

Walthamstow Corporation Act, 1956

4 & 5 ELIZ. 2 Ch. lxxxiv

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short and collective titles.
2. Division of Act into Parts.
3. Incorporation of Lands Clauses Acts.
4. Interpretation.

PART II

LANDS AND WALTHAMSTOW MARSHES

5. Removal of gravel etc. from certain lands.
6. Confirmation of heads of agreement between Corporation and Leyton Corporation.
7. Amendment of section 18 of Act of 1934.
8. Extension of power to develop lands.
9. Recovery of deposits under Lands Clauses Acts.
10. Access road and working of gravel etc. not to be permitted development.
11. For protection of North Thames Gas Board.
12. For protection of Metropolitan Water Board.

PART III

STREETS

13. Interpretation of this Part of Act.
14. Application of building line to walls etc.
15. Maintenance of forecourts to which the public have access.
16. Mixing of mortar etc. in streets.
17. Defacing of road surface etc.

PART IV

BUILDINGS STRUCTURES NUISANCES ETC.

18. Conditional passing of building plans.
19. Provision of bathrooms.
20. Defective premises.

Section

21. Dangerous structures.
22. Demolition of buildings.
23. Dealing with drains and sewers before demolition of premises.
24. Discharge of steam and waste gas.

PART V

REGULATION OF STREET TRADING

25. Commencement of this Part of Act.
26. Interpretation of expressions in this Part of Act.
27. Designation of streets for purposes of street trading.
28. Licensing of street traders.
29. Street trading licences.
30. Fees on licences.
31. For preventing interference with traffic.
32. Appeal against refusal of licence etc.
33. Charges to holders of street trading licences.
34. Byelaws as to trading under licences.
35. Power to licensees to employ other persons.
36. Offences penalties etc.
37. Accommodation for stalls etc.
38. Saving for pedlars hawkers newsvendors etc.
39. Saving for certain enactments.
40. Saving for sales in legal markets or fairs.
41. Transitional provisions.
42. Repeal.

PART VI

FINANCE AND MISCELLANEOUS

43. Power to borrow.
44. Aerodrome undertaking.
45. Power to erect weighbridges etc.
46. Provision of weighing-machines.
47. Duplicate objects in museums etc.
48. Disposal of lost and uncollected property.
49. Removal of vehicles.
50. Supply of water to domestic premises where supply cut off.
51. Robes of office.
52. Recreational and other facilities for employees.
53. Hairdressers and barbers.
54. Liability of Corporation for work done in default or by request.
55. Power to require information as to ownership of premises.
56. Service of documents.
57. False statements to obtain rebate etc.

Section

- 58. Return of library books.
- 59. Parts of buildings used for storage of inflammable substances.
- 60. Saving for trusts etc.

PART VII

GENERAL

- 61. Confirming authority for byelaws.
- 62. Local inquiries.
- 63. The appointed day.
- 64. Restriction on right to prosecute.
- 65. Appeals.
- 66. Application of general provisions of Act of 1936.
- 67. Saving for town and country planning.
- 68. For protection of electricity undertakers.
- 69. Costs of Act.

SCHEDULES :

First Schedule—Heads of agreement with the Leyton Corporation.

Second Schedule—Enactments mentioned in section 55 (Power to require information as to ownership of premises).

Part I.

Part II.

Third Schedule—Sections of Public Health Act 1936 applied.

Part I—Sections applied generally.

Part II—Sections applied to Parts III and IV of this Act.

Part III—Section applied to Parts III and IV and sections 50 and 53 of this Act.



CHAPTER lxxxiv

An Act to confer further powers on the mayor aldermen and burgesses of the borough of Walthamstow with regard to lands and street trading to make further provision for the improvement health and local government of the borough and for other purposes.

[2nd August 1956.]

WHEREAS—

(1) The borough of Walthamstow (in this Act called “the borough”) in the county of Essex is a municipal borough under the government of the mayor aldermen and burgesses of the borough (in this Act called “the Corporation”):

(2) The Walthamstow Corporation Act 1934 empowered the Corporation to acquire certain lands (hereafter in this preamble referred to as “the said lands”) in the borough and conferred powers upon the Corporation in respect of the said lands:

(3) In pursuance of the powers of the said Act the Corporation acquired the said lands and it is expedient that further powers be conferred upon the Corporation and further provision made in respect of the said lands:

(4) It is expedient to make further provision with reference to lands and the improvement health and local government of the borough:

(5) It is expedient to confer further powers on the Corporation with regard to the licensing of street traders and the control of street trading:

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

(7) The purposes of this Act cannot be effected without the authority of Parliament:

(8) 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 (that is to say):—

PART I

PRELIMINARY

Short and collective titles.

1.—(1) This Act may be cited as the *Walthamstow Corporation Act 1956*.

(2) The *Walthamstow Corporation Act 1931* the *Walthamstow Corporation Act 1934* and this Act may be cited together as the *Walthamstow Corporation Acts 1931 to 1956*.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Lands and *Walthamstow Marshes*.

Part III.—Streets.

Part IV.—Buildings structures nuisances etc.

Part V.—Regulation of street trading.

Part VI.—Finance and miscellaneous.

Part VII.—General.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Acts except 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 varied by or inconsistent with this Act) are hereby incorporated with and form part of this Act.

Interpretation.

4.—(1) In this Act the several words and expressions to which meanings are assigned by section 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.

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

“the Act of 1933” “the Act of 1936” and “the Act of 1947” mean respectively the *Local Government Act 1933* the *Public Health Act 1936* and the *Town and Country Planning Act 1947*;

“ the Act of 1932 ” and “ the Act of 1934 ” mean respectively the Walthamstow Corporation Act 1932 and the Walthamstow Corporation Act 1934 ;

“ the appointed day ” (except for the purposes of Part V (Regulation of street trading) of this Act) has the meaning which is assigned to it by section 63 (The appointed day) of this Act ;

“ the borough ” means the borough of Walthamstow ;

“ the commission ” means the British Transport Commission ;

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

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

“ the council ” means the council of the borough ;

“ the county council ” means the county council of the administrative county of Essex ;

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

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

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

“ magistrates’ court ” has the same meaning as in subsection (1) of section 124 of the Magistrates’ Courts Act 1952 ;

“ the Minister ” means the Minister of Housing and Local Government ;

“ the specified lands ” has the meaning assigned to that expression in the Act of 1934 ;

“ the town clerk ” and “ the surveyor ” mean respectively the town clerk and the surveyor of the borough.

(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

LANDS AND WALTHAMSTOW MARSHES

Removal of gravel etc. from certain lands.

5.—(1) Notwithstanding anything contained in section 18 of the Act of 1934 the Corporation may win work remove and carry away sand gravel and other material or may arrange for the winning working removing and carrying away of sand gravel and other material from—

- (a) that part of the specified lands which is bounded on the north-east east and south-east by the Cambridge main line of British Railways on the south-west and west by the river Lee and on the north-west by the Coppermill Stream ; and
- (b) that part of the specified lands which is bounded on the north-east and east by the aqueduct of the Metropolitan Water Board on the south-east by the boundary of the borough on the south-west by the river Lee and on the north-west by the Clapton and Chingford branch line of British Railways.

(2) The Corporation may enter into and carry into effect agreements with any other person for any of the purposes mentioned in subsection (1) of this section.

Confirmation of heads of agreement between Corporation and Leyton Corporation.

6. The heads of agreement set out in the First Schedule to this Act are hereby confirmed and made binding upon the Corporation and the mayor aldermen and burgesses of the borough of Leyton (in this Act referred to as “the Leyton Corporation”) and effect shall be given thereto except so far as may be otherwise agreed in writing between the Corporation and the Leyton Corporation.

Amendment of section 18 of Act of 1934.

7. Section 18 (Powers of Corporation with respect to specified lands) of the Act of 1934 shall have effect as if in subsection (4)—

- (a) after the word “sell” there were inserted the words “or lease” ;
- (b) after the words “conveyance from the Corporation” there were inserted the words “or lease by the Corporation” ; and
- (c) after the words “land conveyed” there were inserted the words “or (as the case may be) as a valid lease of the land leased” ;

and as if in subsection (6) after the word “sold” there were inserted the word “leased”.

8. Section 15 (Development of land) of the Essex County Council Act 1952 as applied by section 17 (Application of certain provisions of Part II to local authorities) of that Act shall have effect in its application to the Corporation as if after the word "offices" there were inserted the words "industrial buildings garages".

PART II
—cont.

Extension of power to develop lands.

9. Notwithstanding anything in the Lands Clauses Consolidation Act 1845 it shall be lawful for the High Court at any time not being less than twelve years after any sum has been deposited by the Corporation in the bank in pursuance of the provisions of that Act to order upon application by the Corporation that the money so deposited or the fund in which the sum shall have been invested together with the accumulations thereto shall be repaid or transferred to the Corporation:

Recovery of deposits under Lands Clauses Acts.

