - (ii) in the case of any other undertaking to the maximum reserve fund for the time being prescribed by the Corporation;
- (d) In the case of the electricity undertaking in providing subject to the consent of the Electricity Commissioners a fund for working capital but the aggregate amount of such fund shall not at any time exceed a sum equivalent to one half of the gross annual revenue of the undertaking for the time being.

(2) Any reserve fund which has been provided in respect of any of the Corporation undertakings and which was in existence at the commencement of this Act shall be carried to and form part of any reserve fund provided under this section in respect of such undertaking.

(3) Any reserve fund provided under this section may be applied—

- (a) in making good to the general rate fund any deficiency at any time happening in the income of the

PART XI.
—cont.

Corporation from the undertaking in connection with which it is formed; or

- (b) in meeting any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking; or
- (c) (subject in the case of the electricity undertaking to the consent of the Electricity Commissioners as respects expenditure chargeable to capital account) in or towards the payment of the cost of renewing improving or extending any works forming part of the undertaking or otherwise for the benefit thereof;

and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

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

Surplus
electricity
revenue.
16 & 17 Geo. 5.
c. 51.

148.—(1) In lieu of the provisions of subsection (1) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899 and of section 43 of and the Fifth Schedule to the Electricity (Supply) Act 1926 the following provisions shall apply with respect to the electricity undertaking of the Corporation (namely):—

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

(a) if the reserve fund in respect of the electricity undertaking does not amount to more than one-twentieth of the aggregate capital expended for the time being upon the undertaking the charges for electricity supplied by the Corporation shall be reduced by such amount or respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the said excess;

(b) if the said reserve fund amounts to more than one-twentieth of the said aggregate capital the Corporation shall fix such amount as they may think fit (not being less in any case in which the said excess is more than a sum equal to one and a half per centum of the outstanding debt of the undertaking than the difference between that sum and the said excess) and the charges for electricity supplied by the Corporation shall be reduced by such amount or respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the amount so fixed.

(2) The Corporation shall in every year so long as any reserve fund provided in respect of the electricity undertaking is less than the prescribed maximum transfer to that reserve fund out of the general rate fund an amount equal to the interest and other annual proceeds received by the Corporation in respect of all investments forming part of the said reserve fund and carried to the general rate fund.

149. The four last preceding sections of this Act shall be deemed to have come into operation on the first day of April one thousand nine hundred and forty-four.

Date of
operation
of certain
sections.

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

Recovery of
rate &c. from
persons
removing.

151. For the purposes of section 15 of the Rating and Valuation Act 1925 the rates due from the person rated for any hereditament within the borough shall be deemed to be in arrear if such rates are not paid within two months after lawful demand in writing has been made for the same.

As to recovery
of rates from
tenants and
lodgers.

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

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

PART XI.
—cont.

with the rating authority) as are applicable to owners under that section.

Recovery of rates from certain owners.

153.—(1) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rate charged on such hereditament the owner shall be liable to pay to the Corporation so much of any payment in respect of rent received by him from the occupier as shall represent the proportion of rate included in such payment and so much of such payment may on proof of such agreement be recovered by the Corporation from the owner in the same manner and subject to the same conditions under and subject to which rates are recoverable from occupiers of rated hereditaments.

The remedy of the Corporation under this section shall be in addition and without prejudice to their other remedies for the recovery of rates.

(2) For the purposes of this section the expression "owner" in relation to a hereditament means the person who is entitled to receive the rent payable in respect thereof.

(3) This section shall not apply to any hereditament to which subsection (1) of section 11 of the Rating and Valuation Act 1925 applies by virtue of a resolution of the council.

Amendment of section 5 of Reigate Corporation Act 1919. 9 & 10 Geo. 5. c. xxiii.

154.—(1) Paragraph (B) of section 5 (Power to pay certain subscriptions and expenses out of borough fund) of the Reigate Corporation Act 1919 shall be read and have effect as though the words "not exceeding the sum of twenty-five pounds in each case" had been omitted therefrom.

(2) Paragraph (C) of the said section and the proviso thereto is hereby repealed.

PART XII.

MISCELLANEOUS.

Extension of section 2 (3) of Public Health (Interments) Act 1879. 42 & 43 Vict. c. 31.

