

Middlesex County Council Act, 1956

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CHAPTER xc

An Act to make further provision for the disposal of sewage in the county of Middlesex and parts of adjoining counties to confer further powers upon the Middlesex County Council and the local authorities in Middlesex in relation to the health local government improvement and finances of the county and the boroughs and districts therein and for other purposes.

[2nd August 1956.]

WHEREAS—

(1) In pursuance of powers conferred upon them by the Middlesex County Council Act 1931 the county council of the administrative county of Middlesex (in this Act called "the Council") have constructed main drainage works and works for the disposal of sewage in the westerly part of the county:

(2) By the Middlesex County Council (Sewerage) Act 1938 the powers of which were continued by the Middlesex County Council Act 1944 (in this Act called "the Act of 1944") the Council were empowered to construct main drainage works and works for the disposal of sewage in the greater part of the remainder of the county and in parts of the counties of Essex and Hertford:

(3) The Council have commenced the construction of the works which were authorised by the said Act of 1938 but owing to circumstances beyond their control they have not been able to complete them and it is expedient to extend the time for the completion thereof and to confer further powers upon the Council in reference thereto:

(4) It is expedient to make further provision in reference to the health local government improvement and finances of the county and to confer upon the Council and the councils of boroughs and districts in the county the further powers contained in this Act:

(5) By the Act of 1944 provision was made with respect to the regulation of trading in streets in the county and it is expedient to make further provision in regard thereto:

(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) Estimates have been prepared by the Council for and in connection with the following purposes:—

The additional cost of the purchase of lands and easements and the construction of the works authorised by the Act of 1944 as amended by this Act	£6,800,000
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(9) The several works included in such estimates respectively are permanent works and it is expedient that the Council should be empowered to borrow further money for those purposes as provided by this Act:

(10) 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:

(11) Plans showing the lands required or which may be taken for the purposes or under the powers of the Act of 1944 as amended by this Act and showing also the amended limits of deviation of certain of the works authorised by the Act of 1944 and a book of reference containing the names of owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the respective clerks of the county councils of Middlesex Essex and Hertford which plans and book of reference are in this Act respectively referred to as the deposited plans and book of reference:

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

1.—(1) This Act may be cited as the Middlesex County Citations Council Act 1956.

(2) The Middlesex County Council Acts 1944 and 1950 and this Act may be jointly cited as the Middlesex County Council Acts 1944 to 1956.

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

Division of
Act into Parts.

Part I.—Preliminary.

Part II.—Sewerage.

Part III.—Streets buildings and sanitation.

Part IV.—Parks open spaces and cemeteries.

Part V.—Street trading.

Part VI.—Finance.

Part VII.—Miscellaneous.

Part VIII.—General.

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

Incorporation
of Lands
Clauses Acts.

(1) Section 92 (Parties not to be required to sell part of a house etc.) of the Lands Clauses Consolidation Act 1845 and sections 127 to 132 of that Act (which relate to the sale of superfluous lands) are not incorporated with this Act;

(2) The bond required by section 85 of the said Act of 1845 shall be sufficient without the addition of the sureties mentioned in that section.

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

Interpretation.

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

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

“ the Act of 1944 ” means the Middlesex County Council Act 1944 ;

“ the Act of 1950 ” means the Middlesex County Council Act 1950 ;

PART I
—cont.

