

# Crosby Corporation Act, 1956

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## CHAPTER XXXII

An Act to extend the boundaries of the borough of Crosby to authorise the Corporation of the said borough to acquire lands compulsorily to make further and better provision for the health local government improvement and finances of the borough and for other purposes. [15th March 1956.]

### WHEREAS—

(1) The borough of Crosby in the county palatine of Lancaster (in this Act referred to as “the borough”) is a municipal borough subject to the jurisdiction of the mayor aldermen and burgesses of the borough (hereinafter referred to as “the Corporation”):

(2) The borough is co-extensive with the parishes of Great Crosby Seaforth and Waterloo:

(3) The parishes of Ince Blundell Sefton and Thornton in the rural district of West Lancashire adjoin the borough:

(4) It is expedient that the boundaries of the borough should be altered and extended so as to include therein parts of the said parishes:

(5) The unrepealed provisions of the local Acts specified in the First Schedule to this Act were immediately prior to the passing of this Act in force in the borough and it is expedient that subject to the provisions of this Act the said provisions should apply throughout the borough as extended by this Act:

(6) It is expedient to confer on the Corporation powers relative to the purchase and use of lands for the purposes mentioned in this Act:

(7) It is expedient that further and better provision should be made with respect to the health local government improvement and finances of the borough and that the powers of the Corporation should be enlarged and extended as by this Act provided:

(8) It is expedient that the other provisions contained in this Act be enacted:

(9) The objects aforesaid cannot be attained without the authority of Parliament:

(10) A plan showing the lands required or which may be taken for the purposes or under the powers of this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the clerk of the county council of the administrative county of the county palatine of Lancaster which plan and book of reference are in this Act respectively referred to as the deposited plan and book of reference:

(11) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen'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

Short title.

1. This Act may be cited as the Crosby Corporation Act 1956.

Division of  
Act into Parts.

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

Part I—Preliminary.

Part II—Extension of borough.

Part III—Lands.

Part IV—Streets.

Part V—Sanitation buildings etc.

Part VI—Nuisances and offensive trades.

Part VII—Infectious diseases.

Part VIII—Public order and safety.

Part IX—Finance etc.

Part X—Miscellaneous.

Part XI—General.



3. The Lands Clauses Acts except section 92 and sections 127 to 132 of the Lands Clauses Consolidation Act 1845 (so far as such Acts are applicable for the purposes of and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act:

PART I  
—cont.  
Incorporation  
of Lands  
Clauses Acts.

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

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

Interpretation.

(2) In this Act unless the subject or context otherwise requires the following expressions have the meanings hereby respectively assigned to them:—

“ Act of 1929 ” “ Act of 1933 ” and “ Act of 1948 ” mean respectively the Local Government Act 1929 the Local Government Act 1933 and the Local Government Act 1948 ;

“ added areas ” means the added parts of Ince Blundell Sefton and Thornton ;

“ added part of Ince Blundell ” “ added part of Sefton ” and “ added part of Thornton ” mean respectively so much of the parishes of Ince Blundell Sefton and Thornton as is respectively coloured green brown and yellow on the borough map ;

“ appointed day ” for the purposes of this section and of Part II (Extension of borough) means the first day of April one thousand nine hundred and fifty-six and for the purpose of any other provisions of this Act has the meaning assigned to it by section 162 (Appointed day except in respect of Part II) of this Act ;

“ 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 ;

“ borough ” means before the appointed day the existing borough of Crosby and on and after the appointed day the existing borough of Crosby as extended by this Act ;

“ borough map ” means the map marked “ Map of the borough of Crosby as extended by the Crosby Corporation Act 1956 ” and signed in triplicate by Sir Rhys Hopkin Morris the chairman of the committee of the

PART I  
—cont.

House of Commons to whom the Bill for this Act was referred one copy of which has been deposited in the Parliament Office of the House of Lords one in the Private Bill Office of the House of Commons and one with the town clerk at his office ;

“classified road” has the same meaning as in the Act of 1929 ;

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

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

“council” means the council of the borough ;

“county” and “county council” mean respectively the administrative county of the county palatine of Lancaster and the county council of that county ;

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

“dock board” means the Mersey Docks and Harbour Board ;

“dock estate” means the estate of the dock board within the borough ;

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

“excluded part of” followed by the name of any of the existing parishes means the part of the parishes of Ince Blundell Sefton and Thornton which is not included in the added part thereof ;

“existing” in relation to any area altered by this Act means existing immediately before the appointed day ;

“existing areas” means the existing rural district of West Lancashire and the existing parishes of Ince Blundell Sefton and Thornton ;

“food” has the same meaning as is assigned thereto by section 33 of the Food and Drugs Amendment Act 1954 ;

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

“Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part V of the Town and Country Planning Act 1947 by the Lands Tribunal Act 1949 and by the Town and Country Planning Act 1954 ;

- “ local Acts ” means the local Acts and Order specified in the First Schedule to this Act ;
- “ Minister ” means the Minister of Housing and Local Government ;
- “ notifiable disease ” means (a) any notifiable disease as defined by section 343 of the Public Health Act 1936 and (b) any infectious disease to which section 144 of that Act for the time being applies in the borough by virtue of regulations made under section 143 thereof ;
- “ private streets ” means streets to which the Private Street Works Act 1892 applies or land which is deemed to be a private street by virtue of subsection (2) of section 48 of the Town and Country Planning Act 1947 ;
- “ Provisional Order ” includes a special order and any order having the effect of an Act of Parliament ;
- “ revenues of the Corporation of the existing borough ” and “ revenues of the Corporation of the borough ” include respectively the general rate fund and all rates exchequer contributions and other revenues whether arising from any land or undertaking or from any other source receivable by the Corporation ;
- “ rural district ” and “ rural council ” mean respectively the rural district of West Lancashire and the rural district council of that district ;
- “ seashore ” means and includes every part of the seashore foreshore and sands of the estuary of the river Mersey or Irish Sea within the borough ;
- “ statutory borrowing power ” means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any enactment or sanction of any government department made or given or to be made or given by authority of any enactment but does not include the power to borrow by way of temporary loan or overdraft which is conferred by paragraph (a) of subsection (1) of section 215 of the Act of 1933 ;
- “ statutory securities ” means any securities in which trustees are for the time being authorised by law to invest trust money and any mortgages bonds debentures debenture stock stock or other securities created by a local authority as defined by section 34 of the Local Loans Act

PART I  
—cont.

1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation ;

“ statutory undertakers ” means any authority company body or person authorised by any Act of Parliament or order having the force of an Act of Parliament to supply electricity gas or water ;

“ street byelaws ” means any byelaws for the time being in force in the borough with respect to the level width and construction of new streets ;

“ structure ” means a wall fence hoarding or similar erection but for the purpose of this definition the expression “ wall ” does not include a wall forming part of a permanent building ;

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

“ town clerk ” “ treasurer ” “ medical officer ” “ surveyor ” and “ sanitary inspector ” mean respectively the town clerk the treasurer the medical officer of health the surveyor and any sanitary inspector of the Corporation and include any person duly appointed by the council to discharge temporarily the duties of any of those officers ;

“ tribunal ” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(3) Except where the context otherwise requires any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

## PART II

## EXTENSION OF BOROUGH

*Preliminary*

Commence-  
ment of  
Part II of Act. 5. Save as otherwise expressly provided and except so far as there may be anything in the subject-matter or context inconsistent therewith this Part of this Act shall come into operation on the appointed day :

Provided that for the purposes of—

(a) the preparation of any register of local government electors to be published in the year one thousand nine hundred and fifty-six ;

(d) The councillors who immediately before the appointed day represent the Little Crosby Ward and the East Ward of the borough shall on and after that day respectively represent those wards as extended by this Act.

PART II  
—cont.

11.—(1) The council shall not later than the first day of November one thousand nine hundred and fifty-seven or such later date as the Secretary of State may allow present a petition under and in accordance with the provisions of section 25 of the Act of 1933 praying for any of the things mentioned in paragraphs (b) (c) (d) and (e) of subsection (1) of that section: Future revision of wards.

Provided that for the purposes of this section proposals which provide for an increase in the number of the wards of the borough without any alteration of the boundaries of the wards of the existing borough shall be deemed to be proposals to give effect to the prayer of a petition for an alteration of the number and of the boundaries, of the wards of the borough.

(2) Failing presentation by the council of a petition under subsection (1) of this section section 25 of the Act of 1933 shall have effect as if such a petition had been presented by the council to Her Majesty and the requirements of subsection (1) of the said section 25 had been complied with and the petition stood referred to the Secretary of State.

12.—(1) For the purposes of the application to the borough of the provisions of paragraph (c) of section 57 of the Act of 1933 the added areas shall be deemed to have always formed part of the borough. Qualification for election and office.

(2) Any person who continues in office after the appointed day as a member of a joint board or joint committee shall not during his existing term of office be deemed to lose his qualification for being a member by reason of any alteration of area made by this Act and shall retire from office on the day on which he would have retired if this Act had not been passed.

13.—(1) Subject to the provisions of the Act of 1933 with respect to the alteration of electoral divisions of the county the added areas shall be separated from the Aughton electoral division of the county and shall be included in and form part of the Crosby electoral division thereof. County electoral divisions.

(2) The councillors of the county who immediately before the appointed day represent the Aughton electoral division and the Crosby electoral division shall be deemed to have been elected to represent those divisions as altered by this Part of this Act respectively and shall retire on the day on which they would have retired if this Act had not been passed.

PART II  
—cont.Rural district  
councillors.

14. Subject to any order made by the county council under section 141 of the Act of 1933 the rural council shall continue and shall be deemed to have been elected for and shall be the rural district council for the rural district as altered by this Act and the persons who immediately before the appointed day are the rural district councillors representing the existing parishes of Ince Blundell Sefton and Thornton respectively shall continue in office and be deemed to have been elected to represent those parishes as altered by this Act on the rural council and shall retire on the day on which they would have retired respectively from office if this Act had not been passed.

Casual  
vacancies.

15. Any casual vacancy which may exist on the sixteenth day of February one thousand nine hundred and fifty-six in the office of borough councillor county councillor rural district councillor or parish councillor for any ward electoral division district or parish which by virtue of this Act is altered shall be deemed to exist in the office of councillor for that ward electoral division district or parish as altered by this Act.

Parish  
councils.

16. Subject to the provisions of any order which may be made by the county council under the Act of 1933 with respect to parish councils and parish councillors—

- (a) the parish councils of the existing parishes of Ince Blundell Sefton and Thornton shall be the parish councils of those parishes as altered by this Act;
- (b) any person immediately before the appointed day in office as a parish councillor for any of the existing parishes of Ince Blundell Sefton and Thornton shall on the appointed day become a parish councillor for that parish as altered by this Act but shall retire from office on the day on which he would have retired from office if this Act had not been passed.

*Property liabilities powers of existing authorities*Corporation  
property  
liabilities etc.

17. Subject to the provisions of this Part of this Act all property immediately before the appointed day vested in the Corporation for the benefit of the existing borough (not being property held for any charitable trust) shall by virtue of this Act be held by the Corporation for the benefit of the borough and the Corporation shall hold enjoy and exercise for the benefit of the borough all the powers privileges and rights which immediately before that day are exercisable by or vested in the Corporation for the benefit of the existing borough and all liabilities which immediately before the appointed day attach to the Corporation in respect of the existing borough shall on that day attach to them in respect of the borough.

18. So much of any sums borrowed by the Corporation or by their predecessors as immediately before the appointed day is owing and charged upon a fund or rate of the existing borough or the revenues of the Corporation of the existing borough shall be charged upon the revenues of the Corporation of the borough and all interest due on any such moneys outstanding at any time shall be paid out of the revenues of the Corporation of the borough.

PART II  
—cont.

Loan debts of Corporation.

19. Subject to the provisions of this Act and to any necessary adjustments thereunder—

Loan debts of rural council.

(a) the liability for repayment of so much of any moneys borrowed by the rural council or of their predecessors for a purpose relating exclusively to any part of the added areas as immediately before the appointed day is owing and for the payment of the interest thereon shall by virtue of this Act be transferred to and attach to the Corporation ;

(b) so much of any moneys borrowed as aforesaid as immediately before the appointed day is owing shall by virtue of this Act be charged upon the revenues of the Corporation of the borough ;

(c) nothing in this Part of this Act shall prejudice or affect the validity of any mortgage or other security which has been granted in respect of any borrowed moneys the liability for the repayment of which is transferred to the Corporation by paragraph (a) of this section or prejudice or diminish the powers of any person entitled under any such mortgage or other security to enforce the same as if this Act had not been passed and where for any such purpose it is necessary to continue the exercise of a power which would have existed but for this Part of this Act the power may continue to be exercised as if this Act had not been passed and the general rate shall for any such purpose be levied and have effect in substitution for the rate which would have been leviable if this Act had not been passed.

20.—(1) As from the appointed day—

Roads in added areas.

(a) the Act of 1929 shall have effect as if the Corporation had claimed under section 32 of that Act to exercise the functions of maintenance and repair of the classified county roads in the added areas ; and

(b) all unclassified roads in the added areas shall cease to be county roads and shall vest in the Corporation and for the purposes of the maintenance repair and improvement of and other dealing with any such road the Corporation shall have the same powers and

PART II  
—cont.

duties as respects such roads as they have as respects unclassified roads (not being county roads) vested in them prior to the appointed day.

(2) In this section the expression “unclassified roads” means highways repairable by the inhabitants at large which are not classified roads.

(3) Nothing in this section shall affect the provisions of subsection (2) of section 31 of the Act of 1929 in their application to any unclassified road in the added areas becoming a classified road nor the rights of the Corporation under section 32 of the said Act in respect of any road in the added areas which after the appointed day becomes a county road.

(4) If at any time after the appointed day any classified road in the added areas becomes an unclassified road such road shall thereupon cease to be a county road and shall vest in the Corporation and for the purposes of maintenance repair and improvement of and other dealing with such road the Corporation shall have the same powers and duties as respects that road as they have as respects unclassified roads (not being county roads) vested in them prior to the appointed day.

Property etc.  
of rural  
council.

**21.** Subject to the provisions of this Part of this Act and to any necessary adjustments—

(a) any property or liabilities which immediately before the appointed day is or are vested in or attach to the rural council or the parish council of an existing parish of which a part is comprised within the added areas in relation exclusively to any part of the added areas shall by virtue of this Act be transferred to and vest in or attach to the Corporation and shall be a matter for adjustment under this Act;

(b) any property or liabilities which immediately before the appointed day are vested in or attach to the rural council or such parish council in relation to any part of the added areas conjointly with any other area shall be a matter for adjustment under this Act.

Powers of  
rural council.

**22.** The rural council (except as provided in section 44 (Contribution orders precepts and arrears of rates) of this Act) and the parish councils of Ince Blundell Sefton and Thornton shall cease to exercise any powers or discharge any duties within any part of the added areas.

Urban powers  
in excluded  
parts of  
parishes.

**23.** All the powers rights duties capacities liabilities and obligations of an urban district council and the powers in relation to the chargeability of expenses with which the rural council are invested in pursuance of any order issued by the Local Government Board or the Minister under the Public Health Acts in



respect of any of the existing parishes portions of which are by this Act included within the boundaries of the borough shall be deemed to vest in and attach to the rural council in respect of those respective parishes as altered by this Act.

PART II  
—cont.

24. Subject to the provisions of this Part of this Act any powers and duties of the parish council of a parish any part of which is comprised within the added areas so far as they relate to or affect any part of the added areas shall be vested in and imposed on the Corporation. Powers of parish councils.

25.—(1) Subject to the provisions of this Act the unrepealed provisions of the local Acts and of any other local Act or of any Provisional Order affecting the existing borough or the Corporation thereof so far as the same respectively are in force within the existing borough immediately before the appointed day shall extend and apply to the borough and any reference in any such Act or order to the existing borough and the Corporation thereof shall be deemed to refer to the borough and the Corporation thereof. Local Acts.

(2) The provisions of any section for the benefit or protection of the rural council or of the parish council of a parish any part of which is comprised within the added areas or their respective predecessors contained in any local Act Confirmation Act Provisional Order or other enactment by whomsoever obtained so far as they relate to or affect any part of the added areas shall enure on and after the appointed day to the benefit or protection of the Corporation and shall be construed as if a reference to the Corporation were substituted for any reference to any such council or their predecessors as the case may be.