Provided that upon the application of any party making claim to the money deposited as aforesaid or any part thereof or to the lands in respect of which the same shall have been deposited or any part of such lands or any interest in the same the High Court may order such money as has been repaid or transferred to the Corporation under the provisions of this section or any part thereof to be paid to the person making such claim and may make such other order in the premises as the court shall think fit.

10. Nothing in this Act shall constitute the laying out or formation of an access road between Lea Bridge Road and the Walthamstow Marshes or the working of any part of the specified lands for sand gravel or other material as development which is permitted by or under any order made under section 13 of the Act of 1947.

Access road and working of gravel etc. not to be permitted development.

11.—(1) Nothing in section 6 (Confirmation of heads of agreement between Corporation and Leyton Corporation) of this Act or in the First Schedule thereto shall derogate from the deed of grant dated the fourth day of July nineteen hundred and fifty-two and made between the Leyton Corporation and the North Thames Gas Board (hereinafter referred to as "the board").

For protection of North Thames Gas Board.

(2) As soon as may be after the Corporation have acquired pursuant to this Act any right in or over any part of the Leyton Marshes the Corporation shall give notice of such acquisition to the board and before executing any works or taking any steps for the purpose of using or before using any such part as a right of way the Corporation shall execute such works and take such steps as the board may reasonably require for protecting any mains pipes or apparatus of the board therein thereunder or thereover against damage from such user and any additional expenses which may be reasonably incurred by the board in

PART II
—cont.

breaking open or reinstating such part or in maintaining inspecting or repairing any such mains pipes or apparatus and which is due to the provision of a right of way by the Corporation over such part shall be repaid to the board by the Corporation.

(3) Any difference between the Corporation and the board under this section shall be referred to and determined by an arbitrator to be agreed upon between them or in default of agreement to be appointed on the application of either of them after notice to the other of them by the president of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to any such reference and determination.

For protection
of
Metropolitan
Water Board.

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

(1) In this section—

“the board” means the Metropolitan Water Board;

“the operators” means the Corporation or any person who by arrangement or agreement with them wins works removes or carries away any sand gravel or other material from the specified lands or any part thereof or fills any excavation in the specified lands:

(2) In and in connection with the winning working removal or carrying away of any sand gravel or other material from any part of the specified lands—

(a) the operators shall not make any excavation for the purpose of winning working removing or carrying away of any such sand gravel or other material within a distance of one hundred feet from any lands of the board;

(b) before commencing to abstract or pump water from any part of the specified lands the operators shall at their own cost and expense construct boreholes of such number of such size and in such positions near the eastern boundary of the specified lands adjoining the board's aqueduct as may be reasonably approved by the board;

(c) the operators shall not abstract or pump water from the specified lands if and so long as the level of the water in any of the boreholes constructed in pursuance of the foregoing paragraph (b) is lower than eleven feet above ordnance datum;

14.—(1) No person shall erect or bring forward beyond the building line on land abutting on a street in the borough any structure of a greater height than six feet six inches above the level of the ground at the nearest boundary of the street.

PART III
—cont.
Application of
building line
to walls etc.

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

(3) The foregoing provisions of this section shall not apply to a temporary structure required to be erected as mentioned in subsection (1) of this section for the purpose of the construction demolition alteration repair or maintenance of any building or works:

Provided that if any such temporary structure is not removed when the construction demolition alteration repair or maintenance of the building or works is completed the person who erected the structure shall be liable to a penalty not exceeding five pounds.

(4) Where any person is convicted of an offence under any of the foregoing provisions 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 the structure or if he so elects to set it back or alter it so that it no longer contravenes the provisions of subsection (1) of this section and if he fails to comply with the order—

(a) he shall be liable to a penalty not exceeding twenty 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 structure 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 structure.

(5) Where after the expiration of five years from the passing of this Act there is on any site in the borough a structure which existed on that site at the passing of this Act and could not have been erected there after the passing thereof without contravening the provisions of subsection (1) of this section—

(a) the Corporation may by notice stating the effect of paragraphs (b) and (c) of this subsection require the owner or occupier of the site to remove set back or alter the structure within such time (not being less than seven days) as may be specified in the notice so that it will comply with those provisions;

(b) if the owner or occupier complies with the said notice the Corporation shall on demand repay to him the reasonable expenses incurred by him in so doing;

PART III
—cont

(c) if the owner or occupier fails to comply with the said notice the Corporation at their own expense may remove the structure but shall if he so requires re-erect it so as not to contravene the said provisions.

(6) In this section the expression “building line” in relation to any land means—

(a) any building line prescribed by the Corporation in respect of the land under the provisions of any enactment; or

(b) if there be no such line then any line beyond which a house or building may not be erected on the land without infringing a condition enforceable by the Corporation under subsection (2) of section 140 of the Housing Act 1936; or

(c) if there be neither of such lines then the line beyond which a house or building may not (except with the consent of the Corporation) be erected or brought forward on the land without contravening the provisions of the Public Health (Buildings in Streets) Act 1888.

(7) The provisions of this section shall not apply to—

(a) any wall erected on land belonging to any railway canal or inland navigation undertakers so long as that land is used by those undertakers primarily for the purposes of their railway dock canal or inland navigation undertaking; or

(b) to any structure which is erected on land belonging to the Central Electricity Authority or the London Electricity Board so long as that land is used primarily for the purposes of works in connection with the provision of a supply of electricity.

Maintenance
of forecourts
to which the
public have
access.

15.—(1) Where the forecourt of any premises abutting upon a street in the borough is unfenced and is habitually used or is open to use by the public as part of the footway of such street the Corporation may by notice require the owner or occupier of the forecourt to carry out such work as may be necessary to make good any want of repair to the forecourt or to remove any source of danger to persons using the same:

Provided that a notice under this section shall not take effect until the expiration of twenty-eight days from the service thereof and if within that period the owner or occupier of the forecourt to which the notice relates having a right to exclude the public therefrom takes effective steps to do so the notice shall be withdrawn.

(2) The provisions of section 290 of the Act of 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 III
—cont.

Provided that the Corporation may remit in whole or in part as they may think fit the amount of any expenses incurred by them in executing works under subsection (6) of the said section 290.

16.—(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 as will protect the street from such mortar cement plaster or substance:

Mixing of mortar etc. in streets.

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.

17.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall—

Defacing of road surface etc.

(a) deface the surface of any street in the borough or any wall fence post or other structure or erection or any tree on or adjoining any such street by painting thereon any letter sign device or other mark;

(b) remove obliterate deface or obscure any traffic sign erected or placed in the borough under the provisions of the Road Traffic Acts 1930 to 1947.

(2) The Corporation may themselves cleanse and reinstate the surface of any street wall fence post or other structure or erection or any tree which has been defaced contrary to the provisions of subsection (1) of this section or any such traffic sign which has been so removed obliterated defaced or obscured and may remove any such letter sign device or other mark as is referred to in that subsection.

(3) If any person contravenes any of the foregoing provisions of this section he shall be liable to a penalty not exceeding five pounds and the court by whom he is convicted may whether or not it imposes a penalty in addition by order require him to pay to the Corporation any expenses incurred by them under subsection (2) of this section.

PART IV

BUILDINGS STRUCTURES NUISANCES ETC.

18.—(1) If any person by whom or on whose behalf plans are deposited in pursuance of building byelaws with respect to a proposal fails to furnish the Corporation with any information whether by way of specifications calculation or otherwise which

Conditional passing of building plans.

PART IV
—cont.

the Corporation are by virtue of the byelaws entitled to require in connection with the building work or fitting to which the plans relate the Corporation may with the consent of that person instead or rejecting the plans as defective pass them subject to a condition that no part of the proposed building work or fitting shall be begun before the expiration of a specified period not exceeding twenty-eight days after the said information has been deposited with the Corporation.

(2) The notice given by the Corporation in pursuance of subsection (2) of section 64 of the Act of 1936 shall contain a statement of any condition imposed under subsection (1) of this section.

(3) Until the said information has been so deposited and until the expiration of the said period thereafter—

(a) the plans shall for the purposes of subsections (4) and (5) of section 65 of the Act of 1936 be deemed not to have been passed; and

(b) for the purposes of those subsections the notice containing a statement of the imposition of any such condition shall be deemed to have been a notice of rejection of the plans.

(4) If the said information is duly deposited—

(a) the original deposit and passing of the plans shall be void; and

(b) the Corporation shall treat the plans as if they incorporated the said information and were deposited in pursuance of building byelaws on the date when the said information was deposited with the Corporation:

Provided that the Corporation shall not on reconsidering them under this subsection reject the said plans on any ground on which they could have been lawfully rejected when first deposited.

Provision of
bathrooms.

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

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

Defective
premises.

20.—(1) Where the Corporation are satisfied that—

(a) any house in the borough or the roof of any building in the borough is in such a state (in this section referred to as a "defective state") as to be prejudicial to health or a nuisance; and

- (b) having regard to all the circumstances unreasonable delay in remedying the defective state would be occasioned by following in relation to such house or building (in this section referred to as "premises") the procedure prescribed in sections 93 to 95 of the Act of 1936 ;

the Corporation may (instead of serving an abatement notice as required by section 93 of the Act of 1936) serve upon the person upon whom it would otherwise have been appropriate under the said section 93 to serve such an abatement notice a notice to the effect that the Corporation intend to remedy the defective state of the premises themselves and specifying the defects which they intend to remedy.