- “ apparatus ” has the same meaning as in section 46 (For the protection of certain statutory undertakers) of this Act ;
- “ appointed day ” has the meaning assigned to it by section 51 (Application of Part V) of this Act ;
- “ claimed road ” means a county road in respect of which a local authority have claimed under section 32 of the Local Government Act 1929 to exercise and are exercising the functions of maintenance and repair ;
- “ the commission ” means the British Transport Commission ;
- “ contravention ” includes a failure to comply and “ contravene ” shall be construed accordingly ;
- “ the Council ” means the county council of the administrative county of Middlesex ;
- “ the county ” means the administrative county of Middlesex ;
- “ daily fine ” means a fine for each day on which an offence is continued after conviction ;
- “ district ” means a borough or an urban district in the county ;
- “ enactment ” includes this Act and any general or local Act order byelaw or regulation for the time being in force within the county or within a district ;
- “ financial year ” means a period of twelve months ending on the thirty-first day of March ;
- “ highway authority ” means—
- (a) in the case of a trunk road the Minister of Transport and Civil Aviation or the authority who are for the time being acting with his consent as his agent under the Trunk Roads Acts 1936 and 1946 with respect to that trunk road ;
 - (b) in the case of a county road (except a claimed road) the Council ; and
 - (c) in the case of any other highway (including a claimed road) the local authority for the district in which the highway is situated ;
- “ 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 Town and Country Planning Act 1947 by the Lands Tribunal Act 1949 by the Town and Country Planning Act 1954 and by this Act ;
- “ local authority ” means the council of a district ;

“local enactment” means any local Act or order byelaw or regulation for the time being in force within the county or within a district;

“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;

“private street works” has the same meaning as in the Private Street Works Act 1892;

“statutory security” means any security in which trustees are for the time being authorised by law to invest trust moneys and any mortgage bond debenture debenture stock stock or other security created by a local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the authority by whom the investment is made;

“street” and “road” have the meanings assigned to the word “street” in the Act of 1936;

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

“undertakers” has the same meaning as in section 46 (For the protection of certain statutory undertakers) of this Act;

“verge” includes lands situated between two carriageways and any part of a street which is not a carriageway footway or cycle track.

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

PART II

SEWERAGE

5.—(1) The definition of “the East Middlesex undertaking” in section 41 of the Act of 1944 is hereby repealed and in that Act and in this Part of this Act unless the subject or context otherwise requires “the East Middlesex undertaking” means the undertaking and works authorised by the Middlesex County Council (Sewerage) Act 1938 or by Part IV of the Act of 1944 in or in respect of the East Middlesex district as extended by or under the powers of Part II of the Act of 1950 or this Act. Definitions in Part II.

PART II
—cont.

(2) Subject to the foregoing subsection expressions to which meanings are assigned by section 41 of the Act of 1944 have in this Part of this Act the same respective meanings.

Extension of
periods.

6. The Act of 1944 shall have effect as if—

(1) in section 70 (Completion of East Middlesex sewerage works) there were substituted for “nineteen hundred and fifty-two” the words “nineteen hundred and sixty-five” and for “nineteen hundred and fifty-four” wherever used the words “nineteen hundred and sixty-seven”; and

(2) in section 133 (As to reception of sewage from Waltham Holy Cross) there were substituted for “the twenty-ninth day of July nineteen hundred and fifty-two” the words “the first day of October nineteen hundred and sixty-five”.

Power to
acquire lands.

7.—(1) Subject to the provisions of this Act the Council may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of the works authorised by section 44 (Power to make authorised works) of the Act of 1944:

Provided that the piece of land now leased to the Standard Telephones and Cables Limited which is coloured pink on the plan signed by Humphrey Davys Manning on behalf of the Council and by John Henry Buckland on behalf of the said company shall be deemed not to be delineated on the deposited plans.

(2) Notwithstanding anything contained in the preceding subsection but without prejudice to the operation of section 8 (Power to acquire easements only) of this Act the Council shall not compulsorily acquire more than one-quarter of an acre of the sewage works and lands in the urban district of Waltham Holy Cross belonging to the council of that district and numbered 1 on the deposited plans.

(3) The powers of the Council for the compulsory purchase of land under this section shall cease after the expiration of five years from the first day of October nineteen hundred and fifty-six.

Power to
acquire
easements only.

8.—(1) (a) In lieu of acquiring any land that may be acquired under this Act the Council may for the purpose of constructing using and maintaining so much of the works authorised by the Act of 1944 as will be constructed underground and doing anything necessary in connection therewith acquire such easements and rights in that land as they may require for those purposes.