26.—(1) Subject to the provisions of this section—

Adoptive Acts.

(a) the provisions of any public general Act in force throughout the existing borough by virtue of an adoption by the council or their predecessors and any order in force under such Act throughout the existing borough shall apply to the borough as extended by this Act;

(b) the provisions of any public general Act in force in the added areas or any part thereof by virtue of an adoption by the rural council or their predecessors and any order in force under such Act in any part of the added areas shall cease to have effect in relation to such part.

(2) This section shall not apply to any order made under the Public Health Acts Amendment Act 1907 or the Public Health Act 1925.

## PART II

—cont.

Orders under  
Shops Act  
1950.

27. Any order which is in force under the Shops Act 1950 immediately before the appointed day in any area affected by this Act shall subject to the provisions of the Shops Act 1950 remain in force and apply to the area to which it applies immediately before the appointed day.

Rating areas  
and valuation  
lists.

28.—(1) The added areas shall be deemed to form part of the rating area of the borough.

(2) The valuation list of the existing borough and the portions of the valuation lists of the rural district which relate to hereditaments in the added areas (modified as may be necessary to give effect to the provisions of section 38 (Deduction in ascertaining rateable value of land covered with water etc.) of this Act) shall together form the valuation list of the borough as from the appointed day.

(3) The remaining portions of the valuation list of the rural district shall be the valuation list of that district as from the appointed day.

Sunday  
Entertainments  
Act 1932.

29. Section 1 of the Sunday Entertainments Act 1932 shall as from the appointed day extend to the borough as before that day it extended to the existing borough.

Orders under  
section 33 of  
Local  
Government  
Act 1894 and  
section 271 of  
Act of 1933.

30. Subject to the provisions of any order which the Minister may on or after the appointed day make the provisions of any order in force immediately before the appointed day made by the Minister or his predecessors and conferring upon the council of the existing borough any of the powers relating to the matters mentioned in section 33 of the Local Government Act 1894 or in section 271 of the Act of 1933 and in that order so far as such powers are still in force or still have effect shall be deemed to have effect as if any reference in those provisions to the existing borough the council of the existing borough and the existing parish of Great Crosby extended and applied respectively to the borough the council and the parish of Crosby as extended by this Act.

Orders under  
Public Health  
Acts  
Amendment  
Act 1907 or  
Public Health  
Act 1925.

31. Subject to any order which the Minister or the Secretary of State may make on or after the appointed day the following provisions shall have effect as regards orders under the Public Health Acts Amendment Act 1907 or the Public Health Act 1925:—

(a) The provisions of any order made before the appointed day and declaring to be in force throughout the existing borough any parts or sections of either of those Acts shall have effect as if any reference in that order to the existing borough extended and applied to the borough and as if such parts or sections were accordingly declared to be in force in the borough:

(b) The provisions of any other order made under either of the said Acts which is in force immediately before the appointed day throughout the existing borough shall extend and apply to the added areas:

(c) The provisions of any order made before the appointed day and declaring to be in force in any part of the added areas any parts or sections of either of the said Acts shall cease to apply to such part of the added areas and the parts or sections declared by any such order to be in force shall (save as in this section provided) cease to be in force within such part of the added areas but this section shall not prejudice or affect any proceedings which are pending on the appointed day.

**32.**—(1) All byelaws made by the Corporation which are in force within the existing borough immediately before the appointed day shall apply to the borough until they are repealed or altered and any byelaw made by the rural council shall on that day cease to apply within the added areas. Byelaws regulations and scales of charges.

(2) (a) All byelaws made by the county council which are in force within the existing borough immediately before the appointed day shall apply to the borough until repealed or altered.

(b) All other byelaws made by the county council which are in force within the added areas immediately before the appointed day shall cease to be in force therein.

(3) Any proceedings which if this Part of this Act had not been passed might have been taken for any offence against any byelaw (other than a byelaw made by the county council and continued in force by the provisions of the last foregoing subsection) alleged to have been committed before the appointed day within the added areas may be taken by the Corporation.

(4) In this section "byelaws" includes any regulation scale of charges list of tolls or table of fees or payments.

**33.** Any licence certificate exemption or permit granted or issued by an authority to any person residing in or in respect of any property matter or thing within the added areas and subsisting at the appointed day which could have been granted or issued by the Corporation or some other authority for the same purpose to any person residing in or in respect of any property matter or thing within the existing borough shall continue in force for the period for which it was granted or issued as fully and effectively as if it had been granted or issued by the Corporation or such other authority. Licences certificates exemptions and permits.

PART II  
—cont.

Crosby  
Litherland  
and  
Waterloo joint  
cemetery  
district.

34. The added areas shall be included in the constituent area of the Corporation within the meaning and for the purposes of the Crosby Litherland and Waterloo Joint Cemetery Order 1933 as amended by the Borough of Crosby Scheme 1937 the Crosby Litherland and Waterloo Joint Cemetery Amendment Order 1938 and the Crosby Litherland and Waterloo Joint Cemetery Board Order 1949 and any reference in the said order of 1933 to the Corporation and to the constituent area of the Corporation shall be construed as a reference to the extended borough.

*Officers*

Meaning of  
"officer" in  
certain sections  
of this Act.

35. In section 36 (Officers of Corporation continued) and section 37 (Compensation to existing officers) of this Act the expression "officer" unless the context otherwise requires includes a servant.

Officers of  
Corporation  
continued.

36. The town clerk and all other officers of the Corporation of the existing borough who hold office immediately before the appointed day shall continue to be the town clerk and officers of the Corporation of the borough and shall hold their offices by the same tenure as before that day.

Compensation  
to existing  
officers.

37.—(1) Every existing officer who suffers loss of employment or diminution of emoluments which is attributable to the passing of this Part of this Act shall be entitled to have his case considered for the payment of compensation by the Corporation such compensation to be determined in accordance with the provisions of the schedule to the Local Government (Compensation) Regulations 1948 and subject to the provisions of this section those regulations shall apply accordingly with any modifications which the Minister may by order consider it necessary or expedient to make for the purpose of the application of the said regulations to compensation under this Part of this Act.

(2) For the purposes of this section and the said regulations as applied thereby the expression "existing officer" means a person who immediately before the passing of this Act devoted the whole of his time and had devoted the whole of his time for a period of not less than eight years previously after attaining the age of eighteen years without a break of more than twelve months at any one time either—

(a) to any of the following employments or to two or more or to any combination of such employments namely:—

(i) employment under the Crown or in the local government service in Great Britain; or

(ii) employment by any authority or body for the purposes of the Crown or of local government service in Great Britain; or

(iii) employment under any officer engaged in any such employment as aforesaid for the purposes of the functions of the employing authority or body ; or

(b) partly to any such employment as aforesaid or to two or more or to any combination of such employments and partly to—

(i) employment as a superintendent registrar or registrar of births and deaths or as a registrar of marriages or as a person designated by a local authority to act as a deputy superintendent registrar or registrar of births and deaths ; or

(ii) war service as defined by the said regulations undertaken on ceasing to follow any of the employments mentioned in paragraph (a) of this subsection or any combination thereof.

(3) Nothing in this section or in the said regulations as applied thereby shall entitle a person to have his case considered for the payment of compensation unless—

(a) the cause of the claim arises not later than ten years after the passing of this Act ;

(b) the claim is made not later than two years after the date on which the cause of claim arises ; and

(c) the other conditions prescribed by paragraph (b) of regulation 5 of the said regulations are fulfilled.

#### *Supplementary provisions*

**38.** For the purposes of all valuation lists of the borough the amount of the deduction to be made under paragraph (c) of subsection (1) of section 22 of the Rating and Valuation Act 1925 from the net annual value of such rateable hereditaments within the added areas as are included in class (3) of the hereditaments specified in column (1) of Part II of the Second Schedule to that Act shall notwithstanding the provisions of any Act be the same as the amount of the deduction made from the net annual value of similar hereditaments in the existing borough.

Deduction in ascertaining rateable value of land covered with water etc.

**39.**—(1) The Minister (if he thinks fit) on the application in writing not more than six months and not less than two months prior to the appointed day of the local authority as in this section defined of the part of the added area in respect of which the application is made and after considering any representations that may be made to him by the Corporation may order that for the period or periods stated in the order the total amount in the pound of the general rate to be made and levied upon rateable hereditaments existing immediately before the appointed

Differential rating.

PART II  
—cont.

day (except rateable hereditaments erected by the Corporation) situate in the part of the borough comprising the part of the added area in respect of which such application may be made shall be less than the total amount in the pound of the general rate to be made and levied upon hereditaments within that part of the borough which comprises the area of the existing borough by such sum or sums as may seem equitable to him.

(2) For the purposes of this section "the local authority" means as the case may require the rural council and the parish council of an existing parish any part of which is comprised within the added areas.

Financial  
adjustments.

40. Where in consequence of any alteration of areas or authorities made by this Act any adjustment of any property income debts liabilities or expenses so far as they are affected by the alteration is required an adjustment shall be made between the councils or other authorities affected under and in accordance with section 151 of the Act of 1933 as if this Part of this Act were an order made under Part VI of that Act.

## Jury service.

41. For the purpose of summoning jurors and of jury service any parish affected by this Part of this Act shall be deemed to continue unaltered until a new jurors' book for the parish as altered comes into force.

Local land  
charges  
registers.

42.—(1) The local registrars for the county and for the rural district respectively under the Land Charges Act 1925 and the rules made thereunder shall within one month after the appointed day supply to the local registrar for the borough an office copy of every entry in the local land charges registers for the county and the rural district respectively relating to any land situate within the added areas and shall be paid by the Corporation in respect thereof such fees as are prescribed by the said rules.

(2) The local registrar for the borough shall within one month after the receipt of the office copy mentioned in subsection (1) of this section enter the same with any necessary modifications in the appropriate part of the local land charges register of the borough.

(3) Until the entries are made as aforesaid or until the expiration of two months from the appointed day whichever be the earlier the following provisions shall have effect in respect of all land within the added areas:—

(a) The local registrar for the borough shall give notice to any person desiring to make a personal search that an additional search should be made in the registers of the county and the rural district:

- (b) Where application is made for an official search the local registrar for the borough shall issue free of charge a certificate of official search in the register of the borough and shall forward to the local registrar for the rural district the application received by him together with the fees paid in respect thereof and shall also forward to the local registrar for the county a copy of the application:
- (c) The local registrars for the rural district and for the county shall permit and make such searches and furnish such office copies and certificates as they would have been required to permit make and furnish and shall in relation thereto have the same powers and be subject to the same obligations as if this Act had not been passed:
- (d) The fees in respect of searches permitted or made and in respect of certificates furnished by the local registrar for the county in pursuance of the provisions of paragraph (c) of this subsection shall be paid by the Corporation:
- (e) Where an entry of a local land charge which has been duly made in the local land charges register of the county or of the rural district is required by this section to be transferred from the register of the county or the rural district to the register of the borough such charge shall not be void as against a purchaser for money or money's worth of a legal estate in the land affected thereby by reason only that it has not been entered in the register of the borough.

43.—(1) The clerk of the rural council shall as soon as may be after the passing of this Act and in any case before the appointed day send to the town clerk a copy of every entry in any register of the rural council under any enactment rule order or regulation for the time being in force which relates to any property matter or thing relating to or which otherwise affects the added areas and the town clerk shall include in the appropriate register of the Corporation the particulars sent to him under this section.

(2) Any exemption in force immediately before the appointed day from the operation of any such enactment rule order or regulation which may have been granted by the county council in respect of any such property matter or thing shall continue in force until the exemption shall expire.

(3) Subsection (1) of this section shall not extend to any matter for which provision is made in section 42 (Local land charges registers) of this Act.

PART II  
—cont.Contribution  
orders precepts  
and arrears  
of rates.

**44.**—(1) Notwithstanding the alteration of areas effected by this Part of this Act all contribution orders and precepts made or issued before the appointed day shall be as valid in law as if this Act had not been passed.

(2) All rates not collected immediately before the appointed day in respect of hereditaments within the added areas shall be collected and recovered by the Corporation.

(3) Any rates so collected and recovered shall be a matter for adjustment under this Act.

Books and  
documents.

**45.**—(1) All public books writings and papers of an existing parish affected by this Part of this Act relating exclusively to any part of the added areas and all documents relating exclusively to any part of the added areas and directed by law to be kept with the public books writings and papers of such parish (except any book or document relating to the affairs of the church or to ecclesiastical charities or to a parochial non-ecclesiastical charity) and all plans papers and writings of the rural council relating exclusively to any part of the added areas shall be deposited in such custody as the Corporation may direct.

(2) Any ratepayer of any existing parish any part of which is comprised within the added areas shall at all times have the same right of inspection and of making extracts from the public books writings papers and documents referred to in this section as he would have had if this Part of this Act had not been passed.

As to  
registration  
districts.

**46.** Nothing in this Part of this Act shall affect the area of any existing registration district or sub-district without prejudice however to the exercise of the powers contained in the Registration Service Act 1953 as to the alteration thereof.

Saving for  
private street  
works.

**47.**—(1) No alteration effected by this Part of this Act shall affect any notices given or proceedings taken by or on behalf of the county council under the Private Street Works Act 1892 in relation to any street situate within the added areas or any part thereof but such proceedings may be continued and completed by the county council in accordance with the provisions of the said Act or section as if this Act had not been passed.

(2) Where before the appointed day any works under the Private Street Works Act 1892 have been completed in a street situate within the added areas or any part thereof no alteration effected by this Part of this Act shall affect the liability of any owner to defray any sum which may be or has been apportioned upon him in respect of the cost of the works and any such sum shall be recoverable by the county council.

Saving for  
qualification of  
councillors.

**48.** Any member of a local authority who is to continue in office after the appointed day shall not during his term of office



current immediately before that day be deemed to lose his qualification for being a member by reason of the alterations of area made by this Part of this Act.

PART II  
—cont.

**49.**—(1) No alteration effected by this Part of this Act in the area of any local or other authority shall cause to abate or shall prejudicially affect or prevent the continuance of any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against any such authority or any contract deed bond agreement or other instrument (subsisting immediately before the appointed day) entered into or made by that authority or their predecessors: Savings for actions contracts etc.

Provided that—

- (a) any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against any such authority in relation exclusively to any part of the added areas may be continued prosecuted and enforced by or against the Corporation; and
- (b) all contracts deeds bonds agreements and other instruments (subsisting immediately before the appointed day) entered into or made by any such authority or their predecessors in relation exclusively to any part of the added areas shall continue and be in force as fully and effectually as if instead of that authority or their predecessors the Corporation had been a party thereto.

(2) All legal proceedings pending immediately before the appointed day may be amended in such manner as may be necessary or proper in consequence of this Part of this Act.

**50.** Nothing in this Part of this Act shall—

Other saving provisions.

- (a) be construed as restricting any power under the Act of 1929 or the Act of 1933 of altering any of the areas or the constitution of any authority or committee;
- (b) alter the area of any constituency or affect the powers of the Corporation or the county council under section 11 of the Representation of the People Act 1949 for the division of a constituency into polling districts for parliamentary elections and the appointment of polling places for parliamentary elections;
- (c) alter the area of any ecclesiastical parish or prejudice vary or affect any power right interest or jurisdiction in over or in connection with any charitable endowment;
- (d) (save as in this Act expressly provided) affect the provisions of the Rating and Valuation Acts 1925 to 1940 and of Parts III and IV of the Act of 1948;
- (e) affect land tax.

## PART III

## LANDS

Power to  
acquire lands.

**51.**—(1) Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands in the borough delineated on the deposited plan and described in the deposited book of reference (except the lands numbered 1 on the deposited plan) as may be required for the purposes of public walks and pleasure grounds.

(2) The powers of the Corporation for the compulsory purchase of land under this section shall cease after the expiration of three years from the first day of December one thousand nine hundred and fifty-five.

Correction  
of errors in  
deposited plan  
and book of  
reference.

**52.**—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plan or in the deposited book of reference the Corporation after giving ten days' notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the county for the correction thereof.