155.—(1) Subsection (3) of section 2 of the Public Health (Interments) Act 1879 shall be extended to enable the Corporation to accept a capital sum for the purpose of maintaining a particular grave or grave space or monument either in a cemetery provided under the Public Health Acts or in a burial ground provided under the Burial Acts 1852 to 1906.

(2) Any such sum unless applied in any other manner duly authorised shall be invested in statutory securities and the interest thereon applied in maintaining the grave or grave space or monument in such manner as the Corporation think fit.

(3) Any such capital sum and the interest thereon shall be shown separately in the accounts of the Corporation relating

to their cemetery but the said interest shall be paid into the fund to which receipts derived from the cemetery are paid.

PART XII.
—cont.

156.—(a) The Corporation may in connection with the maintenance of any cemetery provided under the Public Health Acts or any burial ground provided under the Burial Acts 1852 to 1906 alter repair straighten or maintain any tombstone or monument and put in order and maintain any grave space therein.

As to
maintenance
of cemeteries
&c.

(b) Before the Corporation exercise any of the powers of this section they shall publish once at least in each of two successive weeks in one or more newspapers circulating in the borough notice of their intention so to do together with a statement of the works to be carried out and such notice shall also state that any person desiring to object to the carrying out of any such works shall give notice in writing to the Corporation of his objection and the grounds thereof within the date stated in the notice (which date shall not be earlier than ten days after the last publication of the notice) If any objection shall be so given to the Corporation and not withdrawn the works to which the objection relates shall not be carried out without the consent of the Secretary of State.

157.—(1) The Corporation may make byelaws for the purposes of regulating the following matters:—

As to sale of
certain articles
for animal
feeding
purposes.

(a) the situation construction and equipment of any premises other than a knacker's yard at which horseflesh or diseased or unsound meat or any product containing any of those substances is sold or is offered or exposed for sale or is in the possession of or deposited with or consigned to any person for the purpose of sale from the premises or of preparation for any such sale as food for any animal or for use in the composition or preparation of any such food; and

(b) the cleanliness and sanitary conditions of such premises and the provision of suitable storage therein for food intended for animal consumption; and

(c) the keeping of accurate records of—

(i) the description quantities and weights of all horseflesh and all meat (whether wholesome or diseased or sound or unsound) and all products of horseflesh or of such meat as last aforesaid delivered at or sold otherwise than by retail at or from any premises (not being a knacker's yard) at which the sale or offer or exposure for sale of horseflesh or diseased or unsound meat or any

PART XII.
—cont.

product containing any of those substances is carried on;

(ii) the dates at which such deliveries and sales take place; and

(iii) the names and addresses of the persons from whom the articles so delivered are obtained and the persons to whom such sales are made.

(2) For the purposes of this section the expression "horseflesh or diseased or unsound meat or any product containing any of those substances" shall not include any horseflesh or meat or any product containing any of those substances which whilst remaining on the premises is contained in tins effectually sealed.

(3) (a) Subject to the provisions of this subsection no premises within the borough (not being a knacker's yard) shall be used for the sale or offer or exposure for sale or deposit or consignment for sale or preparation for sale of horseflesh or diseased or unsound meat or any product containing any of those substances as food for any animal or for use in the composition or preparation of any such food unless such premises are registered under this section for that purpose by the Corporation and a person who uses any premises in contravention of the provisions of this subsection shall be liable in the case of a first offence to a fine not exceeding ten pounds and in the case of a subsequent offence to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding two months or to both such a fine and such imprisonment.

(b) Subject to the following provisions of this subsection the Corporation shall on the application of the occupier or of a person proposing to occupy any premises register those premises for the purposes of this subsection.

(c) If it appears to the Corporation that any premises for the registration of which application has been made under this subsection or which are registered under this subsection do not satisfy the requirements of any byelaws made under subsection (1) of this section or are otherwise unsuitable for use for the purpose for which they are proposed to be used or are being used the Corporation shall serve on the applicant for registration or as the case may be on the occupier for the time being of the premises a notice stating the place and time not being less than seven days after the date of the service of the notice at which they propose to take the matter into consideration and informing him that he may attend before them with any witnesses whom he desires to call at the place and time mentioned to show cause why the Corporation should not for reasons specified in the notice refuse the

application or as the case may be cancel the registration of the premises.