Provided that in the application to this Part of this Act of the provisions of the said section 52 for the words in that section "first day of March nineteen hundred and thirty-eight" there shall be substituted "twentieth day of November nineteen hundred and fifty-six".

PART II
—cont.

12. For the purpose of the issue of precepts for the levying of rates in respect of the expenses of the East Middlesex undertaking in that part of the borough of Hornsey which is comprised in the East Middlesex sewerage district the following provisions shall have effect:—

Precepts for
part of
Hornsey.

(1) The product of a rate of a penny in the pound in that part of the borough in any financial year shall be deemed to be the sum which bears to the product of a rate of a penny in the pound in the whole borough in that year as ascertained or estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act 1925 the same proportion as the total of the rateable values of that part of the borough as shown on the first day of that year in the valuation list in force on that day for the borough bears to the total of the rateable values of the whole borough as shown as aforesaid; and

(2) The amount of the estimate in respect of that part of the borough which the rating authority are required to transmit to the Council in respect of any financial year shall be the like proportion of the amount estimated to be the amount which would be produced in that year by a rate of one penny in the pound levied within the whole borough as ascertained or estimated as aforesaid.

13.—(1) On the application of the Council the Minister may by order—

Further
provisions
relating to
Hornsey.

(a) include within the East Middlesex sewerage district the whole or part of so much of the borough of Hornsey as is not already included therein; or

(b) exclude from the said sewerage district part of so much of that borough as is included therein.

(2) An order under this section may—

(a) state the terms and conditions upon and subject to which the order is made;

(b) provide for all matters which appear to the Minister necessary or proper for carrying the order into effect; and

(c) amend for the purposes of this section provisions contained in any relevant local enactment.

PART II
—cont.

(3) An order under this section shall not be made—

- (a) except with the consent of the council of the borough of Hornsey and of the London County Council; and
- (b) until after consideration of any representations that may be made by any of the local authorities for the constituent districts comprised in the said sewerage district.

Easements only
in respect of
Town Mead.

14.—(1) Notwithstanding anything contained in this Act the Council shall not acquire any part of the common lands in the urban district of Waltham Holy Cross known as “Town Mead” and numbered 3 on the deposited plans but in pursuance of section 8 (Power to acquire easements only) of this Act they may acquire such easements and rights in such lands as they may require for the purposes mentioned in that section.

(2) Except where man-holes are provided the surface of such common lands which may be disturbed by reason of any easement or right acquired under this Act shall as soon as practicable be restored by the Council to its former condition.

For protection
of Central
Electricity
Authority.

15. The Council shall not acquire compulsorily any part of the lands belonging to the Central Electricity Authority in the borough of Enfield numbered 37 and 51 on the deposited plans but the Council may acquire such easements and rights in those lands as they may require subject to and in accordance with section 8 (Power to acquire easements only) of this Act.

For protection
of Eastern
Gas Board.

16. For the protection of the Eastern Gas Board (hereafter in this section referred to as “the board”) the following provisions shall unless otherwise agreed in writing between the board and the Council have effect:—

(1) In this section—

“apparatus” means mains pipes or other apparatus belonging to or maintained by the board and includes any works constructed for the lodging therein of apparatus;

“the applied provisions” means the provisions of the Act of 1936 as applied to the Council under section 67 (Application of Public Health Acts) of the Act of 1944;

“authorised work” means any work carried out in the exercise of the powers of Part IV of the Act of 1944 or of the applied provisions;

“plan” includes a section and particulars of the work to which it relates;

“the well” means the well belonging to the board and situated on the land in the urban district of Friern Barnet shown on the deposited plans as numbered 13 in that urban district:

(2) The Council shall not under the powers of this Part of this Act acquire compulsorily any of the lands of the board hereinafter mentioned (that is to say):—

(a) the land in the borough of Southgate shown on the deposited plans as numbered 3 in that borough;

(b) the land in the urban district of Friern Barnet shown on the deposited plans as numbered 13 in that urban district;