(2) Not later than the end of the tenth day after the Corporation have served a notice under subsection (1) of this section the person upon whom such notice was served may serve a counter-notice upon the Corporation stating that he intends to remedy the defective state of the premises and if such person having duly served such counter-notice commences within such time thereafter as the Corporation consider reasonable to execute such works and take such steps as may be necessary to remedy such defective state and so long as he progresses to the satisfaction of the Corporation with the execution of such works and the taking of such steps the Corporation shall not take action under subsection (3) of this section in respect of such premises.

(3) At any time after the expiration of twelve days after the service of a notice under subsection (1) of this section and subject to the provisions of subsection (2) of this section the Corporation may execute such works and take such steps as may be necessary to remedy the defective state of the premises to which such notice relates and subject to the provisions of subsection (4) of this section may recover the expenses reasonably incurred by them in so doing from the person upon whom the notice was served.

(4) (a) In any proceedings to recover expenses under subsection (3) of this section it shall be a defence to prove that—

- (i) the alleged defective state did not exist at the time of the service of the notice ; or
- (ii) the need to abate the defective state was not so urgent as to justify the Corporation themselves executing such works and taking such steps without first complying with the provisions of section 93 and section 94 of the Act of 1936 ; or
- (iii) the person upon whom the notice was served having duly served a counter-notice under subsection (2) of this section commenced within a reasonable time and

PART IV
—cont.

progressed reasonably with the execution of such works and the taking of such steps as were necessary to remedy the defective state of the premises.

(b) A person against whom proceedings are taken under subsection (3) of this section shall upon complaint duly made by him and on giving to the Corporation not less than three clear days' notice of his intention be entitled to have any person to whose default or sufferance he alleges that the defective state of the premises was due brought before the court in the proceedings and if the original defendant proves that the defective state of the premises arose or continued by the default or sufferance of that other person the court shall have power—

- (i) to order that such expenses as aforesaid may be recovered from that other person ; or
- (ii) to apportion the expenses between persons by whose defaults or sufferances the defective state of the premises arose or continued in such manner as the court may deem fair and reasonable.

(c) Where the original defendant seeks to avail himself of the provisions of paragraph (b) of this subsection—

- (i) the Corporation as well as the person to whose default or sufferance the original defendant alleges that the defective state of the premises is due shall have the right to cross-examine the original defendant if he gives evidence and any witness called by him in support of his pleas and to call rebutting evidence ; and
- (ii) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(5) The Corporation may if they think fit exercise the powers of this section in relation to such defects in the premises as may be specified in the notice notwithstanding the fact that other defects may exist in such premises and in that case nothing contained in this section or done or executed thereunder shall prejudice or affect the powers of the Corporation under sections 93 to 98 and section 100 of the Act, of 1936 or any other enactment in relation to any such other defect in such premises.

Dangerous
structures.

21.—(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 the Corporation take such steps as may be necessary to remove the immediate danger and any steps so taken and any expenses thereby incurred shall for the purposes of this section be deemed to have been taken and incurred by the Corporation.

(2) Before exercising their powers under this section in respect of a structure the Corporation shall give notice of their intention so to do to the owner and the occupier thereof:

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) The Corporation may recover from the owner of the structure any expenses incurred under this section but without prejudice to the right of the owner to recover the amount of the said expenses from any person liable to pay the expenses of the repair of the structure.

(4) In proceedings to recover expenses under subsection (3) of this section it shall be a defence to prove that—

(a) the alleged immediate danger did not exist; or

(b) the need to remove the danger was not so urgent as to justify the Corporation themselves taking such steps instead of complying with the provisions of section 75 of the Towns Improvement Clauses Act 1847 or section 58 of the Act of 1936.

(5) (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 justified in so doing.

(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 Act of 1936.

(6) Nothing in this section shall authorise the Corporation to interfere with any structure (not being a house or a building used as offices or showrooms) belonging to the commission and held by them for the purposes of their undertaking without first giving to the commission reasonable notice of their intention to do so.

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

22.—(1) As from the appointed day no person shall commence to demolish or take down any building or part thereof in the borough without first giving notice to the Corporation of his intention to do so and the Corporation may require such

Demolition
of buildings.

PART IV
—cont.

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 rubbish or other material 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 Act of 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 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.

PART IV
—cont.

(9) Where any person proposes to demolish or take down any building or part thereof in pursuance of a demolition order or clearance order made by the Corporation under section 11 or section 26 respectively of the Housing Act 1936 he shall not be required to give notice of his intention to do so under subsection (1) of this section but he shall comply with such terms and conditions as the Corporation may require under the said subsection (1) being terms and conditions which are specified in the demolition order or clearance order (as the case may be) and the provisions of this section (except subsection (3)) shall apply accordingly.

23.—(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—

Dealing with
drains and
sewers before
demolition
of premises.

- (a) by counter-notice served within six weeks from the receipt of a notice under the last foregoing section ; or
- (b) in any demolition order or clearance order made by them under section 11 or section 26 respectively of the Housing Act 1936 ;

require the person giving such notice or the owner or owners of any building to which the demolition order or clearance order applies (as the case may be) either—

- (i) to seal any sewer or drain on in or under the site of the building to which the notice demolition order or clearance order relates ; or
- (ii) 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 (i) or (ii) of this subsection.

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

(3) Section 15 of the Housing Act 1936 shall apply in relation to any requirement made under this section in a demolition order under section 11 of that Act as if such requirement was made in such order under Part II of that Act and the Second and Third Schedules to that Act shall apply in relation to any requirement made under this section in a clearance order under section 26 of that Act as if the power to make such requirement in such order was conferred by that Act.

PART IV
—cont.

Discharge of
steam and
waste gas.

24.—(1) No person shall cause or permit to be discharged in the borough so as to be prejudicial to health or a nuisance—

- (a) any steam or waste gas ejected from any stationary engine or the boilers or condensers thereof; or
- (b) any condensing water above a temperature of one hundred and ten degrees Fahrenheit so ejected; or
- (c) any spent or ejected steam arising or produced in the course of any trade or business.

(2) If any person contravenes the provisions of the foregoing subsection he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(3) Nothing in this section shall apply to steam gas or water discharged from a railway locomotive.

PART V

REGULATION OF STREET TRADING

Commence-
ment of this
Part of Act.

25. Save as otherwise expressly provided therein this Part of this Act shall come into operation on the appointed day.

Interpretation
of expressions
in this Part
of Act.

26.—(1) In this Part of this Act—

- “the appointed day” means the first day of January nineteen hundred and fifty-seven;
- “article or thing” includes any living thing;
- “designating resolution” means a resolution passed by the council under subsection (1) of section 27 (Designation of streets for purposes of street trading) of this Act;
- “designated street” means a street in respect of which a designating resolution is for the time being in force;
- “street” means any street way or place over which the public have a right of passage or any part (being a part over which the public have a right of passage) of any street way or place;
- “street trading” means the selling or exposing or offering for sale of any article or thing in a street;
- “street trading licence” means a licence under this Part of this Act and where the context so requires includes also a licence granted under the Act of 1932.

(2) This section shall come into operation on the passing of this Act.

Designation of
streets for
purposes of
street trading.

27.—(1) The council may from time to time by resolution designate any street within the borough not being a trunk road as a street in respect of which they will entertain applications for the grant of street trading licences and may from time to

time by subsequent resolution rescind or vary any such resolution:

PART V
—cont.

Provided that—

- (a) the council shall not pass a designating resolution in respect of any street belonging to or repairable by the commission without their consent;
- (b) before passing a designating resolution in respect of a street the council shall consult with the Commissioner of Police of the Metropolis on the proposal so to do.

(2) The Corporation shall cause to be published in a local newspaper circulating in the borough notice of the passing by the council of a designating resolution and of the effect thereof and shall give public notice thereof in such other manner (if any) as they think desirable.

(3) The Corporation shall as soon as practicable after the passing of this Act take into consideration—

- (a) the streets prescribed by the street trading licences granted by them and then in force;
- (b) the number of such licences for the renewal of which applications are likely to be made to them;
- (c) all other circumstances of the street trading within the borough; and
- (d) any representations which may be made to them with respect to the matters aforesaid by any recognised organisation representative of street traders within the borough;

and shall not later than the thirtieth day of November nineteen hundred and fifty-six pass such designating resolutions as appear to them to be necessary for the time being for the purposes of this Part of this Act.

(4) If it is desired by any persons (not being less than ten in number) residing or trading in the borough that any street in the borough in respect of which a designating resolution has not been passed should become a designated street those persons may at any time after the said thirtieth day of November make application to the Corporation for the passing by the council of a designating resolution in respect of that street:

Provided that—

- (i) any such application shall be in writing signed by the persons making the same and shall specify the addresses of those persons and sufficiently describe the street in respect of which it is made;

PART V
—cont.