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

(3) Any such certificate shall be deposited with the clerk of the county council and the town clerk and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Corporation to take the land in accordance with the certificate.

(4) Any certificate deposited under this section with any person shall be kept by him with the other documents to which it relates.

Acquisition  
of part only  
of certain  
properties.

**53.**—(1) For the purposes of this Act the following provisions of this section shall have effect in substitution for section 92 of the Lands Clauses Consolidation Act 1845.

(2) No person shall be required to sell a part only of any house building or factory or of a park or garden belonging to a house if he is willing and able to sell the whole of the house building factory park or garden unless the tribunal determines—

(a) in the case of a house building or factory that such part as is proposed to be taken can be taken without material detriment to the house building or factory; or

(b) in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

PART III  
—cont.

(3) If the tribunal determines as aforesaid compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the Corporation that part of the house building factory park or garden.

54. At any time after serving a notice to treat in respect of any land that may be acquired compulsorily under this Act but not less than one month after giving the owner and occupier of the land notice of their intention to exercise the powers of this section the Corporation may enter on and take possession of the land or such part thereof as is specified in the last-mentioned notice without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845: Power to expedite entry.

Provided that the Corporation shall pay the like compensation for land of which possession is taken under this section and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with.

55. Any person acting on behalf of the Corporation and duly authorised by the town clerk may at all reasonable times enter on any land that may be acquired compulsorily under this Act for the purpose of surveying or valuing the land: Power to enter for survey or valuation.

Provided that no land shall be entered under this section unless the Corporation not less than twenty-four hours before the first entry and not less than twelve hours before any subsequent entry have given notice to the owner and occupier of the land.

56. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act the tribunal shall not take into account— Disregard of recent improvements and interests.

(a) any improvement or alteration made or building erected after the fifth day of December one thousand nine hundred and fifty-four; or

(b) any interest in the land created after the said date;

which in the opinion of the tribunal was not reasonably necessary and was made erected or created with a view to obtaining or increasing the compensation or purchase money.

57.—(1) Any private right of way over any land that may be acquired compulsorily under this Act shall if the council so resolve and give notice of their resolution to the owner of the Extinction of private rights of way.

PART III  
—cont.

right be extinguished as from the acquisition of the land whether compulsorily or by agreement or as from the expiration of one month from the service of the notice whichever is the later.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Corporation compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

## Grant of easements by persons under disability.

**58.**—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may if he thinks fit subject to the provisions of those Acts grant to the Corporation any easement or right required for the purposes of this Act in over or affecting any such lands (not being an easement or right of water in which some person other than the grantor has an interest).

(2) The provisions of the said Acts with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesaid.

## Provision of substituted sites.

**59.** The power of the Corporation of purchasing land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners and occupiers of land that may be acquired under any enactment.

## Agreements with adjoining owners.

**60.**—(1) The Corporation may enter into and carry into effect agreements with any person being the owner of or interested in any land abutting on any portion of land that may be acquired under this Act with respect to the sale by the Corporation to him of any land.

(2) The Corporation may accept as satisfaction of the whole or any part of the consideration for any such sale the grant by the purchaser of any land required by the Corporation for the purposes of this Act or any easement or right so acquired.

## Appropriation and disposal of land.

**61.**—(1) Section 163 of the Act of 1933 shall apply to any land acquired by the Corporation under this Act whether or not the land is required for the purposes for which it was acquired or has since been appropriated or is being used.

(2) Notwithstanding anything in subsection (1) of the said section the purpose for which the Corporation may appropriate any such land shall not require the approval of the Minister unless it was acquired under section 64 (Acquisition of land in advance of requirements) of this Act.

(3) The Corporation may sell lease exchange (paying or receiving or without paying or receiving money for equality of exchange) or otherwise dispose of any such land as aforesaid in such manner and for such consideration and on such terms and conditions as they think fit (whether in consideration of the execution of works or of the payment of a capital sum or of an annual rent or of payment in any other form):

PART III  
—cont.

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

(4) Nothing in this section shall authorise the disposal of any land by the Corporation whether by sale lease exchange or other disposition in breach of any trust covenant or agreement binding upon the Corporation.

(5) Sections 164 and 165 of the Act of 1933 shall not apply to any such land as aforesaid.

**62.** With respect to any land acquired under this Act the Corporation may if they think fit— Powers of leasing.

- (a) accept a surrender of any lease of the land granted by them or their predecessors in title and grant either to the lessee or tenant under the surrendered lease or to any other person a new lease of all or any of the land leased by the surrendered lease ;
- (b) grant reversionary leases of all or any of the said land ;
- (c) in any such lease or agreement give to the lessee or tenant or intended lessee or tenant on such terms and conditions as the Corporation think fit an option to purchase the fee simple in reversion or other the reversionary interest of the Corporation in all or any of the land leased or agreed to be leased.

**63.**—(1) Any capital money received by the Corporation on the resale or exchange of or by leasing any land acquired under this Act may (so far as they consider necessary and subject to the approval of the Minister) be applied by them in the purchase of other land. Proceeds of disposal of surplus land.

(2) Any capital money so received and not so applied shall be applied in or towards the extinguishing of any loan raised by the Corporation under any enactment.

(3) Any application of money under the last foregoing subsection shall unless the Minister on the application of the Corporation otherwise directs and subject in that event to such

PART III  
—cont.

conditions as he may impose be in addition to and not in substitution for such method of extinguishing the loan as may have been adopted by the Corporation under any enactment.

(4) Any application of money under the foregoing subsections shall be subject to the provisions of subsection (2) of section 166 of the Local Government Act 1933.

(5) Any capital money received by the Corporation on the resale or exchange of or by leasing any land acquired under any enactment other than this Act shall be applied in the same manner as capital money received under that enactment is applicable or in such other manner as may be approved by the Minister.

Acquisition  
of land in  
advance of  
requirements.

**64.**—(1) The Corporation may acquire by agreement (whether by purchase lease or exchange) any land whether situate within or without the borough 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 notwithstanding that the land is not immediately required.

(2) Any land acquired under this section may until it is appropriated under section 163 of the Act of 1933 be used for the purpose of any of the functions of the Corporation and until it is so appropriated all expenses incurred by them in respect of the land shall be payable out of the general rate fund.

(3) The Corporation shall not acquire land under section 158 of the Act of 1933.

Development  
of land.

**65.**—(1) The Corporation may (with the consent of the Minister) lay out and develop any land for the time being belonging to them and not required for the purpose for which it was acquired and may on any such land erect and maintain houses shops offices warehouses and other buildings and construct sewer drain pave channel and kerb streets:

Provided that nothing in this section shall apply to land acquired by the Corporation under section 38 or section 40 of the Town and Country Planning Act 1947 or to land appropriated by them for the purposes for which land can be acquired under those sections.

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

Compensation  
may be in land.

**66.**—(1) The Corporation when they are required by any enactment to make compensation to any person interested in

any lands may by agreement with such person make such compensation wholly or partly in works land or money but in the case of land for the alienation of which the consent of any government department is required only with such consent.

PART III  
—cont.

(2) Nothing in this section shall release the Corporation or any person purchasing or acquiring any land or interest in land 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 the land or interest has been conveyed or leased to or otherwise acquired by the Corporation or any persons from or through whom the Corporation have derived title to it.

#### PART IV

#### STREETS

##### *New streets*

67.—(1) Where a plan and sections of a new street have been deposited with the Corporation in pursuance of street byelaws and have been approved by them no person shall without their consent begin to erect a building on land abutting on the street until he has defined by posts or in some other suitable manner the approved line width and level of so much of the street as abuts on the land on which the building is to be erected and on any land which will be occupied in connection with the building.

Prohibition of building until street defined.

(2) Where the approved width of a new street has been defined as aforesaid no person shall begin to erect a building or structure nearer to the centre of the street than the line of the posts or other marks by which the width has been so defined.

(3) If any person contravenes the provisions of either of the foregoing subsections he shall be liable to a penalty not exceeding twenty pounds and the Corporation may—

(a) in the case of a contravention of subsection (1) define as aforesaid the approved line width and level of the new street ; and

(b) in the case of a contravention of subsection (2) remove the building or structure ;

and in either case recover the expenses of so doing from that person.

68.—(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of street byelaws are approved by them they may by notice prohibit the erection of any building

Prohibition of building until street formed and sewered.

PART IV  
—cont.

on land abutting on the street until the carriageway of the street has been constructed and the street has been sewered in accordance with the said byelaws:

Provided that where the plan shows that the street will exceed one hundred yards in length the Corporation shall divide the street for the purpose of the notice into lengths not exceeding one hundred yards and each such length shall for that purpose be treated as a separate street.

(2) Any such notice shall be given to the person by whom or on whose behalf the plan and sections were deposited and the prohibition imposed thereby shall be binding on successive owners of the land to which it relates.

(3) If any person contravenes the provisions of any such notice he shall be liable to a penalty not exceeding twenty pounds and the Corporation may construct the carriageway and works of sewerage which should have been constructed and recover the expenses of so doing from that person.

(4) This section shall have effect subject to the provisions of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 with respect to the avoidance of any such notice for want of registration as a local land charge.

(5) The execution of any works under the provisions of this section shall not relieve any person from any liability under the provisions of any enactment relating to private street works for the time being in force in the borough.

Termination of  
new streets.

69.—(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of street byelaws are approved by them they may for the purpose of securing adequate means of communication between the new street and any other street (whether existing or intended) by notice prohibit the erection or retention of any structure at either end of the new street on land belonging at the time of the deposit to the owner of the land upon which the new street is proposed to be constructed or laid out:

Provided that no such notice shall affect any structure existing at the time of the deposit until both the new street and that other street have become highways repairable by the inhabitants at large.

(2) Any such notice shall be given to the person by whom or on whose behalf the plan and sections were deposited and the prohibition imposed thereby shall be binding on successive owners of the land to which it relates.

(3) If any person contravenes any notice under this section he shall be liable to a penalty not exceeding twenty pounds and the Corporation may remove the structure and recover the expenses of so doing from that person.



(4) This section shall have effect subject to the provisions of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 with respect to the avoidance of any such notice for want of registration as a local land charge.

PART IV  
—cont.

**70.**—(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of street byelaws are approved by them they may for the purposes of safety by notice require that the corners formed at the junction of the new street with another street (whether existing or intended but not being a trunk road) shall be rounded or splayed off in such manner as may be specified in the notice.

Rounding or  
splaying off  
corners at  
street  
junctions.

(2) Any such notice—

- (a) shall be given to the person by whom or on whose behalf the plan and sections were deposited; and
- (b) shall be binding on successive owners of the land to which it relates.

(3) The Corporation shall pay compensation to any person injuriously affected by the exercise of powers conferred by this section and in default of agreement the amount thereof shall be determined by arbitration in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(4) If any person lays out or constructs a new street otherwise than in compliance with a notice in respect of the street under this section he shall be liable to a penalty not exceeding twenty pounds and the Corporation may do such work as may be necessary to comply with the notice and recover the expenses of so doing from that person.

(5) Nothing in this section shall extend or apply to any new street constructed within the dock estate except so far as such new street forms a junction with another street not situate in the dock estate.

(6) This section shall have effect subject to the provisions of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 with respect to the avoidance of any such notice for want of registration as a local land charge.

**71.**—(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of street byelaws are approved by them they may for the purpose of securing the proper laying out or development of any estate through which the street is to run by notice require that such provision shall be made—

Adjustment of  
boundaries of  
estates in  
connection  
with streets.

- (a) for adjusting and altering the boundaries of the estate and any other estate adjacent or near thereto and for effecting exchanges of land in connection therewith; and

PART IV  
—cont.

(b) for the removal modification or imposition of covenants restrictions and conditions attaching to the land comprised in the estate or any such other estate ;

as may be necessary or desirable having regard to the line and layout of the new street.

(2) Any such notice shall be given to the owners of all the estates affected thereby.

(3) The powers conferred by subsection (1) of this section may also be exercised on the approval of a plan for the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street.

(4) The provision so to be made and the terms and conditions upon which it is to be made shall failing agreement between the Corporation and the persons interested in the respective estates be determined by arbitration.

(5) An agreement or award made under this section may provide for the payment of money by the Corporation but no such award shall provide for the payment of money by any other person without his consent.

(6) Any award made under this section shall operate to effect any adjustment or alteration of boundaries or exchange of land or the removal modification or imposition of covenants restrictions and conditions attaching to any land which may be provided for by the award and shall be duly stamped accordingly.

(7) The costs and expenses of any arbitration under this section shall unless and except in so far as the award may otherwise provide be paid by the Corporation.

(8) Any land or money received by any person in respect of any adjustment or alteration of boundaries or exchange of land under this section shall be held by him subject to the same trusts if any as the land exchanged therefor.

(9) Any land received by any person as aforesaid shall also be held subject to the same covenants restrictions and conditions if any so far as the same are applicable as the land exchanged therefor and any such covenants restrictions or conditions shall be deemed to be applicable unless otherwise provided in an agreement or award made under this section.

(10) For the purposes of this section the Corporation may themselves purchase any land by agreement and—

(a) may sell or lease the whole or part of any land so purchased at such time and at such price and on such conditions as they think fit ; or

(b) may exchange the whole or part of any such land for other land at such time and on such conditions as they think fit and pay or receive money for equality of exchange; or

(c) may appropriate any such land for any purpose approved by the Minister;

and until any such sale lease exchange or appropriations may occupy manage or let the land or any part thereof in such manner as they think reasonable:

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

(11) In this section the expression "estate" includes any parcel of land.

#### *Improvement of streets*

72.—(1) Subject to the provisions of this section the Corporation shall have power in any street vested in them or on any land acquired by them for the purpose of the construction or improvement of any such street or for preventing the erection of buildings detrimental to the view from the street—

Trees grass  
verges and  
gardens.

(a) to plant trees or shrubs or place tubs in which to grow trees or shrubs;

(b) to lay out grass verges or gardens;

(c) to provide guards or fences and otherwise do anything expedient for the maintenance or protection of such trees shrubs tubs grass verges or gardens;

(d) to cut down any such tree or shrub to remove any such tub and to abolish any such grass verge or garden or enlarge or diminish the area thereof;

(e) by notice to prohibit persons from entering upon or causing or permitting horses cattle or vehicles to enter upon any such grass verge which is maintained in an ornamental condition or mown or any such garden.

(2) Any such notice as is referred to in paragraph (e) of the foregoing subsection shall be conspicuously posted on or in proximity to the grass verge or garden to which it relates and if any person contravenes a notice so posted he shall be liable to a penalty not exceeding twenty shillings.

(3) The powers conferred by this section shall not be exercised so as to hinder the reasonable use of the street 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 abutting on the street.

PART IV  
—cont.

(4) Section 1 of the Roads Improvement Act 1925 shall cease to apply to highways vested in the Corporation or to any such land as is referred to in subsection (1) of this section and anything done by the Corporation under that section with respect to such highways or lands before the passing of this Act shall be deemed to have been done under this section.

(5) Nothing in this section shall affect the duty of the Corporation to provide footpaths or grass or other margins under section 58 of the Road Traffic Act 1930.

(6) Where the Corporation carry out works under any enactment relating to private street works they may with the consent of the owners of premises fronting adjoining or abutting on the part of the street in which the works are carried out exercise the powers conferred by this section in that part and the expenses incurred in so doing shall be deemed part of the expenses of carrying out the works.

The reference in this section to the consent of the owners of the said premises is a reference to the consent of the majority of them where the rateable value of the premises owned by the persons consenting is greater than the rateable value of the rest of the said premises.

Variation of width of carriageways and footways.

**73.**—(1) Subject to the provisions of this section the Corporation may vary the relative widths of the carriageway and footway or footways in any street in the borough being a highway repairable by the inhabitants at large.

(2) The Corporation shall not exercise the powers of this section in relation to a trunk road without the consent of the Minister of Transport and Civil Aviation.

(3) At least twenty-one days before commencing any work under this section which will materially reduce the width of the carriageway or any footway of a classified road the Corporation shall send notice of the proposed work to the Minister of Transport and Civil Aviation.