(c) the lands in the borough of Tottenham shown on the deposited plans as numbered 73 and 74 in that borough;

save that in relation to the said lands the Council may acquire such easements and rights therein as they may require subject to and in accordance with section 8 (Power to acquire easements only) of this Act:

(3) Notwithstanding anything contained in this Act the Council shall not under the powers of this Part of this Act acquire any apparatus of the board except by agreement:

(4) (a) Not less than twenty-eight days before commencing any authorised work which is on or under any of the lands mentioned in paragraphs (a) and (b) of subsection (2) of this section the Council shall deliver to the board a plan of such work describing the proposed manner of executing the work;

(b) At any time within twenty-eight days from the receipt of any such plan the board may by notice to the Council intimate their disapproval of the proposed manner of executing the authorised work so far as it will or may involve interference with or endanger the well or make any reasonable requirements with respect to such plan and in particular they may require the Council to provide and lay down such works and take such other measures (whether temporary or permanent) as may be reasonably specified by the board for the protection of the well;

(c) If the board shall not within the said period of twenty-eight days give any such notice to the Council they shall be deemed to have approved the plan as submitted to them and if within that period they give such notice the matters shall be determined by arbitration;

(d) The Council shall not execute any such work as aforesaid except in accordance with the said plan as so approved or deemed to be approved by the board or settled by arbitration;

PART II
—cont.

- (e) All the works to be executed or provided by the Council under this subsection shall be so executed or provided to the reasonable satisfaction and under the superintendence (if after reasonable notice from the Council such superintendence be given) of the engineer of the board and the reasonable expenses of such superintendence shall be paid by the Council to the board provided that an account of such expenses is submitted by the board to the Council as soon as reasonably practicable after the amount thereof has been ascertained by the board ;
- (f) If in the exercise by the Council of any of the powers under Part IV of the Act of 1944 or the applied provisions or in the construction or provision of any works under this subsection or in the maintenance of an authorised work or if by reason of the bursting leakage or failure of an authorised work due to any act or omission of the Council or of any persons in their employ whilst engaged upon the carrying out of any such work any damage to or interference with the well shall be caused the Council shall (notwithstanding that the authorised work has been carried out in accordance with the provisions of this section) bear and pay to the board the cost reasonably incurred in making good such damage or interference and shall make full compensation to the board for any loss sustained by them by reason of such damage to or interference with the well and shall indemnify the board against all penalties claims demands proceedings costs damages and expenses which may be made or taken against the board or recovered from or incurred by the board by reason or in consequence of any such damage or interference :
- Provided that the board shall give to the Council reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without previous consultation with the Council ;
- (g) Any additional expense which the board may reasonably incur in altering reconstructing or maintaining the well by reason of the existence of any authorised work shall be repaid by the Council to the board ;
- (h) For the purposes of this subsection any adverse effect on the yield of the well or on the purity of the water obtainable therefrom shall be deemed to be an interference with or to endanger the well ;
- (i) Any difference which may arise between the Council and the board under this subsection (other than a difference to which the Lands Clauses Acts apply) shall be referred

to arbitration the arbitrator unless otherwise agreed being appointed by the President of the Institution of Civil Engineers.

PART II
—cont.

17.—(1) This section applies to the following local authorities (each of whom is in this section referred to as “the local authority”) and the following premises (namely):— For protection of certain local authorities.

(a) the mayor aldermen and burgesses of the borough of Edmonton in respect of the lands in that borough numbered 8 8A 10 109 109A 109B 109C 109D 111 126 204 207A 207B 210A 210B 210C 210D 210E 210F 219 229A and 229B on the deposited plans;

(b) the mayor aldermen and burgesses of the borough of Finchley in respect of the lands in that borough numbered 1 2 2A 3 to 12 20 to 23 23A 24 to 26 36 38 39 43 47 82 83 85 87 89 to 105 105A 106 to 129 and 129A on the deposited plans and the land in the urban district of Barnet numbered 4 and 12 on the deposited plans;

(c) the mayor aldermen and burgesses of the borough of Hendon in respect of the lands in that borough numbered 1 2 3 4 and 5 on the deposited plans and the lands in the borough of Finchley numbered 36 on the deposited plans;

(d) the mayor aldermen and burgesses of the borough of Tottenham in respect of the lands in that borough numbered 52 and 53 on the deposited plans;

(e) the council of the urban district of Barnet in respect of the lands in that urban district numbered 1 3 7 9 13 to 15 33 to 36 38 38A 39 41 43 and 44 on the deposited plans.