(d) If a person on whom a notice is served under the last preceding paragraph fails to show cause to the satisfaction of the Corporation they may refuse the application or as the case may be cancel the registration of the premises and shall forthwith give notice to him of their decision in the matter and shall if so required by him within fourteen days of their decision give to him within forty-eight hours a statement of the grounds on which it was based.

(e) A person aggrieved by the decision of the Corporation under this subsection to refuse to register any premises or to cancel the registration of any premises may appeal to a court of summary jurisdiction.

(f) The provisions of sections 87 88 89 and 90 of the Food and Drugs Act 1938 shall apply in relation to any appeal to a court of summary jurisdiction and any order determination or other decision of a court of summary jurisdiction and any appeal and any decision of the Corporation under this subsection in the same way as they apply in relation to the corresponding proceedings under that Act.

(g) Upon any change in the occupation of premises registered under this subsection the incoming occupier shall if he intends to use them for the purpose for which they are registered forthwith give notice of the change to the Corporation who shall thereupon make any necessary alteration in their register. If a person required to give a notice under this paragraph fails to do so he shall be liable to a fine not exceeding five pounds.

(4) The medical officer the chief sanitary inspector or any other officer of the Corporation appointed for the purpose and producing if so required his authority shall have a right to inspect any records required by any byelaws made under this section to be kept.

(5) Section 287 (Power to enter premises) and section 288 (Penalty for obstructing execution of Act) of the Public Health Act 1936 shall apply as if any byelaws made under this section were made under the provisions of that Act.

(6) In this section the expression "horseflesh" has the meaning given to it in subsection (5) of section 38 of the Food and Drugs Act 1938 and the expression "knacker's yard" has the meaning given to it in subsection (1) of section 100 of that Act.

158.—(1) The Corporation may erect and maintain on any open space or public place on or adjoining any highway in the borough such weighbridges or weighing machines and

Power to erect weighbridges.

PART XII.
—cont.

offices in connection therewith as they may consider necessary or desirable for the use of the public.

(2) The Corporation may make such reasonable charges as they may determine for and in respect of the use of any such weighbridge or weighing machine.

(3) Any person shall on payment of the proper charges in respect thereof be entitled to use any of the weighbridges or weighing machines erected by the Corporation under the provisions of this section.

(4) The Corporation shall not erect or allow the use of any such weighbridge weighing machine or offices so as to obstruct the access to or exit from any station or depot of a railway company.

(5) The Corporation shall not without the consent of the county council exercise the powers of this section in regard to any county road in respect of which the functions of maintenance and repair are for the time being exercisable by the county council.

Noise nuisance. **159.**—(1) A noise nuisance shall be liable to be dealt with as a statutory nuisance under the Public Health Act 1936 Provided that no complaint to a justice under section 99 of the said Act shall be of any effect unless it is signed by not less than three householders or occupiers of premises within hearing of the noise nuisance which is the subject of the complaint.

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

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

(4) Nothing contained in this section shall apply to a railway company or to the transport board or to the servants of a railway company or the transport board exercising statutory powers.

(5) Nothing in this section shall affect the power of the Corporation to make byelaws under section 249 of the Local Government Act 1933.

160. Every person who shall on Sunday in any street or public place in the borough call or shout or ring any bell or use any noisy instrument for the purpose of selling or advertising any article or commodity shall for every such offence be liable to a penalty not exceeding forty shillings.

PART XII.
—cont.
Penalty for street crying on Sunday.

161. It shall be lawful for the Corporation—

Provision of lectures:

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

(b) to provide suitable rooms for art exhibitions and to permit art exhibitions in such rooms and to let such rooms and to make reasonable charges for admission to such exhibitions:

Provided that the sum to be expended by the Corporation in any one year on the provision of lectures shall not exceed the 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-fourth of a penny in the pound in addition to any moneys received by the Corporation under the provisions of this section.

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

Power to establish information bureaux.