(4) The Corporation shall not exercise the powers of this section in relation to so much of any street as is situate upon a bridge over any railway or upon the approaches to any such bridge without the consent in writing of the railway undertakers concerned:

Provided that such consent shall not be unreasonably withheld and any question whether it is unreasonably withheld shall be determined by the Minister of Transport and Civil Aviation.

Adjustment of boundaries of streets.

**74.**—(1) Subject to the provisions of this section the Corporation may enter into and carry into effect agreements with persons having a legal interest in land adjoining any street in the borough not being a trunk road for the adjustment of the boundary of the street.

(2) For the purposes of this section the Corporation—

(a) may exchange land including land forming the site of the street for other land and pay or receive money for equality of exchange ; and

(b) shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey any such land in accordance with the agreement.

(3) As from the date of any such exchange as aforesaid all public rights over the part of any such street so exchanged shall be extinguished.

(4) No such agreement shall be entered into until the expiration of one month from the date on which notice giving particulars of the proposed agreement has been published in some local newspaper circulating in the borough.

(5) During the said period of one month any four ratepayers may appeal to a court of summary jurisdiction against the proposal to enter into the agreement.

(6) Where the street is a county road (whether the Corporation have claimed to exercise the functions of maintenance and repair of the street or not) the county council shall have the same right of appeal as any four ratepayers have under the last foregoing subsection.

(7) 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 land of the Corporation in any case in which the consent of that department would have been required if this Act had not been passed.

(8) In this section the expression "ratepayer" means a person who is liable to any rate in respect of property in the borough entered in any valuation list and includes an occupier of such property who pays rent inclusive of rates.

**75.**—(1) Subject to the provisions of this section the Corporation may affix to any building in the borough such lamps brackets pipes electric lines and apparatus (in this section called "attachments") as may be required for the purposes of street lighting. Attachment of street lamps brackets etc.

(2) The Corporation shall not affix attachments to a building under this section without the consent of the owner of the building:

Provided that where in the opinion of the Corporation any consent required under this subsection is unreasonably withheld they may apply to the appropriate authority who may either allow the attachments subject to such conditions (if any) as to rent or otherwise as the authority thinks fit or disallow the attachments.

PART IV  
—cont.

(3) Where any attachments have been affixed to a building under this section and the person who gave the consent or who was the owner of the building when the attachments were allowed by the appropriate authority ceases to be the owner thereof the subsequent owner may give to the Corporation notice requiring them to remove the attachments and subject to the provisions of this subsection the Corporation shall comply with the requirement within three months after the service of the notice:

Provided that where in the opinion of the Corporation any such requirement is unreasonable they may apply to the appropriate authority who may either annul the notice subject to such conditions (if any) as to rent or otherwise as the authority thinks fit or confirm the notice subject to such extension (if any) of the said three months as the authority thinks fit.

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

(5) If the owner of any building suffers damage by or in consequence of the affixing to the building of any attachments under the powers of this section he shall be entitled to be paid by the Corporation compensation to be determined in case of dispute in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(6) In this section the following expressions have the meanings hereby assigned to them:—

“appropriate authority” means a magistrates’ court except that in relation to a building mentioned in the first column of the following table it means the Minister specified in relation thereto in the second column of that table:—

1	2
Building forming part of an aerodrome licensed pursuant to an order made under the Civil Aviation Act 1949 or any enactment repealed by that Act.	The Minister of Transport and Civil Aviation.
Building which— (i) is subject to a building preservation order made under section 29 of the Town and Country Planning Act 1947; or (ii) is included in a list of buildings of special architectural or historic interest compiled or approved under section 30 of the last-mentioned Act; or (iii) is alleged by the owner thereof to be a building of special architectural or historic interest.	The Minister.

Building owned by a highway authority or railway canal dock or inland navigation undertakers.		The Minister of Transport and Civil Aviation.
Building owned by electricity or gas undertakers	...	The Minister of Fuel and Power.
Building owned by statutory water undertakers	...	The Minister.

“ building ” includes a structure and a bridge or aqueduct over a street ;

“ owner ” means—

(a) in relation to a building occupied under a tenancy for a term of years whereof five years or more remain unexpired and not forming part of such an aerodrome as aforesaid the occupier of the building ;

(b) in relation to a building forming part of such an aerodrome as aforesaid the person having control of the aerodrome ;

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

and the expression “ owned ” shall be construed accordingly.

#### *Protection and repair of streets*

76.—(1) Where the forecourt of any premises abutting on a street in the borough or any steps or projection or goods (whether for sale or not) placed in any such forecourt is or are a source of danger obstruction or inconvenience to the public the Corporation may by notice require the owner or occupier of the premises to fence the forecourt from the street.

(2) The provisions of section 290 of the Public Health Act 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of the said section 290.

77.—(1) If the council by resolution determine that any stall or other erection on any forecourt in the borough is by reason of its character injurious to the amenities of the street on which the forecourt abuts the Corporation may by notice require the owner or occupier of the forecourt either to make such alterations in the stall or erection as may be necessary to prevent it from being injurious to the amenities of the street or if he so elects to remove it.

Forecourts  
injurious to  
amenities of  
street.

PART IV  
—cont.

(2) The provisions of section 290 of the Public Health Act 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

(3) In this section the expression “erection” does not include an advertisement to which regulations made under section 31 of the Town and Country Planning Act 1947 for the time being apply.

Restriction  
on buildings  
under  
footways.

**78.**—(1) After the date of the passing of this Act no part of any building (including the foundations) shall except with the consent of the Corporation be constructed so as to extend under the footway of any street in the borough at a less depth than six feet below the surface of such footway:

Provided that the Corporation shall not consent to the construction of any part of a building under a trunk road without the approval of the Minister of Transport and Civil Aviation.

(2) Any person aggrieved by the refusal of the Corporation to give their consent under this section may appeal to a court of summary jurisdiction.

(3) If any person contravenes the provisions of this section he shall be liable to a penalty not exceeding twenty pounds.

(4) Where any person is convicted of an offence under subsection (1) of this section the court by which he was convicted may order him within such time as may be fixed by the order to remove or alter the part of the building so that it no longer contravenes the provisions of this section and if he fails to comply with the order—

(a) he shall be liable to a penalty not exceeding forty shillings for each day on which the failure continues; and

(b) the Corporation after giving him notice of their intention so to do may remove the part of the building concerned and recover from him the expenses incurred by them in so doing:

Provided that he shall not be liable to a penalty for any day after that on which the Corporation have given him notice of their intention to remove the part of the building.

(5) Nothing in this section shall extend or apply to—

(a) the construction of any building (not being a house or a building to be used as offices) by any statutory undertakers or the British Transport Commission in exercise of their statutory powers;



(b) the construction of any building within the dock estate used or intended to be used for or in connection with the dock undertaking of the dock board except in so far as any part of such building is constructed so as to extend under the footway of any street which is not within the dock estate.

PART IV  
—cont.

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

Urgent repairs  
of private  
streets.

Provided that the cost of the repairs executed in any street in any period of three consecutive years under this section shall not exceed fifty pounds for each one hundred yards of the length of the street.

(2) The exercise by the Corporation of their powers under this section shall not prejudice their powers under the provisions of any enactment relating to private streets for the time being in force in the borough.

**80.**—(1) Where in any highway in the borough repairable by the inhabitants at large any danger or obstruction is caused or is likely to be caused to persons or vehicles using such highway by reason of the erection thereon or thereover of any hoarding or scaffolding or of the presence thereon or therein of any defective gully grid grating manhole or other cover step area grate or other fitting or structure of whatsoever character or description (all of which are in this section included in the expression "defective fitting or structure") the surveyor may cause proper boards or fences to be put up for the protection of passengers or vehicles and may cause such hoarding or scaffolding or such boards or fences to be lighted during the hours of darkness.

Fencing and  
lighting of  
obstructions in  
highways.

(2) Any expenses reasonably incurred by the Corporation in erecting or removing any such board or fence or in lighting any such hoarding scaffolding board or fence shall be recoverable from the owner of the hoarding or scaffolding or of the defective fitting or structure or from the person or persons responsible for the erection of the hoarding or structure on or over the highway or for the condition of the defective fitting or structure.

(3) The provisions of this section shall not apply in cases where there is a duty to secure the observance of the requirements of paragraphs (a) to (e) of subsection (1) of section 8 of the Public Utilities Street Works Act 1950.

**81.**—(1) No person shall mix mortar cement plaster or any like substance in any street in the borough repairable by the inhabitants at large except upon such board or in such receptacle

Mixing of  
mortar etc.  
in streets.

PART IV  
—cont.

as will protect the street from such mortar cement plaster or substance:

Provided that this section shall not apply to the mixing in any street of any substance for the purposes of making up maintaining reinstating repairing altering or improving such street.

(2) If any person contravenes the provisions of this section he shall be liable to a penalty not exceeding forty shillings.

Removal of  
trees etc.  
from streets.

**82.** Where any tree or structure or any part thereof falls on or across any street in the borough the Corporation may remove the same and recover the reasonable cost of so doing from the owner thereof or if such owner was not in beneficial occupation of the land upon which such tree or structure or any part thereof was situated from the occupier thereof:

Provided that the Corporation shall not exercise the powers of this section—

- (a) as respects any street belonging to the British Transport Commission without their consent;
- (b) as respects any street within the dock estate without the consent of the dock board.

*Miscellaneous*

Stopping up  
and diversion  
of highways.

**83.**—(1) Subject to the provisions of this section a magistrates' court—

- (a) 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
- (b) if so satisfied that such a highway can be diverted so as to make it nearer or more commodious to the public may by order authorise it to be so diverted.

(2) An application or order under this section—

- (a) may provide for 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;
- (b) may be made with respect to any part of a highway;
- (c) may be made with respect to two or more highways or parts of highways which are connected with each other;

and in relation to any application or order in respect of a part of a highway or two or more highways or parts of highways any reference in the following provisions of this section to a highway shall be construed as a reference to that part or those highways or parts of highways as the case may be.

(3) No application or order shall be made under this section with respect to a trunk road or a public path within the meaning of Part IV of the National Parks and Access to the Countryside Act 1949.

(4) No order shall be made under this section unless the court is satisfied that notice of the intention to apply for the order specifying the time and place at which the application is to be made and the terms of the order applied for (embodying a plan showing the effect of the order)—

(a) has at least twenty-eight days before the date on which the application is made been served on the local planning authority the statutory undertakers in whose area or limits of supply the highway so proposed to be stopped up or diverted is situate and on the owners or reputed owners and the occupiers of all land abutting on the highway and also when the application relates to a classified road on the Minister of Transport and Civil Aviation ; and

(b) has during at least twenty-eight days before the said date been exhibited in such manner and in such positions on or near the highway as may be 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 the 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.

(5) No order under this section authorising the diversion of a highway—

(a) shall be made unless the written consent of the local planning authority and of every person having a legal interest in the land over which the highway is to be diverted is produced to and deposited with the court ;

(b) shall authorise the stopping up of any part of the highway until the new part to be substituted for the part stopped up has been completed to the satisfaction of two justices of the peace and a certificate to that effect signed by them has been transmitted by their clerk to the clerk of the peace of the county.

(6) On the hearing of the application the Corporation the local planning authority 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.

PART IV  
—cont.

(7) An appeal against a decision of a magistrates' court under this section may be brought to quarter sessions by any person (including the Corporation and the local planning authority) who was entitled under the last foregoing subsection to be and was or claimed to be heard on the application and for the purposes of the provisions of the Summary Jurisdiction Act 1879 as amended by the Summary Jurisdiction (Appeals) Act 1933 and of the provisions of the Magistrates' Courts Act 1952 with respect to appeals to quarter sessions where more than two persons were heard or claim to be heard in opposition to the application 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 of the court but without prejudice to the right of any of those persons to appear as respondents to the appeal.

(8) Where by reason of the diversion of a highway under this section any person is relieved from liability to repair the highway he shall be liable to pay to the Corporation such sum as may be agreed between him and the Corporation or in default of agreement as may be determined by arbitration to represent the value to him of the relief and any such sum shall be payable either—

(a) as a lump sum ; or

(b) by annual payments of such amount and continuing for such number of years as may be agreed or determined as aforesaid.

(9) Every order made under this section—

(a) shall have annexed thereto a plan signed by the chairman of the court ; and

(b) shall be transmitted by the clerk of the court to the clerk of the peace of the county together with any written consents produced to the court under subsection (5) of this section ;

and the clerk of the peace shall enrol any documents to transmitted to him and any certificates transmitted to him under subsection (5) of this section among the records of quarter sessions.

(10) Every order made under this section shall be binding on all persons whatsoever.

(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.

**84.**—(1) Where in pursuance of the Housing Acts 1936 to 1952 any grass verge garden or space is provided by the Corporation and maintained in an ornamental condition or mown by them they may by notice prohibit persons from causing or permitting vehicles to enter upon any such grass verge garden or space.

Verges etc.  
of housing  
estates.

(2) Any such notice as is referred to in the preceding subsection shall be conspicuously posted on or in proximity to the grass verge garden or space to which it relates and if any person contravenes a notice so posted he shall be liable for every such offence on the first occasion to a penalty not exceeding twenty shillings and on the second or any subsequent occasion to a penalty not exceeding five pounds.

(3) The powers of this section shall not be exercisable in relation to any grass verge or garden which forms part of a highway repairable by the inhabitants at large.

**85.**—(1) No person (other than a person selling offering or exposing for sale or depositing for sale any food goods provisions articles or things at any market or fair for which he has paid a toll stallage or rent) shall in the borough—

Sale of food and articles on verges etc.

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

(b) deposit for sale ;

on the verge of or on any lay-by in any trunk road or classified road or on any roadside waste adjacent thereto any food goods provisions articles or things in such a manner that any danger or obstruction is caused or is likely to be caused to persons or vehicles using such road or any footpath adjacent to such road by—

(i) such sale or offer or exposure for sale or deposit for sale ;  
or

(ii) a person buying or examining such food goods provisions articles or things ; or

(iii) a vehicle which is used by such last-mentioned person.

(2) If any person contravenes the provisions of this section he shall be liable to a penalty not exceeding forty shillings.

**86.**—(1) No part of any awning over the footway of a street in the borough being a highway repairable by the inhabitants at large shall project over any part of the footway which is less than two feet from the outer edge of the footway.

Awnings over footways.

(2) If any person places or causes or permits to be placed over any such footway an awning which contravenes the foregoing subsection he shall be liable to a penalty not exceeding forty shillings.

(3) If an awning over any such footway is so constructed or maintained as to be prejudicial to the safety or convenience of the public the Corporation may by notice require the owner or occupier of the premises to which the awning is appurtenant to carry out such work as may be necessary to prevent the awning being so prejudicial.

PART IV  
—cont.

(4) The provisions of section 290 of the Public Health Act 1936 shall apply in relation to notices given under the last foregoing subsection as they apply in relation to the notices mentioned in subsection (1) of that section.

(5) In this section the expression "awning" includes a blind shade or other covering.

Decorations  
in streets.

**87.**—(1) The Corporation may on the occasion of any public festivity cause flag-poles and pylons to be erected in any street in the borough for the purpose of displaying decorations and may for that purpose provide sockets or slots in or under the surface of any such street.

(2) If any person wilfully removes or damages any flag-pole pylon socket or slot erected or provided under this section he shall be liable to a penalty not exceeding five pounds.

(3) The Corporation shall not exercise the powers of this section in a trunk road without the consent of the Minister of Transport and Civil Aviation.

Illumination  
of street  
names etc.

**88.**—(1) Subject to the provisions of this section the Corporation may illuminate any inscription which has been set up of the name of any street in the borough:

Provided that the Corporation shall not continue any illumination under this section which in the opinion of the British Transport Commission hinders or is likely to hinder the interpretation of any railway signal or is likely to render more hazardous the use of any railway.

(2) The Corporation shall not affix lamps brackets pipes electric lines or other apparatus (hereafter in this section referred to as "attachments") to a building under this section without the consent of the owner of the building:

Provided that where in the opinion of the Corporation any consent required under this subsection is unreasonably withheld they may apply to a magistrates' court who may either allow the attachments subject to such conditions (if any) as to rent or otherwise as the court thinks fit or disallow the attachments.