(ii) where street trading licences by which the street is prescribed are in force at the date of the application and such licences are less than ten in number the requirement that the application shall be made by not less than ten persons shall not apply if the application is signed by all the holders of such licences.

(5) The Corporation shall as soon as reasonably practicable after the receipt of any such application as aforesaid decide whether they will or will not comply therewith and where they decide not to comply with the application they shall post in some conspicuous part of the street to which the application relates a notice of the application and of their decision thereon and every such notice shall include a statement of the effect of the provisions of the next following subsection.

(6) Any person who is aggrieved by a decision of the Corporation not to comply with any such application as aforesaid may (whether or not he signed the application) appeal to the Secretary of State not later than twenty-eight days after the date of the posting of the notice referred to in the last foregoing subsection.

(7) For the purposes of the last two foregoing subsections the Corporation shall be deemed to have complied with an application if they have passed a designating resolution in respect of a street which does not differ in any material respect from the street described in the application and any question which may arise whether a street in respect of which they have passed a designating resolution differs in a material respect from the street described in an application shall be determined by the Secretary of State whose determination shall be final.

(8) Any person aggrieved by a resolution of the council rescinding or varying any designating resolution may within twenty-eight days of the passing of the resolution by which he is aggrieved appeal to the Secretary of State.

(9) The Secretary of State may if he thinks fit cause a public local inquiry to be held into the subject-matter of an appeal before giving his determination.

(10) The determination of the Secretary of State on an appeal made to him under this section shall be final and the Secretary of State may either dismiss such appeal or may give such directions to the Corporation as he thinks necessary to meet the case and the Corporation shall comply with any such directions.

(11) This section shall come into operation on the passing of this Act.

28. Subject to the provisions of this Part of this Act it shall be unlawful for any person—

Licensing
of street
traders.

(a) to engage in street trading in or from a stationary position in any street within the borough; or

(b) to engage in street trading in any designated street whether or not in or from a stationary position;

unless that person is authorised to do so by a street trading licence.

29.—(1) A person requiring a street trading licence or the renewal of a street trading licence shall make application in writing to the Corporation in such form as the council may by resolution prescribe (a copy of which form shall be supplied by the Corporation to any person on demand) and shall in such application state—

Street trading
licences.

(a) his full name and address;

(b) the nature of the articles or things which he intends to sell or expose or offer for sale under the authority of the licence if granted or renewed;

(c) the place (if any) at which the articles or things will be stored by him at all times while they are not exposed or offered for sale;

(d) the street in which and the day or days and the time or times on and at or during which he intends so to sell or expose or offer for sale such articles and things;

(e) the nature of the barrow cart or stall on or from which he intends so to sell or expose or offer for sale such articles and things; and

(f) such other information as the council may with the approval of the Secretary of State from time to time prescribe.

(2) As soon as reasonably practicable after the receipt of an application under this section the Corporation shall (save as provided by the next following subsection or by subsection (5) of section 31 (For preventing interference with traffic) of this Act) grant or renew a street trading licence to the applicant.

(3) The Corporation may refuse to grant or renew a street trading licence or may at any time revoke or vary a street trading licence granted by them if—

(a) the applicant or licensee is on account of misconduct or for any other sufficient reason in their opinion unsuitable to hold such licence; or

(b) the space available in the street to which the application relates or which is prescribed by the licence is at the

PART V
—cont.

- date of such application insufficient to permit of the applicant or licensee engaging therein in any street trading ; or
- (c) the street to which the application relates is not a designated street ; or
 - (d) the applicant or licensee does not use or intend to use a barrow cart or stall occupying a stationary position in a street for the purpose of street trading ; or
 - (e) the applicant or licensee has persistently refused or neglected to pay any charges due from him to the Corporation under this Part of this Act or the byelaws made thereunder ; or
 - (f) the licensee has for a period of not less than four consecutive weeks not exercised or not fully exercised his rights under the licence :

Provided that—

- (i) the Corporation shall not refuse to grant or renew and shall not revoke a street trading licence on the ground only that the applicant or licensee does not reside in the borough ;
- (ii) the Corporation shall not refuse to renew and shall not revoke or vary a street trading licence unless they shall have given to the applicant or licensee not less than seven days' previous notice in writing that objection has been or will be taken to such renewal or that such a revocation or variation is proposed and (if so required by him in writing within three days after the receipt of such notice) they shall have afforded him an opportunity of being heard against such refusal revocation or variation.

(4) If the Corporation refuse to grant or renew a street trading licence or revoke or vary a street trading licence they shall if required by the applicant or licensee deliver to him within seven days after the receipt of such requirement particulars in writing of the ground or grounds for such refusal revocation or variation.

(5) A street trading licence may prescribe—

- (a) the street in which and the position or place in any such street at which the licensee may sell or expose or offer for sale articles or things under the authority of the licence ;
- (b) the class or classes of articles or things which the licensee may so sell or expose or offer for sale provided that no article of food shall be classed with any commodity not being an article of food ;

(c) the day or days on which and the time or times at or during which the licensee may sell or expose or offer for sale articles or things as aforesaid ;

(d) the nature of the barrow cart or stall and the number of barrows carts or stalls which may be used by the licensee for the purpose of street trading under the authority of the licence ;

and on any occasion of the renewal of a street trading licence the Corporation may vary such prescriptions.

(6) A street trading licence shall unless revoked be valid—

(a) (if granted or renewed at any annual meeting fixed by the Corporation for the purpose of considering applications under this section) for a period of one year ; or

(b) (if granted or renewed at any other time) for a period expiring on the thirty-first day of December next after the date of such grant or renewal.

(7) Section 4 (Application for licences &c.) of the Act of 1932 shall not apply to an application for the grant or renewal of a street trading licence which will or if granted or renewed would come into force on or after the appointed day and for the purposes of any such application this section shall come into operation on the passing of this Act.

30.—(1) Any person making application for the grant or renewal of a street trading licence shall when making the application pay to the Corporation in respect thereof such fee not exceeding one pound as the Corporation may prescribe. Fees on licences.

(2) Where the Corporation refuse to grant or renew a street trading licence they shall repay to the person who made the application therefor the amount of the fee paid by him as aforesaid.

(3) This section shall come into operation on the passing of this Act.

31.—(1) Where it appears to the Secretary of State after consultation with the Corporation that undue interference with or inconvenience to traffic in any street within the borough is or is likely to be caused by the presence in the street of persons to whom street trading licences have been or may thereafter be granted he may subject to the provisions of subsections (3) and (4) of this section make such an order with respect to that street as is hereinafter mentioned. For preventing interference with traffic.

(2) An order under this section may prohibit street trading in the street with respect to which it is made by such persons as aforesaid except in such numbers and under such conditions

PART V
—cont.

as may be prescribed by the order and may (either in addition to or in lieu of imposing such prohibition as aforesaid) prohibit the grant by the Corporation to any person (otherwise than by way of renewal of a street trading licence already held by that person) of a street trading licence authorising street trading in that street:

Provided that any such order shall not affect the operation of any street trading licence in force at the date on which the order comes into force.

(3) Where the Secretary of State proposes to make an order under this section he shall cause notice of the proposal to be published in a newspaper circulating within the borough and shall also cause a copy of such notice to be posted for not less than fourteen consecutive days in some conspicuous part of the street to which the proposal relates and every such notice shall specify the street to which the proposal relates and the time (which shall not be less than twenty-eight days) within which any objection to the proposal shall be sent to the Secretary of State.

(4) Before carrying into effect any such proposal as aforesaid the Secretary of State shall consider any objection thereto which is sent to him in writing within the time fixed in that behalf and where either—

(a) more than twenty persons affected by the proposal have duly presented objections thereto and have not withdrawn them; or

(b) for any other reason it appears to him that a public local inquiry should be held;

he shall cause a public local inquiry to be held with reference to the proposal.

(5) Where an order under this section is in force no street trading licence shall be granted or renewed contrary to the order and any such licence to the extent to which it contravenes the order shall be inoperative.

(6) An order under this section may be revoked by the Secretary of State without prejudice to the power of making a fresh order with respect to the same street.

Appeal against
refusal of
licence etc.

32.—(1) Any person aggrieved by the refusal of the Corporation to grant or renew a street trading licence on any of the grounds mentioned in subsection (3) of section 29 (Street trading licences) of this Act except the grounds mentioned in paragraph (c) thereof or by the revocation by the Corporation of a street trading licence on any of the grounds mentioned in that subsection or by any prescription made by the Corporation under paragraph (b) paragraph (c) or paragraph (d) of subsection (5) of

the said section 29 may appeal to a magistrates' court and on any such appeal the court may confirm reverse or vary the decision of the Corporation and may award costs:

PART V
—cont.

Provided that any such appeal shall be brought within fourteen days from the date on which the refusal revocation or prescription which is the subject of the appeal is notified to such person as aforesaid by the Corporation and notice in writing of the appeal shall be sent by him to the Corporation not less than seven days before the hearing thereof.

(2) On any appeal under subsection (1) of this section the procedure shall be by way of complaint for an order and the Magistrates' Courts Act 1952 shall apply to the proceedings.