163.—(1) Every undertaking or agreement under seal expressed to be made in pursuance of this section and given by or to the Corporation to or by the owner of any legal estate in land or property on the passing of plans or otherwise in connection with such land or property shall be binding upon such owner and his successors in title and all persons claiming through or under him or them and upon the Corporation and such owner shall be entitled to require from the Corporation a copy of such undertaking or agreement.

Undertakings &c. to bind successive owners.

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

PART XII.
—cont.

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

As to proof of continued existence of pensioners.
1 Edw. 8. &
1 Geo. 6. c. 68.

164. Notwithstanding anything contained in the Local Government Superannuation Acts 1937 and 1939 the Corporation shall not be required to make any payment by way of superannuation allowance or pension under those Acts or under the Pensions (Increase) Act 1944 to or for the benefit of any person unless satisfactory proof is given to the Corporation in such manner and at such times as they may from time to time require of the continued existence of such person.

Payment of pension &c. of person of unsound mind.
53 Vict. c. 5.

165.—(1) Subject to the provisions of this section where a person entitled to receive from the Corporation any sum to which this section applies is lawfully detained as a person of unsound mind in accordance with the Lunacy Act 1890 as amended by any enactment the Corporation may pay the whole of that sum or so much thereof as they think fit to the institution or person having the care of the person so detained as aforesaid and may pay or apply the whole or so much as they think fit of the surplus (if any) thereof to or for the maintenance or benefit of the wife or husband or relations of the person so detained as aforesaid.

(2) Subject to the provisions of this section where a person entitled to receive from the Corporation any sum to which this section applies is in the opinion of the Corporation through mental infirmity incapable of managing his affairs the Corporation may pay or apply the whole or so much as they think fit of that sum to or for the maintenance or benefit of such person or of the wife husband or relations of such person.

(3) This section applies to any sum payable by the Corporation to an employee or former employee or pensioner of the Corporation or the widow or a child of a deceased employee or pensioner by way of salary wages pension superannuation or other allowance gratuity or annuity or by way of repayment with or without interest of contributions made to any superannuation or other fund being either a lump sum not exceeding one hundred pounds or an instalment of a periodical payment not exceeding one hundred pounds per annum.

(4) Not less than fourteen days before exercising their power under this section for the first time in relation to any person the Corporation shall give to the Master in Lunacy notice in writing of their intention in that behalf specifying the name and address of that person and the amount and nature of the sums in respect of which the Corporation intend

to exercise the said power and in relation to any person to whom subsection (2) of this section applies the Corporation shall at the same time give notice in writing to that person in a form approved by the Master in Lunacy:

PART XII.
—cont.

Provided that the Corporation may with the approval of the Master in Lunacy exercise the powers in this section in respect of any person notwithstanding that the said period of fourteen days has not expired.

(5) If at any time the Master in Lunacy gives to the Corporation notice in writing that he objects to the exercise by the Corporation of the said power in relation to any person the said power shall as from the date of the receipt by the Corporation of the notice cease to be exerciseable by the Corporation in relation to that person unless and until the Master withdraws the notice.

(6) The Corporation shall be discharged from all liability in respect of—

- (a) any payment or application of money effected by them in exercise of the said power; and
- (b) any payment or application of money effected by them before the commencement of this Act which might have been effected by them in exercise of the said power if the provisions of subsections (1) (2) and (3) of this section had been in force at the date of the payment or application and had applied to sums of any amount.

166.—(1) The Corporation may from time to time make byelaws— Byelaws as to
pleasure fairs.

- (a) for regulating the hours during which pleasure fairs may be open to the public;
- (b) for securing safe and adequate means of ingress to and egress from the ground upon which any pleasure fair is held;
- (c) for the prevention and suppression of nuisances and for preserving sanitary conditions cleanliness order and public safety at any pleasure fair.

(2) In this section the expression “pleasure fair” means any entertainment which is run for profit and which consists of or includes any or all of the following whether or not in combination with any other forms of entertainment that is to say any travelling circus exhibition of human beings or performing animals merry-go-round roundabout switchback railway cocoanut-shy hoop-la shooting gallery or swings or anything similar to any of the foregoing:

PART XII.
—cont.

Provided that the said expression does not include any fair held by statute charter royal licence letters patent or ancient custom.