(3) Any electrical apparatus provided in pursuance of the powers of this section shall be so constructed maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

Definition of  
erection of  
building.

**89.** For the purposes of this Part of this Act the erection or construction of a building shall be deemed to have begun at the time when the clearing of the site or the excavation for the foundations thereof began.

90.—(1) Where pursuant to section 74 (Adjustment of boundaries of streets) of this Act the Corporation enter into an agreement with a person having a legal interest in land adjoining any street for the conveyance to that person of the site of any part of the street and immediately before the date on which the site ceased to be part of the street there was under in upon over along or across such site any telegraphic line belonging to or used by the Postmaster-General the Postmaster-General shall continue to have the same powers in respect of that line as if such site had remained part of the street but nothing in Part I of the Public Utilities Street Works Act 1950 shall have effect in relation to those powers:

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

Provided that if any person in whom such site is vested desires that such telegraphic line should be altered, paragraphs (1) to (8) of section 7 of the Telegraph Act 1878 shall apply to the alteration and accordingly shall have effect subject to any necessary modifications as if references therein to undertakers included references to the said person desiring the alteration.

(2) As between the Corporation and the Postmaster-General nothing in the foregoing subsection shall affect the operation of Part II of the Public Utilities Street Works Act 1950 or the rights of the Postmaster-General and the Corporation thereunder.

(3) Where any highway or part of a highway is stopped up in pursuance of an order made under section 83 (Stopping up and diversion of highways) of this Act the following provisions shall unless otherwise agreed in writing between the Corporation and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such highway or part of a highway at the time of such stopping up:—

(a) The power of the Postmaster-General to remove the line shall be exercisable notwithstanding the stopping up of the highway or part of the highway so however that the said power shall not be exercisable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in subsection (4) of this section unless before the expiration of that period the Postmaster-General has given notice to the Corporation of his intention to remove the line or that part thereof as the case may be:

(b) The Postmaster-General may by notice to the Corporation in that behalf abandon the said line or any part thereof and shall be deemed as respects the line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it:

PART IV  
—cont.

(c) The Postmaster-General shall be entitled to recover from the Corporation the expense of providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster-General may require:

(d) Where under paragraph (b) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the owner of the soil in or over which it is situate and the provisions of the Telegraph Acts 1863 to 1954 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

(4) As soon as the whole or any part of any highway has been stopped up the Corporation shall send by post to the Postmaster-General a notice informing him of such stopping up and the period of three months mentioned in subsection (3) of this section shall commence to run from the date on which such notice is sent.

(5) In this section the expressions "alter" and "alteration" have the same meanings as in the Telegraph Act 1878.

## PART V

## SANITATION BUILDINGS ETC.

*Sewers drains and sanitary conveniences*

Recovery of expenses of sewerage public highway.

91.—(1) Where the council—

(a) resolve to construct a sewer in a street or part of a street in the borough being a street or part which is repairable by the inhabitants at large and has not been previously sewered; and

(b) include in the resolution a declaration that the construction of the sewer will in the opinion of the council increase the value of premises fronting adjoining or abutting on the street or that part thereof;

then the provisions of the Second Schedule to this Act shall have effect as respects the apportionment and recovery by the Corporation of the expenses incurred in constructing the sewer:

Provided that all liabilities under the said schedule in respect of the sewer shall cease at the expiration of two years from the date when the resolution becomes operative if the construction of the sewer is not then complete.

(2) Notice of any such resolution shall be published by the Corporation in a local newspaper circulating in the borough and the resolution shall become operative for the purposes of this section and the said schedule on the date of such publication.



(3) Either—

PART V  
—cont.

(a) a copy of any such newspaper containing any such notice ; or

(b) a photostatic or other reproduction certified by the town clerk to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice ;

shall be evidence of the publication of the notice and of the date of the publication.

92. Where land in the borough in which a length of sewer has been constructed after the passing of this Act at the expense of the Corporation becomes a street (whether repairable by the inhabitants at large or not) then the provisions of the Second Schedule to this Act shall have effect as respects the apportionment and recovery by the Corporation of the expenses incurred in constructing the length of sewer :

Recovery of expenses of sewerage prospective street.

Provided that where compensation due to the owner of any land in respect of damage sustained by reason of the construction therein of the length of sewer has been diminished by setting off any sum on account of the enhancement in value of the land by reason aforesaid this section shall not apply to so much of the length of sewer as has been constructed in that land.

93.—(1) If on a complaint by the Corporation to a magistrates' court it is proved to the satisfaction of the court—

Prevention of evasion of liabilities under last two foregoing sections.

(a) that by reason of any transfer of land any part of any premises (hereafter in this section referred to as "the severed part")—

(i) has ceased to be included in premises fronting adjoining or abutting on a street or part of a street to which the last but one foregoing section of this Act applies ; or

(ii) has been excluded from premises which have subsequently become premises fronting adjoining or abutting on a street to which the last foregoing section of this Act applies or has ceased to be included in premises fronting adjoining or abutting on such a street ; and

(b) that the transfer was intended for the purpose of evading liability under the Second Schedule to this Act imposed by the last but one foregoing or the last foregoing section as the case may be ;

then the court may make such order under the following provisions of this section as it thinks just for the purpose of ensuring that the said liability is not evaded by reason of the transfer.

PART V  
—cont.

(2) Any such order may direct—

- (a) that for the purposes of paragraph 2 of the said schedule the severed part shall be deemed to be premises fronting adjoining or abutting on the street or part of the street in question and shall be deemed to have had at the relevant date within the meaning of the said schedule such frontage on the street as may be specified in the order ;
- (b) that for the purposes of sub-paragraph (a) of paragraph 6 of the said schedule the site of a new building erected on the severed part and the land occupied therewith shall be deemed to have such frontage on the street or part of the street as may be specified in the order ;
- (c) that any such amendment shall be made of any entry in the register of local land charges as may be specified in the order including an amendment taking effect as from a past date.

(3) Any order made under paragraph (a) of subsection (2) of this section may also direct that any premises from which the severed part has been excluded or in which it has ceased to be included shall not be deemed to be premises fronting adjoining or abutting on the street or part of the street or shall be deemed to have such frontage as may be specified in the order.

(4) Orders made under any provision of subsection (2) of this section may be made on separate complaints made by the Corporation at different times.

(5) For the purposes of this section the expression “transfer” includes any disposal of land whether by way of sale lease exchange gift or otherwise.

Recovery of  
cost of  
maintaining  
public sewers.

**94.** Section 24 of the Public Health Act 1936 shall have effect in its application to the borough as if the following proviso were substituted for the proviso to subsection (1) of that section:—

“Provided that unless in the opinion of the medical officer of health or the sanitary inspector immediate action is necessary notice of the work proposed to be undertaken shall not less than seven days before the work is commenced be given to the owners of any premises known by the local authority to be served by the length of sewer in question and the local authority shall consider any representations as to the need for and the reasonableness of the proposed work which may be made to them by any of those owners within seven days of the service of the notice.”

95. For the purpose of facilitating the disposal of 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 in the borough to provide separate sewers for foul water drainage and surface water drainage respectively.

PART V  
—cont.

Separate  
sewers for foul  
water and  
surface water.

96.—(1) In lieu of section 48 of the Public Health Act 1936 the following provisions of this section shall if the council by resolution so determine have effect in the borough for such period as may be specified in the resolution either as respects the whole of the borough or as respects such part or parts thereof as may be so specified.

Delegation of  
power to  
examine and  
test drains etc.

(2) Where it appears to the medical officer or the sanitary inspector that there are reasonable grounds for believing—

- (a) that a sanitary convenience drain private sewer or cesspool is in such a condition as to be prejudicial to health or a nuisance; or
- (b) that a drain or private sewer communicating directly or indirectly with a public sewer is so defective as to admit subsoil water;

he may examine its condition and for that purpose may apply any test other than a test by water under pressure and if he deems it necessary open the ground.

(3) If on examination the convenience drain sewer or cesspool is found to be in proper condition the Corporation shall as soon as possible reinstate any ground which has been opened by the medical officer or the sanitary inspector and make good any damage done by him.

97.—(1) If it appears to the medical officer or the sanitary inspector that on any premises in the borough a drain private sewer water-closet or soil pipe is stopped up he may by notice require the owner or occupier of the premises to remedy the defect within forty-eight hours from the service of the notice.

Summary  
power to  
remedy  
stopped-up  
drains etc.

(2) If the notice is not complied with the Corporation may themselves carry out the work necessary to remedy the defect and may subject to the next following subsection recover the expenses of so doing from the person on whom the notice was served:

Provided that where the said expenses do not exceed two pounds the Corporation may (if they think fit) remit the payment thereof.

(3) In any proceedings under this section the court may inquire—

- (a) whether any requirement contained in a notice served under this section or any work done by the Corporation was reasonable; and

PART V  
—cont.

(b) whether the expenses incurred by the Corporation in doing the work or any part thereof ought to be borne wholly or partly by the person on whom the notice was served :

and the court may make such order concerning the expenses or their apportionment as appears to the court to be just in the circumstances of the case :

Provided that the court shall not order the expenses or any part thereof to be borne by any person other than the defendant in the proceedings unless the court is satisfied that that other person has had due notice of the proceedings and an opportunity of being heard.

Provisions as to drainage of buildings converted into separate dwellings.

98.—(1) Where in pursuance of section 37 of the Public Health Act 1936 plans of a building are deposited with the Corporation and the plans show that it is proposed to drain the building in combination with another building by means of a private sewer the Corporation notwithstanding the provisions of section 38 of the Public Health Act 1936 may if they approve the plans at the same time fix the proportions in which the expenses of maintaining and repairing the private sewer are to be borne by the owners concerned and shall forthwith give notice of their decision to each owner affected.

(2) An owner aggrieved by the decision of the Corporation under this section may appeal to a magistrates' court but subject to any such appeal any expenses reasonably incurred in maintaining or repairing the private sewer shall be borne in the proportions so fixed and those expenses or as the case may be contributions thereto may be recovered accordingly by the persons (whether the Corporation or owners) by whom they were incurred in the first instance.

Power to repair drains and private sewers.

99.—(1) If any drain or private sewer in the borough—

(a) is not sufficiently maintained and kept in good repair to the satisfaction of the Corporation ; and

(b) can in the opinion of the Corporation be sufficiently repaired at a cost not exceeding fifty pounds ;

the Corporation may after giving not less than seven days' notice to the person or persons concerned cause the drain or sewer to be repaired and subject to the next following subsection recover the expenses of so doing so far as they do not exceed fifty pounds from the person or persons concerned in such proportions (if there is more than one such person) as the surveyor may determine :

Provided that where the said expenses do not exceed two pounds the Corporation may (if they think fit) remit the payment thereof.

(2) In any proceedings under this section the court may inquire—

- (a) whether the drain or sewer in question required repair and whether the work done by the Corporation was reasonable ; and
- (b) whether any apportionment made by the surveyor was fair ;

and the court may make such order concerning the expenses or their apportionment as appears to the court to be just:

Provided that the court shall not revise any apportionment unless it is satisfied that all persons affected thereby have had due notice of the proceedings and an opportunity of being heard.

(3) In this section the expression “person concerned” in relation to a drain or private sewer means any person owning any premises drained by means of the drain or sewer and also in the case of a sewer the owner thereof.

**100.** For the purposes of section 44 of the Public Health Act 1936 any part of a building in the borough being a part occupied as a separate dwelling shall be treated as a separate building:

Closet accommodation for separate dwellings.

Provided that where any part or parts of a building occupied as aforesaid has or have been let for occupation without the consent in writing of the owner of the building the person so letting that part or those parts shall be deemed to be the owner thereof for the purposes of the said section 44.

**101.** The Corporation may on the application of the owner or occupier of any premises in the borough undertake the cleansing or repair of any drains water-closets sinks or gullies in or connected with the premises and may make and recover from the person so applying such charge if any for so doing as they think fit.

Power to cleanse drains etc.

**102.—(1)** The Corporation may by notice require a contractor engaged in or upon any building operations or the construction or reconstruction of any works in the borough within such time as may be specified in the notice—

Sanitary conveniences for persons employed on construction work.

- (a) to provide in connection therewith sufficient and satisfactory accommodation in the way of sanitary conveniences for the accommodation of the workpeople employed thereon ; and
- (b) where persons of both sexes are employed in or in connection with the operations or works to provide separate accommodation as aforesaid for persons of each sex ;

if it is reasonably practicable so to do :

PART V  
—cont.

Provided that this section shall not apply to building operations or works to which section 107 or section 108 of the Factories Act 1937 applies.

(2) The provisions of section 290 of the Public Health Act 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

Provision of  
sanitary  
conveniences  
at places of  
amusement.

**103.**—(1) The Corporation may by notice require the owner or occupier of any premises or place in the borough used for any exhibition performance amusement game or sport to which the public are admitted on payment of a charge for admission to provide to the reasonable satisfaction of the Corporation and thereafter to the like satisfaction maintain in a suitable position such numbers of sanitary conveniences for the use of the public resorting to such premises or place as may be reasonable.

(2) The provisions of section 290 of the Public Health Act 1936 (except subsection (6) thereof) shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

(3) If any person fails to comply with a notice served on him under this section within such reasonable period not being less than twenty-eight days after the date of the service of the notice as may be specified therein he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) (a) Section 89 of the Public Health Act 1936 shall in its application to the borough have effect as if for the words “refreshment-house or place of public entertainment” in subsection (1) of that section there were substituted the words “or refreshment-house”.

(b) Nothing in this section shall apply to premises to which the said section 89 as amended by this subsection applies by reason only of the holding thereon of any exhibition performance amusement game or sport to which the public are admitted on payment of a charge for admission.

Loan of  
temporary  
sanitary  
conveniences.

**104.**—(1) The Corporation may at the request of the occupier of any premises connected with a sewer or drain on which the Corporation propose to carry out any work of maintenance improvement or repair which necessitates the disconnection of the water-closets or other sanitary conveniences provided for or in connection with the premises supply on loan temporary sanitary conveniences in substitution for any water-closets or other sanitary conveniences so disconnected.

(2) Temporary sanitary conveniences supplied on loan by the Corporation under subsection (1) of this section shall be supplied free of charge where the disconnection of the premises is necessitated by a defect in a public sewer vested in and maintainable by the Corporation (not being a length of sewer to which subsection (3) of this section applies).

(3) Where the disconnection of the premises is necessitated by a defect in any length of a public sewer to which section 24 of the Public Health Act 1936 applies or by a defect in any cesspool private sewer or drain in respect of which the Corporation are authorised to serve a notice under section 39 of the Public Health Act 1936 the reasonable costs of supplying removing and cleansing any temporary sanitary conveniences provided by the Corporation for the premises under subsection (1) of this section shall be recoverable from the same person or persons and in the like manner as they would be recoverable if they were expenses incurred under the said section 24 or (as the case may be) the said section 39:

Provided that no costs incurred by the Corporation under subsection (1) of this section shall be recoverable under this subsection in any case in which the temporary sanitary conveniences are provided for a period not exceeding seven days or if they are provided for more than seven days in respect of the first seven days.

#### *Buildings and structures*

**105.**—(1) Where it appears to the surveyor that a structure in the borough or any part of such structure is in such a state as to require treatment for the removal of any immediate danger the surveyor or any officer authorised by the council may on behalf of and at the expense of the Corporation take such steps as may be necessary to remove the immediate danger. Dangerous structures.

(2) Before exercising their powers under this section in respect of a structure the Corporation (except in cases of urgency) shall give notice of their intention so to do to the owner and occupier of the structure and in cases of urgency shall give such notice as soon as may be practicable after taking the steps referred to in subsection (1) of this section provided that the Corporation shall not be required to give notice to an owner or occupier unless his name and address are known to them.

(3) (a) Where for the purpose of removing any danger the Corporation have in the exercise of their powers under this section damaged or demolished any building the owner thereof may apply to a magistrates' court to determine whether the Corporation were reasonably justified in so doing.

PART V  
—cont.

(b) In any case in which the court determines that the Corporation were not so justified the owner of such building shall be entitled to be paid compensation by the Corporation.

(c) The amount of any compensation payable under paragraph (b) of this subsection shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 of the Public Health Act 1936.