(2) The Council shall not acquire compulsorily any of the lands of the local authority which are referred to in subsection (1) of this section but the Council may acquire such easements and rights in such lands as they may require subject to and in accordance with section 8 (Power to acquire easements only) of this Act:

Provided that—

(a) the Council may acquire compulsorily pieces of the lands in the borough of Edmonton referred to in paragraph (a) of the foregoing subsection such pieces together not to exceed one acre and each piece not exceeding one-sixth of an acre;

(b) the Council may acquire compulsorily pieces of the lands in the borough of Finchley referred to in paragraph (b) of the foregoing subsection such pieces together not to exceed one acre and each piece not exceeding one-sixth of an acre;

PART II
—cont.

(c) the Council may acquire compulsorily pieces of the lands in the urban district of Barnet referred to in paragraphs (b) and (e) of the foregoing subsection such pieces together not to exceed one acre ;

(d) the Council may acquire compulsorily a piece of land not exceeding one-sixth of an acre adjoining Park View Road in the borough of Tottenham being part of the land numbered 53 on the deposited plans :

Provided also that the pieces of land to be acquired as aforesaid shall be such as may be agreed between the Council and the local authority concerned or failing agreement may be determined by the Minister.

(3) The Council shall only acquire compulsorily so much of the land numbered 6 in the borough of Tottenham on the deposited plans as may be required for the construction operation and maintenance of Work No. 4 by the Act of 1944 authorised.

For protection
of North
Thames
Gas Board.

18. Notwithstanding anything contained in this Act the Council shall not under the powers of this Act acquire any apparatus of the North Thames Gas Board except by agreement with that board.

For protection
of Twickenham
Gravel
Company
Limited.

19. For the protection of the Twickenham Gravel Company Limited (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the Council and the company apply and have effect:—

(1) So long as there remains unexcavated in any part of the lands belonging to the company delineated on the deposited plans and described in the deposited book of reference and therein numbered 14 in the borough of Enfield any gravel which can be worked economically for the purposes of the company's business and which the company at any time intend to excavate—

(a) the Council shall not under the powers of section 7 (Power to acquire lands) or of section 8 (Power to acquire easements only) of this Act enter upon take or use or acquire easements or rights in those lands ; and

(b) shall not without the written consent of the company construct any part of the sewer Work No. 7 authorised by the Act of 1944 in or under those lands :

(2) The agreement between the Council and the company set out in the First Schedule to this Act is hereby confirmed and made binding on the Council and the company and due effect shall be given thereto accordingly.

PART III

STREETS BUILDINGS AND SANITATION

20. Section 185 (As to trunk roads) of the Act of 1944 shall be amended by adding to the powers which may be exercised thereunder with respect to trunk roads the powers conferred upon the Council by section 190 (Power to vary width of carriageways and footways) of that Act. Further powers with respect to trunk roads.

21.—(1) Where the owner or occupier of any premises in the county which abut on any street repairable by the inhabitants at large habitually uses or permits to be used any verge or kerbed or paved footway in the street as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor-cycle and a vehicle of which the cylinder capacity of the engine does not exceed two hundred and fifty cubic centimetres) in passing to and from those premises the highway authority may give notice to the owner or occupier (as the case may be) either— Crossings over footways.

- (a) that they propose to construct across the verge or footway a carriage-crossing of such materials and in such manner as they may specify in the notice; or
- (b) in the case of a footway that they propose to strengthen or adapt it in such manner as they may so specify; or
- (c) imposing such reasonable conditions on the use of the verge or footway as a crossing as aforesaid as they may so specify:

Provided that this subsection shall not apply to any premises used exclusively for agricultural purposes within the meaning of the Town and Country Planning Act 1947.