Penalty for
throwing
rubbish into
streams.

167. Every person who throws casts deposits or by any other means conveys or causes to be conveyed any rubbish or other solid matter into any river stream or watercourse within the borough so as either singly or in combination with other similar acts of the same or any other person to interfere with the due flow of water or to cause an obstruction shall be liable to a penalty not exceeding five pounds.

As to barriers
in streets.

168.—(1) It shall be lawful for the Corporation at all times of ceremonies public processions rejoicings fairs exhibitions carnivals races sports illuminations or on emergencies to cause barricades to be erected along or 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.

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

(3) Provided that the powers of this section shall not be exercised in such a manner as to cause obstruction to or interference with the access to or exit from any station or depot of a railway company or the transport board except with the consent of such company or board.

Restriction on
right to
prosecute.

169. Section 298 of the Public Health Act 1936 shall apply to offences created by or under Parts IV V VI VII VIII and (except section 160 (Penalty for street crying on Sunday)) XII of this Act as if they were offences created by or under that Act.

As to appeals.

170.—(1) Any person aggrieved by any requirement refusal or other decision of the Corporation or of any officer thereof under Part IV (Streets and buildings) Part V (Sewers drains &c.) Part VI (Infectious disease and sanitary provisions) or Part VII (Human food) of this Act may except where otherwise expressly provided or when some other right of appeal is conferred by this Act appeal to a court of summary jurisdiction.

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

(3) The time within which any such appeal may be brought shall except where otherwise expressly provided be twenty-one days from the date on which the 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 given 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.

PART XII.
—cont.
Byelaws.

171. As respects byelaws made under this Act the confirming authority for the purposes of section 250 of the Act of 1933 shall be—

(a) in the case of byelaws made under the section of this Act of which the marginal note is:—

“ Byelaws as to wires apparatus and fittings ”
the Electricity Commissioners;

(b) in the case of byelaws made under the sections of this Act of which the marginal notes are:—

“ Partial repeal of Act of 1884 and Provisional Order and provisions consequential on such repeal ”;

“ Regulation of petroleum filling stations ”;

“ Byelaws as to pleasure fairs ”;

the Secretary of State; and

(c) in all other cases the Minister.

Compensation
how to be
determined.

172. When any compensation costs damages or expenses is or are by this Act or by any local Act or Order for the time being in force in the borough directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 of the Public Health Act 1936.

In executing
works for
owner
Corporation
liable for
negligence
only.

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

Apportion-
ment of
expenses in
case of joint
owners.

174. Where under the provisions of this Act or any local Act in force in the borough the Corporation shall construct or do any works for the common benefit of two or more

buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

PART XII.
—cont.

175. 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.

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

Application of Arbitration Acts 1889 to 1934.

177. Where under this Act or under any general or local Act for the time being in force in the borough 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.

178. Section 265 of the Public Health Act 1875 shall extend and apply to the purposes of any local enactment as if the same were re-enacted therein.

Application of section 265 of Public Health Act 1875.

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

Inquiries by Ministers.

180.—(1) 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):—

Application of provisions of Public Health Act 1936.

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

PART XII.
—cont.

- 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 293 (Recovery of expenses &c.);
- 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).

(2) 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 to Part IV (Streets and buildings) Part V (Sewers drains &c.) Part VI (Infectious disease and sanitary provisions) and Part VII (Human food) of this Act (that is to say):—

- Section 277 (Power of councils to require information as to ownership of premises);
- 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 295 (Power of local authority to grant charging orders);
- Section 329 (Saving for certain provisions of the Land Charges Act 1925).

Commence-
ment of certain
provisions of
this Act.

181.—(1) The provisions of this Act to which this section applies shall come into operation on but not until such date as may be fixed by a resolution of the council of which date public notice shall be given by the Corporation by advertisement in one or more local newspapers circulating in the borough. Every such advertisement shall also state the effect of the provisions to which it relates and the date specified therein as the date on which such provisions shall come into operation shall not be less than one month after the date of

publication of the advertisement. Provided that if the provision is one which requires the registration of any person or premises the application for the registration may be made and determined before the provision comes into operation.