(4) In this section the expression "structure" includes any building or wall or other structure and anything affixed to or projecting from any building or wall or other structure.

Demolition  
of buildings.

**106.**—(1) As from the appointed day no person shall commence to demolish or take down any building or part thereof within the borough without first giving notice to the Corporation of his intention to do so and the Corporation may require such person to comply with such reasonable terms and conditions as they think fit including terms and conditions requiring—

(a) the shoring up of adjacent buildings ; and

(b) the removal of any material or rubbish resulting from the demolition or taking down and the clearance of the site ;

to the satisfaction of the Corporation within a reasonable time to be prescribed by the Corporation :

Provided that this section shall not apply to the demolition or taking down of an internal part of a building if such demolition or taking down is incidental to an internal alteration of the building the use of which it is intended to continue.

(2) Any person aggrieved by a requirement of the Corporation under the foregoing subsection may appeal to a magistrates' court.

(3) Where notice is given to the Corporation under subsection (1) of this section and such notice is accompanied by particulars of such building or part thereof and of the proposals in regard thereto the Corporation shall be deemed to have approved the proposals unconditionally unless within six weeks from the receipt thereof or within such longer period as the person giving the notice may agree in writing to allow they give notice to him that they have decided to the contrary.

(4) If any term or condition imposed under this section is not complied with within the time therein prescribed the Corporation may themselves enter upon the building and the site thereof and carry out the work.

(5) Notwithstanding anything in subsection (3) of section 276 of the Public Health Act 1936 as applied by this Act that section shall apply to all rubbish or other material removed by the Corporation under this section.



(6) All expenses incurred by the Corporation under subsection (4) of this section may be recovered by the Corporation from the person who has given notice under subsection (1) of this section.

(7) If any person contravenes the provisions of this section or of any term or condition imposed under this section he shall be liable to a penalty not exceeding five pounds.

(8) This section shall not apply to—

(a) any poultry-house greenhouse coal shed or cycle shed or other similar structure ; or

(b) any building belonging to any statutory undertakers or the British Transport Commission and held by them for the purposes of their undertakings :

Provided that the exemption conferred by paragraph (b) of this subsection shall not extend to houses or to buildings last used before demolition as offices or showrooms other than buildings so used which form part of a railway station.

**107.**—(1) As from the appointed day the Corporation may if it is reasonable so to do having regard to all the circumstances of the case by counter-notice served within six weeks from the receipt of a notice under section 106 (Demolition of buildings) of this Act require the person giving such notice either—

Dealing with drains and sewers before demolition of buildings.

(a) to seal any sewer or drain on in or under the site of the building to which the notice relates ; or

(b) to take up and remove any such sewer or drain and seal any other sewer or drain with which such first-mentioned sewer or drain may be connected ;

and to make good and restore to the satisfaction of the Corporation the surface of the ground disturbed by or interfered with by the execution of any works under paragraph (a) or paragraph (b) of this subsection.

(2) The provisions of section 290 of the Public Health Act 1936 shall apply in relation to counter-notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

**108.**—(1) Where it appears to the Corporation that any building or part of a building in the borough is in such a condition as to be dangerous to persons in such building or in any adjoining premises or using any street upon which such building abuts the Corporation may until—

Recovery of expenses of watching etc. dangerous and dilapidated buildings.

(a) any order made by a magistrates' court under section 58 of the Public Health Act 1936 in respect of such building shall have been complied with or executed ; or

PART V  
—cont.

(b) the building shall have been taken down secured or repaired in pursuance of section 75 of the Towns Improvement Clauses Act 1847 as incorporated in the Public Health Act 1875;

employ and pay watchmen and do all such other acts as may be necessary to watch such building and may recover the expenses reasonably incurred by them in so doing from the owner of the building:

Provided that the Corporation shall forthwith give to the owner of any building notice that they propose to employ and pay watchmen or to do any other act in the exercise of the powers of this section to watch such building.

(2) In this section the expression "building" includes any structure.

Height of new  
chimneys.

**109.**—(1) Where plans for the extension or erection of a building used or to be used for manufacturing or other purposes are in accordance with building byelaws deposited with the Corporation and the plans show that it is proposed to construct a chimney for carrying smoke or steam or noisome or deleterious gases or effluvia from the building the Corporation shall reject the plans unless they are satisfied that the height of the chimney as shown on the plans will be sufficient to prevent its being prejudicial to health or a nuisance having regard to—

- (a) the purpose of the chimney;
- (b) the position and description of buildings near thereto;
- (c) the levels of the neighbouring ground; and
- (d) any other matters requiring consideration in the circumstances.

(2) If the Corporation reject the plans under this section the notice given in pursuance of subsection (2) of section 64 of the Public Health Act 1936 shall specify this section as that under the authority of which the plans have been so rejected.

(3) This section shall not apply to (a) a chimney of a generating station consent to the construction of which has been given in accordance with the provisions of the Electricity (Supply) Acts 1882 to 1936 by the Minister of Fuel and Power or (b) a chimney proposed to be constructed within the dock estate for the purposes of the dock undertaking of the dock board.

Firemen's  
switches for  
luminous  
tube signs.

**110.**—(1) Any luminous tube sign or other similar apparatus requiring the transforming of electrical energy to a higher voltage fitted externally or internally on or in any premises in the borough other than such apparatus as is fitted internally in any

premises and is attended when in operation shall be provided with a cut-off switch on the lower voltage side of the transforming apparatus.

(2) Before any apparatus to which subsection (1) of this section applies is fitted on or in any premises in the borough the owner or occupier of the premises shall at least fourteen days before the work of fitting the apparatus is begun give notice to the Corporation that such apparatus is about to be fitted indicating the position in which it is proposed that the cut-off switch required under subsection (1) of this section will be placed and in the case of any such apparatus to be fitted internally in any premises shall inform the Corporation of the pattern of the cut-off switch which it is proposed to provide.

(3) The owner or occupier of the premises in respect of which notice is given under subsection (2) of this section shall take into consideration any representations which may be made by the Corporation within ten days of the receipt of such notice in order to secure that the cut-off switch shall be placed in a position in which it will be readily recognisable by and accessible to firemen and in the case of any such apparatus to be fitted internally in any premises the work of fitting the apparatus shall not be begun until the pattern and position of the cut-off switch have been approved by the Corporation:

Provided that where the pattern and position of any cut-off switch to be provided in connection with such apparatus to be fitted internally in any premises complies with the provisions of the Institution of Electrical Engineers Regulations the pattern and position shall be deemed to have been approved by the Corporation.

(4) The provisions of this section shall not prejudice or affect the requirements of the Electricity (Supply) Regulations 1937 or any regulations or other provisions amending or replacing the same.

(5) This section shall not apply to premises in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force:

Provided that where any luminous tube sign to which but for this subsection subsection (1) of this section would apply is proposed to be fitted on or in any such premises the owner or occupier thereof shall before such apparatus is fitted give notice to the Corporation informing them of the position in which it is proposed to place the cut-off switch.

**111.**—(1) If a magistrates' court is satisfied upon a complaint by the Corporation that any smoke gas or vapour from any chimney flue or pipe of a building or structure forming part of or within the curtilage of a house in the borough is prejudicial Power to order alteration of domestic chimneys.

PART V  
—cont.

to the health of any of the inhabitants of the borough or a nuisance the court may make an order requiring the owner of the chimney flue or pipe within such time as may be specified in the order—

(a) to cause it to be raised to a height so specified ; or

(b) to cause such other means for remedying the cause of complaint to be adopted as the court thinks fit:

Provided that the court shall not make an order under this section unless it is satisfied that the work to be done in pursuance of the order will not involve an expenditure exceeding fifty pounds.

(2) If any person fails to comply with an order made under this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Food storage  
accommo-  
dation.

**112.**—(1) Every house erected in the borough after the passing of this Act shall be provided with sufficient and suitable accommodation for the storage of food and any other house in the borough not so provided shall if reasonably practicable be so provided within one month from the service by the Corporation on the owner thereof of a notice requiring it to be so provided.

(2) Any person aggrieved by a requirement imposed by a notice under the preceding subsection may appeal to a magistrates' court.

(3) If any house required to be provided as aforesaid is occupied when not so provided the owner thereof shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(4) The owner of a house on whom a notice is served under subsection (1) of this section shall have power notwithstanding any lease or other agreement to enter the house and carry out such work as may be necessary to comply with the notice.

(5) For the purposes of this section—

(a) the expression "house" includes any part of a building which is occupied or intended to be occupied as a separate dwelling ;

(b) the conversion of a building into two or more dwellings shall be deemed to be the erection of each of those dwellings ; and

(c) a house the erection whereof was commenced before the passing of this Act shall not be deemed to have been erected after the passing of this Act :

Provided that where any part of a building has been let for occupation as a separate dwelling without the consent of the owner of the building the person so letting that part of the building shall be deemed to be the owner.

**113.**—(1) Where plans of a house are in accordance with building byelaws deposited with the Corporation they may reject the plans if they do not show that the house will be provided with a bathroom containing a fixed bath.

PART V  
—cont.  
Provision of  
bathrooms.

(2) If the Corporation reject the plans for non-conformity with this section the notice given in pursuance of subsection (2) of section 64 of the Public Health Act 1936 shall specify that the plans have been rejected on account of such non-conformity.

**114.**—(1) Where plans of alterations to a house are in accordance with building byelaws deposited with the Corporation they may in the case of houses let in lodgings or occupied by members of more than one family reject the plans if they do not show the provision of a separate approach to each room or tenement separately occupied without passing through any other room or tenement.

Separate  
approach for  
separate  
tenements.

(2) If the Corporation reject the plans for non-conformity with this section the notice given in pursuance of subsection (2) of section 64 of the Public Health Act 1936 shall specify that the plans have been rejected on account of such non-conformity.

*Filthy or verminous premises or articles*

**115.** Section 83 of the Public Health Act 1936 shall in its application to the borough have effect as if the following subsection were substituted for subsection (1) thereof:—

Cleansing of  
filthy or  
verminous  
premises.

“(1) Where the local authority upon consideration of a report from any of their officers or other information in their possession are satisfied that any premises other than a factory within the meaning of the Factories Act 1937—

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

(b) are verminous;

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

(i) distempering or whitewashing the interior surface thereof; or

(ii) in the case of premises used for human habitation or as shops or offices papering or painting the said interior surfaces;

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

PART V  
—cont.

Power to  
require  
vacation of  
premises  
during  
fumigation.

**116.**—(1) If the Corporation serve notice under subsection (3) of section 83 of the Public Health Act 1936 as amended by the last foregoing section on the owner and occupier of any premises requiring that they shall be allowed to employ gas for the purpose of destroying vermin on the premises—

(a) the notice to the occupier may also require that the premises shall as from such date as may be specified in the notice be vacated until the Corporation give the occupier further notice that the premises can safely be reoccupied; and

(b) the Corporation may also serve notice on the occupiers of any other premises having any floor wall or ceiling contiguous with the first-mentioned premises or into which there is reason to apprehend that the gas may penetrate requiring that those other premises shall be vacated as aforesaid.

(2) No person shall be required to vacate any premises under this section for any period unless shelter or other accommodation has been provided for him by the Corporation free of charge for that period and any notice given under this section shall specify the shelter or accommodation so provided.

(3) Any person aggrieved by a requirement of the Corporation under this section may appeal to a magistrates' court.

(4) If any person fails to comply with a notice requiring the vacation of any premises under this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding ten shillings.

(5) The Corporation may pay to any person vacating premises in pursuance of a notice under this section such reasonable allowance as they think fit towards his expenses in removing from and returning to the premises.

Prohibition  
of sale of  
verminous  
articles.

**117.**—(1) No dealer shall in the borough—

(a) prepare for sale;

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

(c) deposit for sale or preparation for sale;

any household article if it is to his knowledge verminous or if by taking reasonable precautions he could have known it to be verminous.

(2) If any household article which is verminous is on any premises in the borough—

(a) being prepared or offered by a dealer for sale; or

(b) exposed by a dealer for sale or deposited by a dealer for sale or preparation for sale;

the medical officer or the sanitary inspector may cause the article to be disinfested or destroyed as the case may require and if

126.—(1) If it is shown to the satisfaction of a justice of the peace on sworn information by the medical officer in writing—

PART VII  
—cont.

Entry into premises in case of notifiable disease.

(a) that in any premises in the borough there is a person who is or has been suffering from a notifiable disease; and

(b) that admission to the premises or examination of that person has been refused or that refusal is apprehended or that the case is one of urgency or that an application for admission would defeat the object of the entry;

the justice may by warrant under his hand authorise the medical officer to enter the premises if need be by force and examine any person found thereon:

Provided that no such warrant shall authorise the medical officer—

(i) to enter any premises except between the hours of seven in the morning and ten in the evening; or

(ii) to examine a person who is already under the treatment of a registered medical practitioner except with the consent of that practitioner.

(2) On entering any premises by virtue of a warrant issued under this section the medical officer may take with him such other persons as may be necessary.

(3) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

## PART VIII

### PUBLIC ORDER AND SAFETY

127.—(1) For the purpose of securing public order or public safety or preventing congestion of traffic the Corporation may in any case of emergency or on any occasion on which it is likely by reason of some special attraction that any street in the borough will be thronged or obstructed cause barriers to be erected in any street in the borough and kept in position for so long as may be necessary for that purpose:

Barriers in streets.

Provided that the Corporation shall not exercise the powers of this subsection—

(a) as respects any trunk road without the consent of the Minister of Transport and Civil Aviation;

(b) as respects any street belonging to or repairable by any railway or passenger road transport undertakers and forming the approach to any station or depot of those undertakers without the consent of those undertakers;

(c) as respects any street within the dock estate without the consent of the dock board;

## PART VIII

—cont.

(d) so as to deprive foot-passengers bona fide going to or from any building or land abutting on the street of reasonable access to the building or land.

(2) The consent of any undertakers under proviso (b) or of the dock board under proviso (c) to the foregoing subsection shall not be unreasonably withheld and any question whether it is unreasonably withheld shall be determined by the Minister of Transport and Civil Aviation.

(3) For the purpose of erecting barriers in a street under this section the Corporation may provide sockets or slots in or under the surface of the street.

(4) If any person wilfully removes or damages any barrier socket or slot erected or provided under this section he shall be liable to a penalty not exceeding five pounds.

Notice of  
street  
processions.

**128.**—(1) No procession shall pass through the streets of the borough unless written notice stating the route by which and the time at which it will so pass has been delivered at the office of the town clerk and the principal police station in the borough at least thirty-six hours (exclusive of Sundays) before the time so stated.

(2) If any procession passes through the streets of the borough in contravention of the foregoing subsection or by a route or at a time other than that stated in the notice delivered with respect thereto under that subsection any person organising or conducting the procession shall be liable to a penalty not exceeding five pounds.

(3) In this section the expression “procession” means any public or ceremonial procession or any circus procession or procession of wild animals:

Provided that nothing in this section shall apply to any public or ceremonial procession habitually held.

Safety of  
stands.

**129.**—(1) As from the appointed day no person shall commence to erect in the borough a stand capable of affording seating or standing accommodation for twenty or more persons at any one time unless he has given notice to the Corporation of his intention so to do accompanied by a plan and section of the stand and such further particulars as the Corporation may reasonably require and the Corporation have approved the erection of the stand under this section.

(2) Within five weeks from the receipt of such a notice from any person the Corporation may give him notice that they approve the erection of the stand but only subject to—

(a) such modifications of the plan section and particulars submitted to them; and



(b) compliance with such requirements as to maintenance and otherwise ;

as may be specified in the notice being modifications and requirements which appear to the Corporation to be necessary for securing the stability of the stand and protection against fire and generally for securing the safety of persons to be accommodated thereon.

(3) If a notice given under subsection (1) of this section states the period for which it is proposed that the stand will remain erected the Corporation shall have regard to that statement in considering what modifications and requirements shall be prescribed by a notice under subsection (2) of this section but may by the last-mentioned notice require that the stand shall be pulled down and removed within such time from the expiration of that period as may be specified in the notice or such further time as the Corporation may allow.