(3) In any case where such an appeal lies the document notifying to the person concerned the decision of the Corporation in the matter shall state the right of appeal to a magistrates' court and the time within which such appeal may be brought.

(4) Any person aggrieved by any order determination or other decision of a magistrates' court under this section may appeal to quarter sessions.

(5) This section shall come into operation on the passing of this Act.

33. The Corporation may make and recover from holders of street trading licences granted by them charges—

Charges to holders of street trading licences.

(a) for the removal of refuse or other services rendered by them to such holders; and

(b) in respect of the expenses incurred by them in the administration of this Part of this Act and in the cleansing of streets in which street trading takes place;

not exceeding the amounts which may be prescribed in relation to those matters respectively by byelaws made under this Part of this Act.

34. The Corporation may make byelaws relating to the following matters (that is to say):—

Byelaws as to trading under licences.

(a) the storage and the sanitary supervision (while at the place of intended sale or exposure or offering for sale) of articles or things intended to be sold or exposed or offered for sale under the authority of a street trading licence;

(b) the deposit and removal of refuse;

(c) the allocation maximum dimensions and arrangement of barrows carts and stalls;

PART V
—cont.

- (d) any other conditions under which articles or things may be sold or exposed or offered for sale under such authority as aforesaid; and
- (e) the charges which may be made under the last foregoing section.

Power to licensees to employ other persons.

35. A person holding a street trading licence may employ any other person to assist him in the conduct of his business without any further street trading licence being required.

Offences penalties etc.

36.—(1) Every person who or whose assistant without the authority of a street trading licence or contrary to any prescription of a street trading licence—

- (a) engages in street trading in or from a stationary position in any street within the borough; or
- (b) engages in street trading in any designated street whether or not in or from a stationary position;

shall be guilty of an offence:

Provided that where any person has appealed under section 32 (Appeal against refusal of licence etc.) of this Act against the refusal of the Corporation to renew a street trading licence or against the revocation of a street trading licence or against any prescription of a street trading licence which has been renewed such licence shall until such appeal has been heard and determined or has been abandoned be deemed for the purposes of this subsection (as the case may be) to have been renewed or not to have been revoked or to have been renewed without any variation of the prescription thereof.

(2) Any person who wilfully makes a false statement in or in connection with an application for a street trading licence or for the renewal of a street trading licence shall be guilty of an offence.

(3) Any person engaging in street trading in or from a stationary position in a street within the borough or engaging in street trading in a designated street shall on being required to do so by an officer of the Corporation duly authorised in writing and (if so required) producing his authority or by an officer of the metropolitan police furnish to such officer his name and address and in default of compliance with such requirement he shall be guilty of an offence.

(4) Any person who lets or assigns or grants the use of or purports to let or assign or grant the use of his rights under a street trading licence shall be guilty of an offence.

(5) Every person guilty of an offence under this section shall be liable to a penalty not exceeding in the case of an offence under subsection (4) twenty pounds or in any other case ten pounds.

37.—(1) The Corporation may within the borough provide and maintain accommodation for the storage of barrows carts and stalls and for that purpose may—

PART V
—cont.

Accommodation for stalls etc.

- (a) acquire buildings or acquire or appropriate land and erect buildings thereon ;
- (b) with the consent of the Minister adapt any premises or erect any buildings on any land belonging to them but not already appropriated for such purposes ; and
- (c) make such charges as they think fit for the use of such accommodation.

(2) This section shall come into operation on the passing of this Act.

38.—(1) Nothing in this Part of this Act shall—

Saving for pedlars hawkers newsvendors etc.

(a) restrict the right of any person holding a pedlar's certificate or a hawker's licence to carry on the business of a pedlar or of a hawker (as the case may be) in accordance with such certificate or licence ;

(b) apply to the sale or exposure or offer for sale of newspapers or periodicals by any person who—

(i) (in the case of the sale or exposure or offer for sale of daily or Sunday newspapers or local newspapers circulating in any part of the borough) does not use in connection with such sale or exposure or offer for sale any receptacle which occupies a stationary position in a street other than a receptacle which is exclusively so used as aforesaid and occupies a position wholly in the footway of the street and does not exceed three feet in height or occupy or extend over a portion of the footway measuring more than two feet six inches in any direction or exceeding three square feet in area ; and

(ii) (in any other case) does not use in connection with the sale or exposure or offer for sale any receptacle which occupies a stationary position in a street ;

(c) in the case of a trader who is for the time being carrying on business with persons residing or employed in premises in or abutting on a street (including a designated street) apply to that trader in respect of any street trading conducted by him in the course of that business unless he permits any vehicle stall or other receptacle used by him to occupy a stationary position in the street for an unreasonable time ;

(d) restrict any right which might be enjoyed by the occupier of any shop in or abutting on a street (including a designated street) to carry on his retail trade or business on or from the forecourt of that shop.

PART V
—cont.

(2) In paragraph (b) of subsection (1) of this section the expression "receptacle" means a vehicle or stall or any basket bag box vessel stand easel board tray or other structure or thing which is used as a container for or for the display of newspapers or periodicals.

Saving for
certain
enactments.

39. Nothing in this Part of this Act shall exempt any person from or shall alter or affect the operation of any of the provisions of the London Traffic Act 1924 or of any enactment relating to the obstruction of traffic in highways.

Saving for
sales in legal
markets
or fairs.

40. In the case of any market or fair held in pursuance of any statute royal licence royal charter or letters patent or as of right from time immemorial nothing in this Part of this Act shall affect the sale or exposure or offer for sale of goods in any such market or fair by any person who has paid a toll to or is acting under the written authority of a person holding or entitled to hold such market or fair or to receive tolls in respect of sales made or stalls or stands occupied in such market or fair.

Transitional
provisions.

41.—(1) Any licence granted any form prescribed any notice or notification given any byelaw rule order application objection or requirement made and any proceedings taken or other thing done under the Act of 1932 shall have effect as if granted prescribed given made taken or done under the corresponding provisions of this Part of this Act.

(2) This section shall come into operation on the passing of this Act so far as may be necessary for the purposes of any other provision of this Part of this Act which then comes into operation.

Repeal.

42. The Act of 1932 is hereby repealed.

PART VI

FINANCE AND MISCELLANEOUS

Power to
borrow.

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

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

44.—(1) In the event of the Corporation establishing in pursuance of sections 19 and 20 of the Civil Aviation Act 1949 an aerodrome with or without any ancillary business in connection therewith (in this section referred to as “the aerodrome undertaking”) they may either—

(a) themselves manage the aerodrome undertaking making such reasonable charges in respect thereof as they think fit; or

(b) subject to the provisions of subsection (6) of the said section 19 let it or any part thereof for such consideration and on such terms and conditions as they think fit:

Provided that nothing in this subsection shall authorise any variation of a scale of charges approved or prescribed by the Minister of Transport and Civil Aviation in pursuance of powers conferred on him by or under the said Act.

(2) The Corporation may make byelaws with respect to the aerodrome undertaking and for maintaining order in and for regulating the use of any premises used in connection therewith.

(3) The aerodrome undertaking shall be in the same relation to the Minister of Transport and Civil Aviation and subject to the like control by him under the Civil Aviation Act 1949 as if this Act had not been passed.

45.—(1) The Corporation may erect and maintain on any land belonging to the Corporation or any public place on or adjoining any highway such weighbridges or weighing-machines and offices in connection therewith as they may consider necessary or desirable for the use of the public.

Power to erect weighbridges etc.

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

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

(4) The powers of this section shall not be exercised in such a manner as to obstruct or interfere with the access to or exit from any station dock wharf or depot of any railway canal inland navigation or passenger road transport undertakers.

(5) 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.

46. The Corporation may in any premises belonging to or occupied by them provide and maintain weighing-machines for ascertaining the weight of persons and may charge for the use thereof.

Provision of weighing-machines.

PART VI
—cont.

Duplicate
objects in
museums etc.

47.—(1) The Corporation may sell exchange (either with or without paying or receiving any money for equality of exchange) or give away—

(a) duplicates of any objects vested in them for the purposes of their museum or art gallery ; and

(b) any other objects so vested which in their opinion are or have become unsuited to the purposes aforesaid :

Provided that where an object has become vested as aforesaid by virtue of a gift or bequest the powers conferred by this section shall not be exercisable as respects that object in a manner inconsistent with any condition attached to the gift or bequest.

(2) Any money received by the Corporation in the exercise of the powers of this section shall be applied by them in the purchase of objects for their museum or art gallery.

Disposal
of lost and
uncollected
property.

48.—(1) Where any lost property is contained in a package bag or other receptacle the Corporation may cause such receptacle to be opened and the contents examined if they deem it necessary to do so for the purpose either of identifying and tracing the owner of the property or of ascertaining the nature of its contents.

(2) If any lost or uncollected property within three months of coming into the custody of the Corporation be not proved to the satisfaction of the Corporation to belong to any claimant it shall thereupon vest in the Corporation.