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

(3) This section shall apply to the sections of this Act of which the marginal notes are—

“ Parents &c. to notify certain diseases ”;

“ Restrictions on attendance at schools and places of assembly ”;

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

“ Notice of slaughter of animal unfit for food.”

(4) As regards any of the said provisions which requires the registration of persons carrying on any business or of premises used for any purpose it shall be lawful for any person who when such provision comes into operation—

(a) was carrying on any such business or using any premises for any such purpose; and

(b) has made application in accordance with the provisions of this Act for such registration as is required by this Act;

to continue to carry on such business and to use such premises for such purpose until such time as he has been informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (6) of the section of this Act of which the marginal note is “ As to appeals.”

182. 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. Saving for indictments &c.

183. For the purposes so far as applicable of the provisions of the Town and Country Planning Acts 1932 and 1943 and the Town and Country Planning Act 1944 and of any order scheme or regulation made under those Acts or any enactment repealed by those Acts and for the time being in force Saving for town and country planning.

PART XII.
—cont.

this Act shall be deemed to have become law before the commencement of the said Town and Country Planning Acts 1932 and 1943 and the Town and Country Planning Act 1944.

Application of
Emergency
Powers
(Defence) Acts
1939 and 1940.
2 & 3 Geo. 5.
c. 62.
3 & 4 Geo. 5.
c. 20.

184. Paragraph (*d*) of subsection (2) and subsection (4) of section I of the Emergency Powers (Defence) Act 1939 as amended by subsection (2) of section 1 of the Emergency Powers (Defence) Act 1940 shall have effect as if this Act had been passed before the commencement of the last-mentioned Act.

Crown rights.

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

Costs of Act.

186. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation in the first instance out of the general rate fund and general rate but ultimately out of moneys to be borrowed under the authority of this Act for that purpose.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

THE UNREPEALED PROVISIONS OF THE PROVISIONAL ORDER.

16. That the conservators may execute any works of drainage and improvement of the said commons so far only as may be required for the purposes of this Order or any proceedings consequent thereon and shall to the extent of their ability preserve the turf shrubs trees plants and grass and for this purpose may inclose by fences for short periods such portions as may require rest to revive the same and may plant or otherwise ornament the said commons and may make necessary paths and provide and place seats for the accommodation of the public in convenient parts thereof No house or other building shall be erected on the said commons except a removable lodge or removable lodges if required for the better maintenance or management of the said commons.

17. That there be reserved for the inhabitants of Reigate Redhill and the neighbourhood free access to and a privilege at all times of playing and attending at games and of enjoying all other species of lawful recreation upon the said commons without payment but subject to such byelaws and regulations as are hereinafter mentioned and with power for the conservators as they may consider expedient to set apart any portion or portions of the said commons for cricket or other games and to form any cricket ground or grounds and to temporarily inclose the same with posts and chains or other open fence so as to prevent cattle straying thereon and to prescribe or arbitrate as to the persons or associations of persons who shall use the same for playing cricket or other games and the times when and for how long the particular persons or associations of persons may exclusively use the same for playing at cricket or other games as aforesaid.

18. That the conservators shall maintain the said commons free from all encroachments It shall not be lawful for any persons other than the conservators without consent in writing under the seal of the conservators to make any temporary or other inclosure of any part of the said commons or to put up any fences posts rails or other matters or things thereon or to lay any sewer drain pipe waterway or other work of a like nature in or through any part of the said commons Provided nevertheless that this clause shall not interfere with any right of the town council of Reigate to make and maintain such sewers as may be necessary for effectually draining their district for the purposes of the Public Health Act 1875 or any future statutory modification thereof Provided also that the said town council notwithstanding as aforesaid shall have exercise and be subject to all the powers authorities duties and liabilities of surveyors of highways under the law for the time being in force so far as regards any highway over the said commons.

19. That for the purposes of police the said commons shall be deemed a place of public resort and the duties of all police constables

1ST SCH.
—cont.

in relation to public safety and preservation of order and protection of property shall extend thereto.

20. That the conservators shall as soon as conveniently may be by writing under seal frame byelaws and regulations for the efficient working and carrying into effect the objects of this Order and regulation thereunder and may from time to time in the same manner frame additional byelaws or repeal or amend existing byelaws.