(4) The Corporation may at any time within the said five weeks give notice that they approve the erection of the stand in accordance with the plan section and particulars submitted to them and if within the said five weeks the Corporation have not given notice under subsection (2) of this section they shall be deemed for the purposes of this section to have so approved the erection of the stand.

(5) Any person aggrieved by a requirement or other decision of the Corporation under this section may appeal to a magistrates' court.

(6) If any person—

(a) commences to erect in contravention of subsection (1) of this section a stand capable of affording seating or standing accommodation for twenty or more persons at any one time ; or

(b) erects such a stand otherwise than in accordance with a plan section and particulars submitted to the Corporation under the said subsection (1) or if notice has been given of any modifications under subsection (2) of this section otherwise than in accordance with the said plan section and particulars as modified by the notice ; or

(c) being the owner or occupier of such a stand erected otherwise than as aforesaid allows twenty or more persons to be on the stand at any one time ; or

(d) being the owner or occupier of such a stand fails to comply with any requirement imposed by a notice under subsection (2) or subsection (3) of this section ;

he shall be liable to a penalty not exceeding fifty pounds and in the case of any such failure to a daily penalty not exceeding forty shillings :

**PART VIII**  
—cont.

Provided that nothing in this subsection shall apply to a stand the erection whereof was commenced before the appointed day.

(7) For the purposes of paragraph (a) of subsection (1) of section 287 of the Public Health Act 1936 as applied by this Act the provisions of this section shall be provisions which it is the duty of the Corporation to enforce.

(8) The provisions of this section shall not apply to any stand erected by the proprietor of a travelling circus round-about or amusement fair for the purposes of his business as such.

(9) In this section the expression "stand" includes a structure but does not include a building or extension of a building to which building byelaws are applicable.

**Touting  
hawking etc.**

**130.**—(1) As from the appointed day no person shall at any place in the borough to which this section applies—

(a) importune any person by touting for any hotel lodging-house refreshment-house or shop or any pier garden theatre or place of amusement or any boat hackney carriage or public service vehicle; or

(b) without the consent of the Corporation which may be given on such terms and conditions as they think fit—

(i) hawk sell or offer for sale any article or commodity; or

(ii) take any photograph by way of trade or business of any person:

Provided that—

(i) the Corporation shall not withhold their consent under paragraph (b) of this subsection to the sale or offering for sale by any person of newspapers and periodicals except on the ground that their consent to such sale or offering for sale has already been given to a reasonably sufficient number of other persons;

(ii) for the purpose of the said paragraph (b) the taking of a photograph for press purposes by any duly accredited representative of a newspaper periodical or news agency or by any person systematically selling or supplying photographs to newspapers periodicals or news agencies shall not be deemed to be the taking of a photograph by way of trade or business.

(2) This section applies to any place—

(a) in or on any esplanade parade promenade marine drive or public walk;

(b) in any park pleasure ground or open space within the meaning of the Open Spaces Act 1906 which is provided by the Corporation or under their management and control ;

(c) on the seashore ;

(d) in any street or part of a street to which this section may be applied by byelaws made by the Corporation under this section.

(3) Any person aggrieved by the refusal of the Corporation to give their consent under paragraph (b) of subsection. (1) of this section or by any terms or conditions attached to such consent may appeal to a magistrates' court.

(4) If any person contravenes any of the foregoing provisions of this section he shall be liable to a penalty not exceeding five pounds.

(5) The provisions of this section shall not prevent the owner of any part of the seashore or any person with his consent exercising any rights which he could have exercised if this section had not been enacted.

**131.**—(1) No person shall without the consent of the Corporation erect provide place or use any structure or place any chair on any part of the seashore belonging or let to them unless he is authorised to do so by or under any enactment : Unauthorised structures on seashore.

Provided that nothing in this section shall prevent a person placing a chair on the seashore for his own personal use or that of his family.

(2) Any person aggrieved by the refusal of the Corporation to give their consent under the foregoing subsection may appeal to a magistrates' court.

(3) If any person erects provides or places any structure or chair in contravention of subsection (1) of this section he shall be liable to a penalty not exceeding forty shillings and if after conviction thereof the structure or chair remains on any such part of the seashore he shall be liable to a penalty not exceeding twenty shillings for each day on which it so remains.

(4) If any person uses any structure in contravention of subsection (1) of this section he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(5) In this section the expression "structure" means any shed hut shelter tent booth stall stand shop or other erection or obstruction whether on wheels or not.

## PART VIII

cont.

Restrictions on  
use of  
loudspeakers  
in streets.

**132.**—(1) No person shall for the purpose of advertising any entertainment sporting event or meeting or any trade or business or any part of a trade or business operate or cause or suffer to be operated any loudspeaker when such loudspeaker is in any street in the borough.

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

(3) This section shall not apply to the use of a loudspeaker—

(a) by the Corporation in the execution of their duty or in case of emergency ; or

(b) by the British Transport Commission for the purpose of announcements to their passengers or staff at any station or depot of the commission or by any persons operating public service vehicles for the purpose of announcements to their passengers whilst in any of their vehicles or any of their stations or depots or for communications between their staff ; or

(c) by a travelling showman in any part of a street while such part thereof is being used as a pleasure fair and such fair is open to the public ;

nor to the operation of any loudspeaker on a vehicle constructed or adapted for use for the conveyance of any perishable commodity for human consumption (including ice cream and any similar commodity and the commodity known as “ water ice ”) where—

(i) the loudspeaker is used in conjunction with an electrically operated instrument to produce sounds (not being words) ;

(ii) the main purpose of operating the said loudspeaker is to notify members of the public that the driver or other attendant of the vehicle is available to sell to members of the public such commodity conveyed by the vehicle ;

(iii) the loudspeaker is not operated so as to be a nuisance.

(4) In this section the expression “ loudspeaker ” includes an amplifier or similar instrument.

Derelict  
petrol tanks.

**133.**—(1) Where a tank or other fixed container which has been used for the storage of petroleum spirit and is no longer used for that purpose is kept on any premises in the borough the occupier of the premises shall take all such steps as may be reasonably necessary to prevent danger from such container.

(2) Any officer of the Corporation duly authorised by them may on producing a copy of his authority purporting to be signed by the town clerk require the occupier of the premises on which is situated any tank or other fixed container which has been used for the storage of petroleum spirit and is no longer

used for that purpose to show him such container and permit him to ascertain whether steps have been taken to comply with the provisions of this section:

PART VIII;  
—cont.

Provided, that this subsection shall not apply to any premises within an area in which the dock board are the local authority empowered under section 2 of the Petroleum (Consolidation) Act 1928 to grant petroleum spirit licences.

(3) Any person who after due warning contravenes the provisions of subsection (1) of this section shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) In this section the expression "petroleum spirit" has the meaning assigned to it by the Petroleum (Consolidation) Act 1928.

## PART IX

### FINANCE ETC.

134.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums requisite for those purposes and shall pay off all moneys so borrowed within such periods as the Corporation may determine not exceeding those respectively mentioned in the second column of the said table (namely):—

Power to borrow.

1	2
Purpose	Period for repayment calculated from the date or dates of borrowing
(a) The purpose of making any capital payment to any authority under Part II (Extension of borough) of this Act or under any enactment the provisions of which are applied thereby.	Forty-five years.
(b) The payment of any capital sum under the provisions of section 37 (Compensation to existing officers) of this Act.	Twenty years.
(c) The purchase of lands under the powers of this Act	Sixty years.
(d) The payment of the costs charges and expenses of this Act.	Five years.

PART IX  
—cont.

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

Power to  
issue bonds.

**135.**—(1) In addition to any form of borrowing the Corporation may exercise any statutory borrowing power by the issue of bonds (in this Act referred to as “bonds”) in accordance with the provisions of this Act.

(2) Where the Corporation raise money by the issue of bonds the following provisions of the Act of 1933 shall apply as if the money had been raised by borrowing on mortgage under that Act and bonds were mortgages within the meaning of that Act:—

Section 209 (Notice of trusts);

Section 210 (Receipts on behalf of joint holders and infants);

Section 211 (Appointment of receiver);

Section 212 (Repayment of moneys borrowed on mortgage);

Section 213 (Sinking fund);

Section 214 (Adjustments of sinking fund).

(3) The provisions set out in the Third 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.

(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.

Consolidated  
loans fund.

**136.**—(1) Notwithstanding anything contained in any other enactment the Corporation may establish a fund to be called “the consolidated loans fund” to which (except so far as may be provided by the scheme hereinafter mentioned) shall be paid—

(a) all moneys borrowed by the Corporation by the issue of any 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 paid to any capital fund established by the Corporation or 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 except as aforesaid 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 council:

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

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

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

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

PART IX  
—cont.

(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) All the obligations of the Corporation to the holders of authorised securities shall continue in force.

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

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

(7) Section 95 (Consolidated loans fund account) of the Lancashire County Council (Rivers Board and General Powers) Act 1938 shall cease to apply to the Corporation.

## Art fund.

137.—(1) The Corporation may (if they think fit) establish a fund to be called "the art fund" to provide for the purchasing of any pictures sculptures or other objects of artistic scientific or historical interest which in their opinion it is desirable at any time to acquire for exhibition in and as additions to the collection in the public library or museum or other building of the Corporation and such fund shall be formed by paying thereto out of the general rate fund such an amount as the Corporation may from time to time determine not exceeding in any financial year the equivalent of one-fifth of the product of a penny rate as ascertained or estimated for the purpose of section 9 of the Rating and Valuation Act 1925 or such greater fraction (not exceeding one-half) of the product of a penny rate as may be approved by the Minister:

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



(3) The provisions of section 290 of the Public Health Act 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section:

PART X  
—cont.

Provided that for the purposes of such application the said section 290 shall have effect as if for paragraph (a) of subsection (3) thereof there were substituted the following paragraph:—

“(a) that the notice or requirement is unreasonable”.

**153.** Where the council have paid in advance to any officer or servant of the Corporation the amount of his monthly or weekly salary or wages (as the case may be) and such officer or servant dies before the expiration of the period in respect of which such payment is made the council shall not be required to demand the return of any portion not being more than ten pounds of such payment. Recovery of sums paid to officers etc.

**154.** Any compensation recoverable by the Corporation for damage caused by negligence to any lamp or lamp-post belonging to them or any apparatus or equipment provided by them in any street or public place shall if the amount thereof does not exceed twenty pounds be recoverable summarily as a civil debt. Summary recovery of damages for negligence.

**155.** Where under the provisions of any local Act or general Act the Corporation shall execute any works of common benefit to 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 Corporation or in case of dispute by a magistrates' court. Apportionment of expenses in case of joint owners.

**156.—(1)** Any power conferred on an officer of the Corporation by any enactment or byelaw to enter upon and inspect any building or works in course of construction shall include a power to use free of expense for the purpose of the entry or inspection any ladders scaffolding and plant in or about the building or works. Power to use ladders etc. for entry or inspection.

(2) If the builder or contractor for any such building or works or any person employed by him in or about the building or works—

(a) refuses to give to such an officer all reasonable assistance in the exercise of the powers conferred by this section; or

(b) otherwise obstructs such an officer in the exercise of those powers;

he shall be liable to a penalty not exceeding five pounds.

## PART XI

## GENERAL

Protection of members and officers of Corporation from personal liability.

**157.** Section 265 of the Public Health Act 1875 shall apply to the Corporation as if any reference in that section to the Public Health Act 1875 included a reference to this Act.

Liability of Corporation for work done in default or by request.

**158.**—(1) Where under any enactment—

(a) the Corporation require any person (in this section referred to as “the defaulter”) to execute any work or take any action ; and

(b) in default or at the request of the defaulter the Corporation or any of their officers execute the work or take the action ;

then in the absence of negligence on the part of the Corporation or of any such officer or of any contractor employed by them or him—

(i) the Corporation shall not as between themselves and the defaulter be liable to pay any damages in respect of or consequent upon the execution of the work or the taking of the action ; and

(ii) any such damages as aforesaid paid by the Corporation to any other person shall be deemed to be part of the expenses payable by the defaulter and shall be recoverable accordingly.

(2) In this section the expression “damages” includes penalties costs and charges.

Breach of conditions of consent.

**159.** Where in pursuance of this Act the Corporation give their approval or 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 approval or consent and the provisions of this section shall mutatis mutandis apply to conditions imposed by the Corporation under any provision of this Act.

Restriction on right to prosecute.

**160.** Proceedings in respect of an offence created by or under this Act shall not without the written consent of the Attorney-General be taken by any person other than a party aggrieved or the Corporation.

Confirming authority for byelaws.

**161.** As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Minister except that in the case of byelaws made under

(ii) provide and lay or place other apparatus in such substituted highway or in such other position as aforesaid in lieu of such existing apparatus:

(11) The Corporation shall repay to the undertakers the reasonable expenses incurred by the undertakers of or in connection with—

(a) the alteration of the position of any apparatus under subsections (7) or (8) of this section ; or

(b) the removal and relaying or replacing of any apparatus and the provision and laying or placing of any new apparatus under the provisions of subsection (10) of this section ;

and the reasonable costs of and incidental to (i) the cutting off of any apparatus from any other apparatus and (ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this subsection :

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act 1950 shall so far as applicable extend and apply to any payment to be made by the Corporation under paragraphs (a) or (b) of this subsection as if the works hereinbefore in this subsection mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words " specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority " there were substituted the words " agreed or settled by arbitration under section 166 (For protection of certain statutory undertakers) of the Crosby Corporation Act 1956 " :

(12) The Corporation shall send by post to the undertakers notices informing them of any order made under the said section 83 and the period of three months mentioned in subsection (10) of this section shall commence to run from the date on which such notice is sent :

(13) Nothing in section 96 (Delegation of power to examine and test drains etc.) or section 99 (Power to repair drains and private sewers) of this Act shall authorise the Corporation to enter on or to execute any works or do any other thing in under or upon any operational land within the meaning of the Town and Country Planning Act 1947 of the undertakers without the consent of the undertakers concerned but such consent shall not be unreasonably withheld :

PART XI  
—cont.

- (14) (a) Any difference which may arise between the Corporation and the undertakers under this section shall be determined by arbitration ;
- (b) In settling any difference under this section the arbitrator 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 any apparatus is used.

For protection  
of dock board.

**167.** For the protection of the dock board the following provisions shall unless otherwise agreed in writing between the Corporation and the dock board apply and have effect:—

- (1) The following provisions of this Act shall not extend or apply to or in relation to any street building or other premises or thing within the dock estate used or intended to be used for the purposes of the dock undertaking of the dock board:—

Section 67 (Prohibition of building until street defined) ;

Section 68 (Prohibition of building until street formed and sewered) ;

Section 69 (Termination of new streets) ;

Section 79 (Urgent repairs of private streets) ;

Section 87 (Decorations in streets) ;

Section 95 (Separate sewers for foul water and surface water):

- (2) Section 106 (Demolition of buildings) of this Act shall not apply to or in relation to any building within the dock estate used or last used for the purposes of the dock undertaking of the dock board other than a building the demolition or taking down of which may affect adjacent buildings outside the dock estate:

- (3) The following provisions of this Act shall not extend or apply to or in relation to any steam waste gas or condensing water discharged or to any noise occasioned within the dock estate for the purposes of the dock undertaking of the dock board or to any stand erected therein other than a stand erected for use by members of the public generally:—

Section 120 (Discharge of steam and waste gas) ;

Section 121 (Noise nuisance) ;

Section 129 (Safety of stands):

- (4) (a) The Corporation the medical officer or the sanitary inspector (as the case may be) shall not exercise within any part of the dock estate used for the purposes of the

dock undertaking of the dock board the powers conferred upon them by the sections of this Act mentioned in sub-paragraph (b) of this paragraph except with the consent of the dock board which consent shall not be unreasonably withheld and any question whether such consent is unreasonably withheld shall be referred to arbitration:

(b) The provisions hereinbefore referred to are the following:—

Section 96 (Delegation of power to examine and test drains);

Section 97 (Summary power to remedy stopped-up drains);

Section 99 (Power to repair drains and private sewers);

Section 108 (Recovery of expenses of watching etc. dangerous and dilapidated buildings):

(5) The Corporation or the surveyor shall not exercise within any part of the dock estate used for the purposes of the dock undertaking of the dock board the powers conferred upon them by section 105 (Dangerous structures) of this Act except in relation to a structure (other than one used as or in connection with an aid to navigation) which constitutes an immediate danger to the public using a highway repairable by the inhabitants at large.