(3) Where any lost or uncollected property becomes vested in the Corporation in pursuance of this section the Corporation may if they think fit deliver to the person whether an employee of the Corporation or not who placed the lost property in the custody of the Corporation the whole or any part of such property or of the estimated value thereof in cash.

(4) This section shall in the case of uncollected property placed in the custody of the Corporation on express terms inconsistent with the rights of the Corporation under this section have effect subject to those terms.

(5) In this section the expression “lost property” means any property coming into the custody of the Corporation after being accidentally left in any premises occupied by the Corporation to which the public have access and the expression “uncollected property” means any property deposited in any cloakroom provided by the Corporation for the use of the public in which there is exhibited a notice containing a statement to the effect of subsection (2) of this section.

Removal
of vehicles.

49.—(1) If any vehicle is left on any land belonging to or under the control of the Corporation or on any grass verge or open space provided or laid out by the Corporation in pursuance

of the Housing Acts 1936 to 1956 the Corporation may after giving notice to the owner of the vehicle unless it is not practicable after reasonable inquiry to ascertain the name and address of the owner remove the vehicle for safe custody and may recover from such owner the expenses incurred in such removal and safe custody:

PART VI
—cont.

Provided that this section shall not apply to a vehicle left on a road (as defined in section 121 of the Road Traffic Act 1930).

(2) If any vehicle to which subsection (1) of this section applies be not within six months of its removal by the Corporation proved to the satisfaction of the Corporation to belong to any claimant it shall thereupon vest in the Corporation.

50.—(1) Where the Metropolitan Water Board in the exercise of their right to cut off the water supply to any inhabited house cease to supply any such house in the borough by reason of the defective state of a supply pipe or fittings the Corporation may execute such works as they think expedient in the circumstances of the case to remedy the defect and the expenses reasonably incurred by the Corporation in executing such works shall be recoverable by them summarily as a civil debt from the owner of the premises supplied.

Supply of water to domestic premises where supply cut off.

(2) In any proceedings for the recovery of expenses under this section the court may inquire whether the whole or any part of the expenses should instead of being borne by the person from whom they are sought to be recovered be borne by the occupier of the premises in respect of which they were incurred and the court may make such order as appears to it to be just in the circumstances of the case with respect to the person (being either the person from whom the expenses are sought to be recovered or such an occupier as aforesaid) by whom the expenses are to be borne or as to the apportionment between any such persons of their liability to bear the expenses:

Provided that the court shall not under this subsection 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 at the instance of the defendant has had due notice of the proceedings and an opportunity of being heard.

(3) In this section the expression “supply pipe” has the same meaning as in the Third Schedule to the Water Act 1945.

51. The Corporation may provide and maintain robes of office for the use of the mayor aldermen and councillors of the borough:

Robes of office.

Provided that the robes provided by the Corporation under the powers of this section shall remain the property of the Corporation.

PART VI
—cont.
Recreational
and other
facilities for
employees.

52.—(1) The Corporation may within the borough provide and maintain recreational social and welfare facilities for their employees.

(2) For the purposes aforesaid the Corporation may—

- (a) acquire buildings or acquire or appropriate land and erect buildings thereon ;
- (b) with the consent of the Minister adapt any premises or erect any buildings on any land belonging to them but not already appropriated for such purposes ;
- (c) make such charges as they think fit for the use of such premises ; and
- (d) make regulations for the management of such premises.

Hairdressers
and barbers.

53.—(1) As from the appointed day no person shall carry on the business of a hairdresser's or barber's shop on any premises in the borough unless he and those premises are registered by the Corporation.

(2) Subject to the provisions of this section any person who makes an application in that behalf and furnishes the Corporation with particulars of his name and residence and of the premises in respect of which he desires to be registered shall be registered in respect of those premises by the Corporation in a book kept for the purpose and on so registering any person the Corporation shall issue to him a certificate of registration.

(3) The Corporation may make byelaws for the purpose of securing—

- (a) the cleanliness of premises registered under this section and of the instruments towels materials and equipment used therein ; and
- (b) the cleanliness of persons employed in such premises in regard to both themselves and their clothing.

(4) If any person carries on business in contravention of subsection (1) of this section or contravenes any byelaw made under subsection (3) of this section he shall be liable—

- (a) in the case of a contravention of subsection (1) to a penalty not exceeding twenty pounds and a daily penalty not exceeding five pounds ; and
- (b) in the case of a contravention of a byelaw to a penalty not exceeding five pounds and the court by which he is convicted may (in lieu of or in addition to imposing a penalty) order the suspension or the cancellation of his registration.

(5) Where the registration of any person is cancelled by order of a court under the last foregoing subsection—

PART VI
—cont.

(a) he shall within seven days deliver up to the Corporation his certificate of registration and if he fails to do so he shall be liable to a penalty not exceeding twenty shillings and a daily penalty not exceeding ten shillings ; and

(b) he shall not again be registered by the Corporation under this section except in pursuance of a further order of a magistrates' court made on his application.

(6) A person registered under this section shall keep a copy of the said byelaws and of his certificate of registration displayed in the premises in respect of which he is registered and if he fails to do so he shall be liable to a penalty not exceeding twenty shillings and a daily penalty not exceeding ten shillings.

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

54.—(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 ;

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

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.

55.—(1) The Corporation may for the purpose of enabling them to perform any of their functions under—

(a) any enactment in force immediately before the passing of this Act which authorises the Corporation to acquire land compulsorily ;

Power to require information as to ownership of premises.

PART VI
—cont.

- (b) any enactment mentioned in Part I of the Second Schedule to this Act; and
- (c) any of the provisions of this Act mentioned in Part II of the said Second Schedule;

require—

- (i) the occupier and any person having an interest in any premises in the borough and any person who either directly or indirectly receives rent in respect of such premises to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest in those premises whether as freeholder mortgagee lessee or otherwise or the name and address of any person known to him to receive either directly or indirectly the rent in respect of those premises; and
- (ii) any person who has sold or otherwise disposed of leased or let any premises in the borough to state in writing the name and address of the person to whom he has sold or otherwise disposed of leased or let those premises.

(2) Any person who having been required by the Corporation in pursuance of this section to give to them any information fails to give that information or knowingly makes any misstatement in respect thereof shall be liable to a penalty not exceeding five pounds.

(3) For the purposes of this section the expression “interest” includes any legal estate or interest in the premises or in any rentcharge issuing out of those premises.

(4) The provisions of any of the enactments referred to in paragraph (a) of subsection (1) of this section which contain power to require information as to the ownership of premises shall cease to apply to the Corporation in so far as they relate to the same subject-matter as this section.

Service of
documents.

56.—(1) Any notice order or other document required or authorised by this Act or by any other enactment in force immediately before the passing of this Act to be served by the Corporation on any person (not being such a notice as is referred to in the next following subsection) may be served—

- (a) by addressing the notice order or document or a copy thereof to the said person and by delivering it to him or at his usual or last-known place of residence in England or where that person is the owner or occupier of any premises—

- (i) delivering it to some person on the premises;
- or

(ii) if there is no person on the premises to whom it can be delivered affixing it on some conspicuous part of the premises ; or

(b) by sending the notice order or document or a copy thereof by post addressed to the said person at his usual or last-known residence in England or if that person is the owner or occupier of any premises at those premises :

Provided that—

(i) where the person to be served is a company the notice order or other document shall be delivered to or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business ;

(ii) where the person to be served is a firm the notice order or other document may be addressed to the firm by their business name and delivered at or sent by post to their principal place of business and shall if so addressed and so delivered or sent be deemed to have been duly served on each partner in the firm.

For the purposes of this subsection the expressions “ business name ” “ firm ” and “ partner ” have respectively the same meanings as in the Registration of Business Names Act 1916.

(2) Any notice which is required or authorised by this Act or by any other enactment in force immediately before the passing of this Act to be served by the Corporation upon the owner lessee or occupier of any premises shall (without prejudice to any other method of service) be deemed to be duly served if it is addressed to him by the description of “ the owner ” “ the lessee ” or “ the occupier ” (as the case may be) of the premises (describing them) and—

(a) it is—

(i) enclosed in an envelope addressed in the like manner and having clearly and legibly inscribed upon it the following form of words :—

“ IMPORTANT This communication affects YOUR PROPERTY ” ; and

(ii) sent by prepaid registered post to the premises and is not returned to the Corporation ; or

(b) it is delivered to some person on the premises ; or

(c) it is affixed to some conspicuous part of or object on the premises if there is no person on the premises to whom it may be delivered :

Provided that this subsection shall not apply to the service of a notice on the owner or lessee of any premises unless the town

PART VI
—cont.

clerk is satisfied in relation to those premises that reasonable inquiry has been made and that it is not practicable to ascertain whether there is or is not or what is the name or address of any person who is an owner or lessee of the premises.

False
statements
to obtain
rebate etc.