21. That the byelaws may be directed to all or any of the following objects or purposes (that is to say):—

The prevention of nuisances and the preservation of order on the said commons;

The prevention of encroachments and of the unlawful or unauthorised taking cutting digging and selling the turf sods gravel sand or other substances from the said commons or unlawfully turning any cattle or other animals thereon and the unlawful cutting and felling or the firing or injuring the gorse heather timber or other trees shrubs brushwood or other plants growing thereon;

The prevention of injury to or the defacing or removing of seats fences barriers notice boards or other things put up by the conservators on the said commons;

The prevention of injury to or disfigurement of fences or trees on the said commons by the posting of bills placards or notices;

The prevention of bird-catching bird-trapping taking of birds' eggs or nests and illegal shooting or chasing of game or other animals on the said commons;

The regulation and control of games to be played and other means of recreation on the said commons and of assemblages of persons thereon;

The regulation of the use of the said commons or any part thereof by volunteer corps or others;

The regulation and control of vehicles being driven or horses being exercised by grooms and others on or across the said commons;

The exclusion or removal from the said commons of gamblers cardsharps gipsies squatters vagrants sellers and exhibitors of infamous books prints photographs or pictures or persons guilty of brawling fighting or quarrelling or using indecent or improper language or any disorderly persons and the apprehension of all offenders so that all such persons may be dealt with according to law;

And generally the prevention or restraint of any act or thing tending to the injury or disfigurement of the said commons or to interfere with the use thereof by the inhabitants of Reigate Redhill and the neighbourhood for the purposes of exercise and recreation;

The regulation of the exercise of lawful rights of common subsisting over or on the said commons;

And the conservators may by any byelaws impose upon offenders against the same such reasonable penalties as they shall think fit not exceeding the sum of 40s. for each offence and in the case of a continuing offence a further penalty not exceeding the sum of 20s. for each day after written notice to the person committing such offence. Provided always that all byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

No byelaws shall be repugnant to the laws of England or the provisions herein contained.

22. That the conservators may from time to time appoint officers for securing the observance of the byelaws and may procure such officers to be sworn in as constables.

Any constable or officer of the conservators and any person called to the assistance of such constable or officer may without warrant seize and detain any person committing or having committed any offence against any byelaw of the conservators who shall fail to satisfy such constable or officer as to his true name or address and such constable or officer shall convey him with all convenient speed before a justice to be dealt with according to law.

23. That no byelaws shall be of any validity until the same have been confirmed by one of Her Majesty's Principal Secretaries of State and no repeal or amendment of any existing byelaw or byelaws shall be valid until the same has been confirmed in like manner.

Notice of intention to apply for such confirmation shall be given twice in some newspaper published and circulating in the county of Surrey one calendar month at least before the making of such application. And for one calendar month at least before any such application a copy of the proposed byelaws shall be kept at the office of the conservators and be open during office hours thereat to the inspection of any inhabitant of Reigate Redhill and the neighbourhood without fee or reward and the conservators shall furnish every person who shall apply for the same with a printed copy thereof on payment of a sum not exceeding one shilling for each copy.

After due confirmation a copy of any byelaw or byelaws certified under the hand of the clerk to the conservators to be a true copy and that the byelaw or byelaws certified has or have been duly confirmed shall be evidence until the contrary is proved in all legal proceedings of the validity of such byelaw or byelaws so far as the authenticity and due making thereof are concerned.

All byelaws made by the conservators shall be legibly written or printed at length on boards of suitable size and placed on such parts of the said commons as to the conservators may seem desirable.

24. That any penalty imposed by or under any byelaws as aforesaid may be recovered together with the costs of the proceedings in manner provided by the Commons Act 1876 and all proceedings for the recovery of any such penalty shall be had or taken by the conservators and the penalty recovered shall be paid to the conservators and shall be applied in aid of the costs and expenses of carrying into effect the provisions herein contained.

1ST SCH.
—cont.

25. That except for those persons who are by law entitled it shall not be lawful to turn out any cattle horses sheep or other animals on the said commons but the persons who are by law entitled may continue to exercise their lawful right of turning out cattle or other animals as if this Order had not been made but not further or otherwise.