**168.** In arbitrations under a provision of this Act mentioned in the first column of the following table the reference shall be to a single arbitrator to be appointed by agreement between the parties or in default of agreement by the person respectively mentioned in the second column of that table on the application of any party after giving notice in writing to the other party or parties:—

1	2
Provision of Act	Person appointing arbitrator
Subsection (4) of section 71 (Adjustment of boundaries of estates in connection with streets).	The Minister.
Subsection (8) of section 83 (Stopping up and diversion of highways) and sub-paragraph (a) of paragraph (4) of section 167 (For protection of dock board).	The Minister of Transport and Civil Aviation.
Paragraph (a) of subsection (14) of section 166 (For protection of certain statutory undertakers).	The President of the Institution of Civil Engineers

PART XI  
—cont.

## Repeal.

**169.** The following enactments or portions thereof are hereby repealed:—

- (i) The Public Health Supplemental Act 1856 so far as it relates to the district of Waterloo-with-Seaforth;
- (ii) So much of the Local Government Board's Provisional Orders Confirmation Act 1874 (No. 2) as relates to the district of Waterloo-with-Seaforth;
- (iii) Waterloo-with-Seaforth Local Board Act 1892—
  - Section 4 (Defining sea boundary of district);
  - Section 5 (Seashore to be a street for certain purposes);
  - Section 6 (Board may make byelaws as to user of seashore);
  - Section 14 (Deposit of plan to be void after certain interval);
  - Section 15 (Power to vary position or direction of new streets);
  - Section 16 (Crossings for horses &c. over footways);
  - Section 17 (Power to name and alter names of streets and names to be put up and houses to be numbered &c.);
  - Section 19 (Fencing of vacant lands);
  - Sections 23 to 39 relating to private street works;
- (iv) The Waterloo-with-Seaforth Order 1908 which was scheduled to and confirmed by the Local Government Provisional Orders Confirmation (No. 7) Act 1908.

Saving for  
powers of  
Treasury.

**170.** It shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act) otherwise than in compliance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Saving for  
town and  
country  
planning.

**171.** This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of the last-mentioned Act.

Costs of  
Act.

**172.** The costs charges and expenses preliminary to and of and incidental to the preparation of and the application for and the obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund or out of moneys to be borrowed under this Act for that purpose.

## SCHEDULES

## FIRST SCHEDULE

## LOCAL ACTS AND ORDER RELATING TO THE BOROUGH

Session and chapter	Short title
55 & 56 Vict. c. lxxxv.	Waterloo-with-Seaforth Local Board Act 1892.
24 & 25 Geo. 5. c. xiv.	Ministry of Health Provisional Order Confirmation (Crosby Litherland and Waterloo Joint Cemetery Districts) Act 1934.
1 & 2 Geo. 6. c. xciv.	Lancashire County Council (Rivers Board and General Powers) Act 1938.
14 & 15 Geo. 6. c. xxv.	Lancashire County Council (General Powers) Act 1951.

## SECOND SCHEDULE

APPORTIONMENT AND RECOVERY OF EXPENSES OF  
CONSTRUCTING SEWERS

1. The sum apportionable shall not exceed the sum certified by the surveyor to be at the relevant date the average cost per lineal yard of providing a public 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. The expenses incurred by the Corporation not exceeding the sum so apportionable shall be apportioned by the Corporation on the premises fronting adjoining or abutting on the street or part of the street in question according to the frontages of the respective premises as existing at the relevant date ;

Provided that no sum shall be apportioned on any premises in contravention of any agreement between the Corporation and the owner of the premises and any sum which but for this proviso would have been apportioned on any premises shall be deducted from the aggregate sum to be apportioned under this paragraph.

3. As soon as the apportionment has been made the Corporation shall serve on the owners of the several premises affected notice of the sums respectively apportioned to them and the notice shall state the right of appeal conferred by the next following paragraph.

4. Any person aggrieved by an apportionment under this schedule may appeal to a magistrates' court and may on the appeal dispute the correctness of the surveyor's certificate as well as any other matter affecting the validity or correctness of the apportionment.

2ND SCH.  
—cont.

5. If the court finds on any such appeal that the aggregate sum apportioned is excessive or that the apportionment thereof is erroneous the court—

- (a) shall order the Corporation to revise not only the sum apportioned to the appellant but also the sums apportioned to the owners of the other premises affected and to submit the revised apportionment to the court for approval; and
- (b) may if satisfied that the owners of all premises affected have had due notice of the proceedings and an opportunity of being heard approve any such revised apportionment either without amendment or with such amendments as they think just.

6. Whenever a new building requiring foul water drainage is erected after the relevant date on any premises on which a sum has been or is thereafter apportioned under this schedule that sum shall be recoverable by the Corporation subject to and in accordance with the following provisions:—

- (a) The said sum shall be recoverable to an extent proportionate to the frontage on the street or part of the street of the site of the new building and the land occupied therewith:

Provided that where a sum has become payable under sub-paragraph (c) of this paragraph in respect of the frontage of the site of a new building and land occupied therewith no further sum shall be recoverable in respect of the same length of frontage or any part thereof by reason of the erection of another new building on that site or that land;

- (b) at any time after whichever of the following events last occurs (that is to say):—

- (i) the erection of the new building; or

- (ii) the expiration of the time for appealing against the apportionment or if an appeal is brought within that time the final determination of the appeal;

the Corporation may serve on the owner for the time being of the new building a demand for payment of the amount recoverable together with interest thereon from the date of the demand:

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

- (c) As from the date of the service of the said demand the amount recoverable together with interest thereon from that date until payment thereof shall be payable by the owner on whom the demand is served and shall be charged on the new building and the land occupied therewith and on all estates and interests therein;

- (d) The rate of interest chargeable under this paragraph shall be such rate as the Corporation may determine not exceed—



ing the maximum rate fixed by the Minister for the purpose of section 291 of the Public Health Act 1936 at the time when the said demand is served or if different maximum rates are then so fixed the highest of those rates.

2ND SCH.  
—cont.

7.—(1) If any person from whom any sum becomes recoverable under the last preceding paragraph proves that by reason of the length of frontage of the land occupied with the building in respect of which the sum is so recoverable the amount of that sum is disproportionate to the benefit accruing to the premises the Corporation may remit such part of that sum as they may think just but in that event if another new building is subsequently erected on the said land the said paragraph shall apply to that other building as if the first-mentioned building had not been erected:

Provided that the amount recoverable in respect of that other building shall not exceed the amount remitted.

(2) Any person aggrieved by a decision of the Corporation with respect to any such remission may appeal to a magistrates' court.

8.—(1) The sum apportioned on any premises under this schedule shall for the purposes of section 15 of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 be deemed to be a charge on the premises notwithstanding that it is not immediately recoverable.

(2) Where the whole or part of the sum so deemed to be a charge (hereafter in this sub-paragraph referred to as "the provisional charge") becomes actually charged on the whole or part of the premises under the preceding provisions of this schedule—

(a) within fourteen days the registration of the provisional charge under the said section 15 shall be cancelled and the actual charge shall be registered under that section as from the date on which the provisional charge was registered;

(b) where a part only of the said sum has become actually charged on a part of the premises the remainder of that sum shall be deemed to be a charge on the remainder of the premises notwithstanding that it is not immediately recoverable and shall be registered accordingly within the said fourteen days under the said section as from the said date and the foregoing provisions of this sub-paragraph shall apply thereto accordingly.

9. For the purposes of this schedule—

(a) a building shall be deemed to be a new building erected after the relevant date unless its erection was completed before that date;

(b) the following alterations and extensions shall be deemed to be the erection of a new building (that is to say):—

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

2ND SCH.  
—cont.

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

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

(iv) any extension by reason whereof the area occupied by the site of the building will (with any previous extension made since the relevant date) be increased by an area of more than one-eighth or in the case of a building constructed for agricultural purposes one-quarter of that occupied by the site of the building before that date ;

(c) the expression "the relevant date" means (i) in relation to an apportionment under section 91 (Recovery of expenses of sewerage public highway) of this Act in pursuance of a resolution of the council the date when the resolution became operative and (ii) in relation to an apportionment under section 92 (Recovery of expenses of sewerage prospective street) in respect of land becoming a street the date on which the street was laid out.

### THIRD SCHEDULE

#### PROVISIONS AS TO BONDS

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

2. (a) Bonds may be issued at such price and at such rates of interest as the Corporation may from time to time determine :

Provided that bonds shall not be issued at a 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 place and on the dates specified in the certificates issued in respect of the bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

4.—(1) The treasurer 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 and 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 an indemnity against any claims in respect thereof may give a new certificate in lieu of the certificate lost or destroyed.

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

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

No.....

Date.....

Crosby Corporation

.....per centum.....bond

repayable at par on the.....19.....

at.....

This is to certify that

of

is the registered holder of a bond for

pounds (£ ) issued by the

Crosby Corporation under the Crosby Corporation Act 1956 at

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

Mayor

Town clerk

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.



(2) Until such evidence as aforesaid has been furnished to the Corporation they 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.

3RD SCH.  
—cont.

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

10. 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.

11.—(1) Unless the holder of a bond otherwise requests the Corporation may pay the interest thereon by posting a warrant to the holder at his address as shown on the register.

(2) The posting by the Corporation of an interest warrant addressed to a holder as aforesaid shall as respects the liability of the Corporation be equivalent to the delivery of the warrant to the holder himself.

12. The production to the Corporation of any document which is by law sufficient evidence of probate of the will or letters of administration of the estate or confirmation as executor of a deceased person having been granted to some person shall notwithstanding anything in this schedule be accepted by the Corporation as sufficient evidence of the grant.

#### FOURTH SCHEDULE

##### SECTIONS OF PUBLIC HEALTH ACT 1936 APPLIED

##### PART I

##### SECTIONS APPLIED GENERALLY

Section	Marginal note
271	Interpretation of "provide."
283	Notices to be in writing; forms of notices &c.
284	Authentication of documents.
285	Service of notices &c.
286	Proof of resolutions &c.
288	Penalty for obstructing execution of Act.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

4TH SCH.  
—cont.

## PART II

SECTIONS APPLIED TO PARTS IV V VI AND VII AND  
SECTIONS 133 149 150 151 AND 152 OF THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
277	Power of councils to require information as to ownership of premises.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments.
292	Power to make a charge in respect of establishment expenses.
294	Limitation of liability to certain owners.
295	Power of local authority to grant charging orders.
329	Saving for certain provisions of the Land Charges Act 1925.

## PART III

SECTIONS APPLIED TO PARTS IV V VI AND VII AND  
SECTIONS 152 AND 154 OF THIS ACT

Section	Marginal note
293	Recovery of expenses &c.
299	Inclusion of several sums in one complaint &c.

## PART IV

SECTION APPLIED TO PARTS IV V VI AND VII AND  
SECTIONS 129 149 AND 150 OF THIS ACT

Section	Marginal note
287	Power to enter premises.

*Table of Statutes referred to in this Act*

Short title	Session and chapter
Lands Clauses Consolidation Act 1845 ... ..	8 & 9 Vict. c. 18.
Public Health Supplemental Act 1856 ... ..	19 & 20 Vict. c. xxvi.
Local Government Board's Provisional Orders Confirmation Act 1874 (No. 2) ... ..	37 & 38 Vict. c. xix.
Public Health Act 1875 ... ..	38 & 39 Vict. c. 55.
Local Loans Act 1875 ... ..	38 & 39 Vict. c. 83.
Telegraph Act 1878 ... ..	41 & 42 Vict. c. 76.
Summary Jurisdiction Act 1879 ... ..	42 & 43 Vict. c. 49.
Electric Lighting Act 1882... ..	45 & 46 Vict. c. 56.
Bills of Exchange Act 1882 ... ..	45 & 46 Vict. c. 61.
Public Health Acts Amendment Act 1890 ... ..	53 & 54 Vict. c. 59.
Stamp Act 1891 ... ..	54 & 55 Vict. c. 39.
Private Street Works Act 1892 ... ..	55 & 56 Vict. c. 57.
Waterloo-with-Seaforth Local Board Act 1892 ... ..	55 & 56 Vict. c. lxxxv.
Local Government Act 1894 ... ..	56 & 57 Vict. c. 73.
Finance Act 1899 ... ..	62 & 63 Vict. c. 9.
Open Spaces Act 1906 ... ..	6 Edw. 7. c. 25.
Public Health Acts Amendment Act 1907 ... ..	7 Edw. 7. c. 53.
Local Government Provisional Orders Confirmation (No. 7) Act 1908 ... ..	8 Edw. 7. c. cxlvii.
Cinematograph Act 1909 ... ..	9 Edw. 7. c. 30.
Acquisition of Land (Assessment of Compensation) Act 1919 ... ..	9 & 10 Geo. 5. c. 57.
Land Charges Act 1925 ... ..	15 Geo. 5. c. 22.
Roads Improvement Act 1925 ... ..	15 & 16 Geo. 5. c. 68.
Public Health Act 1925 ... ..	15 & 16 Geo. 5. c. 71.
Rating and Valuation Act 1925 ... ..	15 & 16 Geo. 5. c. 90.
Law of Property (Amendment) Act 1926 ... ..	16 & 17 Geo. 5. c. 11.
Petroleum (Consolidation) Act 1928 ... ..	18 & 19 Geo. 5. c. 32.
Local Government Act 1929 ... ..	19 & 20 Geo. 5. c. 17.
Road Traffic Act 1930 ... ..	20 & 21 Geo. 5. c. 43.
Sunday Entertainments Act 1932... ..	22 & 23 Geo. 5. c. 51.
Summary Jurisdiction (Appeals) Act 1933 ... ..	23 & 24 Geo. 5. c. 38.
Local Government Act 1933 ... ..	23 & 24 Geo. 5. c. 51.
Ministry of Health Provisional Order Confirmation (Crosby Litherland and Waterloo Joint Cemetery District) Act 1934 ... ..	24 & 25 Geo. 5. c. xi.
Restriction of Ribbon Development Act 1935 ... ..	25 & 26 Geo. 5. c. 47.
Public Health Act 1936 ... ..	26 Geo. 5. & 1 Edw. 8. c. 49.
Factories Act 1937 ... ..	1 Edw. 8. & 1 Geo. 6. c. 67.
Lancashire County Council (Rivers Board and General Powers) Act 1938 ... ..	1 & 2 Geo. 6. c. xciv.
Food and Drugs Act 1938... ..	1 & 2 Geo. 6. c. 56.
Borrowing (Control and Guarantees) Act 1946... ..	9 & 10 Geo. 6. c. 58.
Ministers of the Crown (Transfer of Functions) Act 1946 ... ..	9 & 10 Geo. 6. c. 31.
Town and Country Planning Act 1947 ... ..	10 & 11 Geo. 6. c. 51.
Local Government Act 1948 ... ..	11 & 12 Geo. 6. c. 26.
Lands Tribunal Act 1949 ... ..	12 & 13 Geo. 6. c. 42.
Civil Aviation Act 1949 ... ..	12 & 13 Geo. 6. c. 67.
Representation of the People Act 1949 ... ..	12 & 13 Geo. 6. c. 68.

Short title	Session and chapter
National Parks and Access to the Countryside Act 1949 ... ..	12 13 & 14 Geo. 6. c. 97.
Shops Act 1950 ... ..	14 Geo. 6. c. 28.
Public Utilities Street Works Act 1950 ... ..	14 Geo. 6. c. 39.
Lancashire County Council (General Powers) Act 1951 ... ..	14 & 15 Geo. 6. ch. xxv.
Magistrates' Courts Act 1952 ... ..	15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.
Cinematograph Act 1952 ... ..	15 & 16 Geo. 6. & 1 Eliz. 2. c. 68.
Registration Service Act 1953 ... ..	1 & 2 Eliz. 2. c. 37.
Food and Drugs Amendment Act 1954 ... ..	2 & 3 Eliz. 2. c. 67.
Town and Country Planning Act 1954 ... ..	2 & 3 Eliz. 2. c. 72.

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