57. If any person for the purpose of obtaining for himself or any other person a rebate in the rent of any house belonging to the Corporation or a reduction in the amount of any other payment due to the Corporation under the Rating and Valuation Act 1925 or the Education Acts 1944 to 1953 or any regulations made thereunder or for the purpose of obtaining any advance from the Corporation by way of mortgage under the Small Dwellings Acquisition Acts 1899 to 1923 or the Housing Acts 1936 to 1952—

- (a) knowingly makes to the Corporation or any of their employees a false statement or false representation relating to his or that other person's ability to pay the rent or make the payment or relating to the application for the advance ; or
- (b) produces or furnishes or knowingly allows to be produced or furnished to the Corporation or any of their employees any document or information relating as aforesaid which he knows to be false in a material particular ;

he shall be liable to a penalty not exceeding fifty pounds or to imprisonment for a term not exceeding four months or to both such penalty and imprisonment.

Return of
Library books.

58. Notwithstanding anything contained in the Public Libraries Acts 1892 to 1919 the powers of the Corporation under those Acts in relation to any library provided by them under those Acts shall include—

- (1) the power to prescribe the period or periods being not less than fourteen days within which any book borrowed from such library must be returned thereto ;
- (2) the power to recover from any person who fails within such prescribed period to return to the said library any book so borrowed such reasonable sum not exceeding sixpence as the Corporation may prescribe in respect of each week or portion of a week in which he so fails to return such book together with any expenses incurred by the Corporation in sending to such person notices in respect of such book ;
- (3) the power to prohibit any such person from borrowing any other book from the said library or from any other library provided by the Corporation under the said Act until such person has paid any such sum as is due to the Corporation under paragraph (2) of this section.

59.—(1) Where any part of a building in the borough is used for the storage for purposes of sale or trade of any substance to which this section applies in such quantity as to be likely to prove a source of danger to any person inhabiting or using any part of the building for the purpose hereinafter mentioned or in such manner as to be liable to cause fire or explosion no person shall knowingly or wilfully use or permit to be used as a habitable room or as a place in which any person works any part of the building which communicates directly or indirectly with or is adjacent to or constructed at a level higher than the part of the building used for such storage or any part of the building used for such storage unless the building is certified by the Corporation to comply with their requirements made in accordance with this section.

PART VI
—cont.
Parts of
buildings used
for storage of
inflammable
substances.

(2) The Corporation may after consultation with the fire authority by notice require the occupier of any such part of a building as is mentioned in subsection (1) of this section to provide—

- (i) adequate means for extinguishing fire and safeguards to prevent the spread of fire to or from the part of the building used for such storage ;
- (ii) means of ready escape in case of fire from the part of the building used for such purposes as aforesaid and the part of the building used for such storage ; and
- (iii) notices in or on the part of the building used for such storage indicating the existence of danger from fire.

(3) Any person aggrieved by a requirement of the Corporation under subsection (2) of this section may appeal to a magistrates' court on any or all of the following grounds:—

- (a) that the requirement is not justified by the terms of this section ;
- (b) that the requirement is unreasonable in character or extent.

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

(5) This section applies to—

- (a) any substance which is gaseous at a temperature of thirty-three degrees Fahrenheit at atmospheric pressure and which is inflammable ; and
- (b) any other substance which gives off an inflammable vapour at a temperature of less than one hundred and fifty degrees Fahrenheit :

PART VI
—cont.

Provided that the Corporation shall not make any requirement under this section with respect to any building in which no such substance is stored other than—

- (a) one or more of the substances to which sections 1 and 2 of the Petroleum (Consolidation) Act 1928 apply ; or
- (b) any substance which does not give off an inflammable vapour at a temperature of less than ninety degrees Fahrenheit and which is stored in securely closed metal containers in good condition and containing not more than five gallons each.

(6) Nothing in this section shall empower the Corporation to require as regards any building while used in part as a factory within the meaning of the Factories Act 1937 means of escape in case of fire to be provided from or in respect of the part of such building so used if a certificate under section 34 of that Act in respect of that part is in force or the factory or part thereof is entitled under that section to receive a certificate for the purposes of that section.

Saving for trusts etc.

60. No power conferred upon the Corporation by section 45 (Power to erect weighbridges etc.) or section 52 (Recreational and other facilities for employees) of this Act shall be exercised in such a manner—

- (a) as to be at variance with any trust subject to which any land or building is held managed or controlled by the Corporation without an order of the High Court or of the Charity Commissioners or of the Minister of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of the donor or that other person ; or
- (b) as to contravene any covenant or condition subject to which a gift or lease of any land or building has been accepted by or granted to the Corporation without the consent of the donor grantor lessor or other person entitled in law to the benefit of the covenant or condition.

PART VII

GENERAL

Confirming authority for byelaws.

61. As respects byelaws made under the sections of this Act mentioned in the first column of the following table the confirming authority for the purpose of section 250 of the Act of 1933 shall be the authority respectively mentioned in the second column of that table:—

34 (Byelaws as to trading under licences) ...	The Secretary of State.
44 (Aerodrome undertaking)	The Minister of Transport and Civil Aviation.
53 (Hairdressers and barbers)	The Minister.

62.—(1) Any Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act.

PART VII
—cont.

Local
inquiries.

(2) Subsections (2) to (5) of section 290 of the Act of 1933 shall apply in relation to any such inquiry and for that purpose the definition of the expression "department" in subsection (8) of that section shall include any Minister of the Crown having functions under this Act as well as the Ministers therein mentioned.

(3) In this section the expression "Minister of the Crown" has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act 1946.

63.—(1) For the purposes of this Act (other than Part V (Regulation of street trading) of this Act) the expression "the appointed day" means such day as may be fixed by resolution of the council subject to and in accordance with the provisions of this section.

(2) Different days may be fixed under this section for the purpose of different provisions of this Act.

(3) The Corporation shall cause to be published in a local newspaper circulating in the borough notice—

(a) of the passing of any such resolution and of the date fixed thereby; and

(b) of the general effect of the provisions of this Act coming into operation as from that date;

and the date so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.

(4) Either—

(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.

(5) Where any provision of this Act coming into operation on a day fixed by resolution under this section requires the licensing or registration of a person carrying on any business or of premises used for any purpose it shall be lawful for any person who—

(a) immediately before that day was carrying on that business or using any premises for that purpose; and

PART VII
—cont.

(b) had before that day duly applied for the licence or registration required by that provision ;
to continue to carry on that business and to use those premises for that purpose until he is informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (2) of section 65 (Appeals) of this Act.

Restriction
on right to
prosecute.

64. 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.

Appeals.

65.—(1) Section 300 of the Act of 1936 shall apply with respect to appeals to a magistrates' court under any enactment in this Act except section 32 (Appeal against refusal of licence etc.) as it applies with respect to appeals to a court of summary jurisdiction under any enactment in that Act and sections 301 and 302 of that Act shall apply accordingly.

(2) Where any requirement refusal or other decision of the Corporation against which a right of appeal is conferred by this Act—

(a) involves the execution of any work or the taking of any action ; or

(b) makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time of the requirement refusal or decision or to use any premises for any purpose for which they were lawfully used up to that time ;

then until the time for appealing has expired or when an appeal is lodged until the appeal is disposed of or withdrawn or fails for want of prosecution—

(i) no proceedings shall be taken in respect of any failure to execute the work or take the action nor shall the Corporation themselves execute the work or take the action ; and

(ii) that person may carry on that business and use those premises for that purpose.

Application
of general
provisions of
Act of 1936.

66.—(1) The sections of the Act of 1936 mentioned in Part I of the Third Schedule to this Act shall have effect as if references therein to that Act included a reference to this Act.

(2) The sections of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included a reference to the following Parts of this Act that is to say:—

Part III (Streets) ; and

Part IV (Buildings structures nuisances etc.).

(3) The section of the Act of 1936 mentioned in Part III of the said schedule shall have effect as if references therein to that Act included a reference to the Parts of this Act mentioned in subsection (2) of this section and also to the following sections of this Act that is to say:—

PART VII
—cont.

Section 50 (Supply of water to domestic premises where supply cut off); and

Section 53 (Hairdressers and barbers).

67. This Act shall be deemed to be an enactment passed before and in force at the passing of the Act of 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Saving for town and country planning.

68. For the protection of the undertakers the following provisions shall unless otherwise agreed in writing between the Corporation and the undertakers concerned apply and have effect:—

For protection of electricity undertakers.

(1) In this section—

“ apparatus ” means electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by the undertakers and includes any works constructed for the lodging therein of apparatus and the expression “ adequate alternative apparatus ” means alternative apparatus adequate to enable the undertakers to fulfil their statutory functions in a manner not less efficient than previously;

“ undertakers ” means—

the Central Electricity Authority;

the London Electricity Board:

(2) If the Corporation in the exercise of the powers of this Act acquire any interest in any lands in under over or across which any apparatus is placed they shall not seek to remove that apparatus or to extinguish any right of the undertakers to maintain repair renew or inspect that apparatus in under over or across those lands until adequate alternative apparatus shall have been constructed and be in operation to the reasonable satisfaction of the undertakers:

(3) (a) If the Corporation for the purpose of exercising the powers of this Act reasonably require the removal of any apparatus and give to the undertakers notice of such requirement the undertakers shall comply with such requirement;

PART VII
—cont.