28. Saving always to all persons and bodies politic and corporate and their respective heirs successors executors and administrators all such estates interests or rights of a profitable or beneficial nature in over or affecting the said commons or any part thereof as they or any of them had before the confirmation of this Order by Parliament or could or might have enjoyed if this Order had not been confirmed by Parliament.

29. That this Provisional Order be without prejudice to the rights of the lords or lord for the time being of the manor of Reigate in the soil of Redhill Common and Earlswood Common and in the franchises of free-warren estrays and other franchises other than the rights of digging or carrying away and licensing others to dig or carry away clay sand gravel or other materials the sum of 3,000£ having been paid to the said Earl Somers as hereinbefore recited as the price of his giving up such rights of digging and licensing others to dig as aforesaid but subject nevertheless to the rights of William Brown and Thomas Williams to dig clay from such parts of Earlswood Common as are defined in their existing licenses during the period and in the manner fixed by such licenses. In the event of any part of the said Redhill Common and Earlswood Common or of the said 16 acres being at any time taken by any railway company or other public company or body or authority under any legislative powers for the purposes of their undertaking or in the exercise of their public duty the lords or lord of the said manor shall in respect of any part of the said Redhill Common and Earlswood Common and the said corporation of Reigate shall in respect of the said 16 acres be entitled to receive the same amount of purchase money or compensation money for their estates rights and interests therein respectively as they would have been entitled to receive in case this Order had not been confirmed by Parliament.

30. That the corporation of Reigate may with the written consent of the conservators under their seal from time to time purchase and acquire with a view to their extinction or otherwise any rights subsisting or claimed in or over the said commons.

SECOND SCHEDULE.

PROVISIONS AS TO CORPORATION BONDS.

I. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than seven years as the Corporation may determine.

2.—(a) Bonds may be issued at such price and at such rates of interest as the Corporation may from time to time determine Provided that bonds shall not be issued at a price lower than par except with the consent of the Minister.

(b) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the Corporation.

(c) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the revenues of the Corporation on or before the date for repayment specified in the certificate issued in respect of the bond.

3. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the town hall Reigate on the dates specified in the certificates issued in respect of the bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

4.—(1) The registrar of the local bonds of the Corporation issued under the Housing Act 1936 shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars:—

(a) The name address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided.

(b) The date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

5.—(1) The Corporation shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(2) If a certificate is worn out or damaged the Corporation on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Corporation on proof thereof to their satisfaction and if they so require on receiving and indemnity against any claims in respect thereof may give a new certificate in lieu of the certificate lost or destroyed.

(4) An entry of the issue of a substituted certificate shall be made in the register.

2ND SCH.
—cont.

(5) A certificate shall be in the following form or in a form substantially to the like effect:—

No.....

BOROUGH OF REIGATE.

REIGATE CORPORATION BONDS.

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

This is to certify that.....
of.....is the registered holder of a Corporation bond for.....pounds (£.....) issued by the mayor aldermen and burgesses of the borough of Reigate under the Reigate Corporation Act 1945 at.....

The corporate seal of the mayor aldermen and burgesses of the borough of Reigate was hereunto affixed in the presence of }

6. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Corporation shall not prevent the holder of the bond from disposing of and transferring the bond.

7.—(1) The transfer of a Corporation bond shall be by deed in the following form or in a form substantially to the like effect:—

FORM OF DEED OF TRANSFER.

REIGATE CORPORATION BONDS:

I
in consideration of the sum of.....
paid by.....
(hereinafter called " the transferee ") do hereby assign and transfer to the transferee.....
To hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same immediately before the execution hereof and I the transferee do hereby agree to accept and take the said.....subject to the conditions aforesaid.

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

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Corporation.

(3) The deed of transfer shall be delivered to and retained by the Corporation and the Corporation shall enter a note thereof in a book to be called " the register of transfers of Reigate Corporation bonds " and shall endorse on the deed of transfer a notice of that entry.

(4) The Corporation shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the Corporation as aforesaid the Corporation shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

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

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

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

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

9. The Corporation shall not be required to pay any executors or administrators any interest on bonds held by their testator or intestate until the probate of the will or the letters of administration has or have been left with the Corporation for registration.

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

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