(b) If in pursuance of sub-paragraph (a) of this paragraph the Corporation require the undertakers to remove any apparatus or if in consequence of the exercise of the powers of this Act the undertakers shall reasonably require to remove any apparatus the Corporation shall if reasonably practicable afford to the undertakers the necessary facilities and rights for the construction of adequate alternative apparatus in on or over other land of the Corporation and thereafter for the maintenance repair renewal and inspection of such apparatus:

Provided that if the Corporation are unable to afford facilities and rights as aforesaid the undertakers shall on receipt of a notice to that effect from the Corporation forthwith use their best endeavours to obtain the necessary facilities and rights over other land:

(4) The Corporation shall pay to the undertakers the amount by which the expenses reasonably incurred by the undertakers in connection with any removal or alteration of any apparatus or the construction of any new apparatus that may be required in consequence of the exercise of the powers of Part II of this Act shall exceed the value of any apparatus removed in consequence of alternative apparatus being provided and shall also make compensation to the board for any damage caused to any apparatus in consequence of the exercise of the said powers:

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act 1950 (which imposes limitations on undertakers' rights to payment) shall so far as applicable extend and apply to any payment to be made by the Corporation under this paragraph as if the works hereinbefore in this paragraph 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 68 (For protection of electricity undertakers) of the Walthamstow Corporation Act 1956":

(5) Nothing in section 45 (Power to erect weighbridges etc.) of this Act shall relieve the Corporation from liability for damage caused by them to any apparatus in the exercise of the powers of the said section and the Corporation shall so exercise those powers as not to render unreasonably inconvenient the access to any apparatus:

(6) (a) Any difference which may arise between the Corporation and the undertakers under this section shall be referred to and determined by a single arbitrator to be agreed upon between the parties or in default of such agreement appointed on the application of either party (after notice in writing to the other of them) by the president of the Institution of Civil Engineers and the provisions of the Arbitration Act 1950 shall apply to any such arbitration ;

(b) In settling any difference under this section the arbitrator shall have regard to any duties or obligations which the undertakers may be under in respect of any apparatus and may if he thinks fit require the Corporation to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

69. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation. Costs of Act.

SCHEDULES

FIRST SCHEDULE

HEADS OF AGREEMENT WITH THE LEYTON CORPORATION

1. The Leyton Corporation to grant to the Walthamstow Corporation whenever so called upon a temporary right of way to the lands referred to in clause 10 (Removal of gravel etc. from certain lands) of the Bill (hereinafter called "the Walthamstow Marshes") across Leyton Marshes from Lea Bridge Road on the lands delineated on the deposited plan for the purposes of—

- (a) the extraction of sand gravel and other material under the powers of clause 10 (Removal of gravel etc. from certain lands) of the Bill ;
- (b) the conveyance to the lands referred to in clause 10 of the Bill of any materials for infilling the said lands which may be permitted or required by the Essex County Council under the Town and Country Planning Act 1947 and the orders and regulations for the time being in force thereunder ;
- (c) the raising of the level of the Walthamstow Marshes or any part thereof in order to permit of their use by the public as open spaces walks parks pleasure grounds or recreation grounds ;
- (d) providing access to so much of the Walthamstow Marshes as may for the time being have been developed for the purposes of use by the public as open spaces walks parks pleasure grounds or recreation grounds until a substantial part of the Walthamstow Marshes shall be developed for such purposes.

2. The grant of the right of way referred to in the last preceding paragraph to be subject to such terms and conditions as to width construction maintenance fencing provision of gates and reinstatement as failing agreement shall be determined by the Minister of Transport and Civil Aviation or failing him by a single arbitrator to be appointed failing agreement by the president for the time being of the Institution of Civil Engineers and shall cease to be exercised after the thirty-first day of July nineteen hundred and sixty-nine.

3. If and when the Walthamstow Marshes or a substantial part thereof (including the part immediately adjoining the Leyton Marshes) are or is developed for use by the public as open spaces walks parks pleasure grounds or recreation grounds by the Walthamstow Corporation (whether alone or in conjunction with other local authorities including the Leyton Corporation and the Hackney Borough Council) the Leyton Corporation to grant a right of way (in such position as the Leyton Corporation may select) to Walthamstow Marshes from Lea Bridge Road across so much of Leyton Marshes as lies to the west of the aqueduct of the Metropolitan Water Board on terms and conditions as to width construction maintenance fencing provision of gates and reinstatement agreed or determined in the same manner as disputes under paragraph 2 of these heads but subject to the condition that such right

of way shall cease when any substantial part of the Walthamstow Marshes ceases to be used by the public as open spaces walks parks pleasure grounds or recreation grounds:

1st SCH.
—cont.

Provided that the right of way referred to in this paragraph shall if extended by the Walthamstow Corporation over the Walthamstow Marshes terminate as a cul-de-sac at a point south of an imaginary line drawn due east across the said marshes from Horseshoe Bridge.

4. The rights of way granted by the Leyton Corporation in pursuance of these heads shall not be dedicated to public use.

5. The compensation to be paid by the Walthamstow Corporation to the Leyton Corporation for the rights of way referred to respectively in paragraphs 1 and 3 shall failing agreement be determined by the Lands Tribunal.

6. In these heads—

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

“Walthamstow Corporation” means the mayor aldermen and burgesses of the borough of Walthamstow.

Dated this twenty-fourth day of July nineteen hundred and fifty-six.

SECOND SCHEDULE

ENACTMENTS MENTIONED IN SECTION 55 (POWER TO REQUIRE INFORMATION AS TO OWNERSHIP OF PREMISES)

PART I

Towns Improvement Clauses Act 1847.
Public Health Act 1875.
Public Health Acts Amendment Act 1890.
Private Street Works Act 1892.
Public Health Acts Amendment Act 1907.
Public Health Act 1925.
Public Health Act 1936.
Housing Acts 1936 to 1952.
Town and Country Planning Acts 1947 to 1956.
Housing Repairs and Rents Act 1954.

PART II

Section 14 (Application of building line to walls etc.) ;
Section 15 (Maintenance of forecourts to which the public have access) ;
Section 20 (Defective premises) ;
Section 21 (Dangerous structures) ;
Section 22 (Demolition of buildings) ;
Section 50 (Supply of water to domestic premises where supply cut off).

THIRD 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 etc.
284	Authentication of documents.
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.

PART II

SECTIONS APPLIED TO PARTS III AND IV 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.
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.
293	Recovery of expenses etc.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
299	Inclusion of several sums in one complaint etc.
329	Saving for certain provisions of the Land Charges Act 1925.

PART III

SECTION APPLIED TO PARTS III AND IV AND SECTIONS 50 AND 53 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.
Towns Improvement Clauses Act 1847 ...	10 & 11 Vict. c. 34.
Public Health Act 1875	38 & 39 Vict. c. 55.
Electric Lighting Act 1882	45 & 46 Vict. c. 56.
Public Health (Buildings in Streets) Act 1888	51 & 52 Vict. c. 52.
Public Health Acts Amendment Act 1890 ...	53 & 54 Vict. c. 59.
Private Street Works Act 1892	55 & 56 Vict. c. 57.
Public Health Acts Amendment Act 1907 ...	7 Edw. 7 c. 53.
Registration of Business Names Act 1916 ...	6 & 7 Geo. 5 c. 58.
Acquisition of Land (Assessment of Com- pensation) Act 1919	9 & 10 Geo. 5 c. 57.
London Traffic Act 1924	14 & 15 Geo. 5 c. 34.
Rating and Valuation Act 1925	15 & 16 Geo. 5 c. 44.
Public Health Act 1925	15 & 16 Geo. 5 c. 71.
Petroleum (Consolidation) Act 1928	18 & 19 Geo. 5 c. 32.
Road Traffic Act 1930	20 & 21 Geo. 5 c. 43.
Walthamstow Corporation Act 1931	21 & 22 Geo. 5 c. xii.
Walthamstow Corporation Act 1932	22 & 23 Geo. 5 c. xiii.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Walthamstow Corporation Act 1934	24 & 25 Geo. 5 c. liii.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Housing Act 1936	26 Geo. 5 & 1 Edw. 8 c. 51.
Factories Act 1937	1 Edw. 8 & 1 Geo. 6 c. 67.
Water Act 1945	8 & 9 Geo. 6 c. 42.
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.
Lands Tribunal Act 1949	12 13 & 14 Geo. 6 c. 42.
Civil Aviation Act 1949	12 13 & 14 Geo. 6 c. 67.
Arbitration Act 1950	14 Geo. 6 c. 27.
Public Utilities Street Works Act 1950 ...	14 Geo. 6 c. 39.
Essex County Council Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 1.
Magistrates' Courts Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 55.
Housing Repairs and Rents Act 1954 ...	2 & 3 Eliz. 2 c. 53.
Town and Country Planning Act 1954 ...	2 & 3 Eliz. 2 c. 72.

PRINTED BY JOHN ROUGHTON SIMPSON, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON : PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 3s. 0d. net

PRINTED IN GREAT BRITAIN

(37792)