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

(3) The highway authority may execute such works as may have been specified in a notice served under paragraph (a) or paragraph (b) of subsection (1) of this section and may recover the expenses of so doing from the owner or occupier.

(4) If the highway authority impose any condition under paragraph (c) of subsection (1) of this section any person who knowingly uses the verge or footway as a crossing as aforesaid or permits it to be so used in contravention of that condition shall be liable to a fine not exceeding five pounds.

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

PART III
—cont.

(6) Section 18 of the Public Health Acts Amendment Act 1907 shall not be declared to be in force in the county and the following provisions of this subsection shall have effect as respects streets in the county which are repairable by the inhabitants at large:—

- (a) Any person may request the highway authority in writing to carry out such works as shall be specified in the request for the purpose of forming a carriage-crossing across a verge or footway in any such street or of strengthening or adapting a part of any such footway as a carriage-crossing ;
- (b) The highway authority may approve the request either with or without modifications or propose alternative work or reject the application ;
- (c) The highway authority shall give the applicant notice of their decision under the last foregoing paragraph and if they approve the work requested or propose alternative work shall furnish him with an estimate of the cost of the work as approved or proposed by them ;
- (d) The applicant may deposit with the highway authority the amount of the said estimate and require them to execute the work as approved or proposed by them ;
- (e) As soon as practicable after such a deposit has been made the highway authority shall execute the work as approved or proposed by them and any difference between the sum deposited and the actual cost of the work shall be paid to or by the highway authority by or to the applicant as the case may require.

(7) For the avoidance of doubt be it enacted that the works to be executed under this section are works to be executed for road purposes within the meaning of Part II of the Public Utilities Street Works Act 1950 and accordingly the code in that Part shall have effect as if those works were specifically mentioned in paragraph (a) of subsection (1) of section 21 of that Act.

(8) The expenses recoverable under subsection (3) of this section and the cost of the work for the purposes of subsection (6) shall include the cost of any works which are required by the Public Utilities Street Works Act 1950 to be executed in consequence of the construction of the crossing or the strengthening or adaptation of the footway.

(9) Section 192 (Prohibition of vehicles on grass verges etc.) of the Act of 1944 and section 25 (Crossings over footways etc.) of the Act of 1950 and section 27 (For protection of undertakers) of that Act so far as that section relates to the said section 25 are hereby repealed but if before the commencement of this Act any

notice has been given application made or approval given under the said section 25 the provisions of that section and so much of the provisions of the said section 27 as relates thereto shall continue to apply to the consequences of such notice application or approval and to any proceedings or works to which it relates as if this section had not been enacted.

PART III
—cont.

22. The power of a local authority to contribute the whole or a portion of the expenses incurred by them in executing private street works with respect to any street or part of a street shall be extended so as to cover also the contribution of the whole or any portion of the amount which would otherwise be apportioned and charged under any statutory provision for the time being in force in a district relating to private street works in respect of the said expenses against any premises of which only a flank fronts adjoins or abuts on such street or part of a street and the amount which would otherwise so be apportioned and charged against any such premises shall be reduced by the amount of the contribution made by the local authority under this section in respect of such premises.

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

23.—(1) Where any private street works in the county have been completed but the local authority are unable to recover the amount due from the owner of any premises or otherwise under the Private Street Works Act 1892 or the Public Health Act 1875 or the provisions of a local Act relating to private street works whichever shall be the appropriate enactment by reason of the fact that such owner is unknown and cannot after diligent inquiry made when the said amount becomes due and at reasonable intervals thereafter be found the local authority may at any time after the expiration of twelve years from the date when the said amount becomes due apply to the county court and that court may on the receipt of such application and on being satisfied that the provisions of this subsection have been complied with make an order vesting the said premises in the local authority absolutely and thereupon the local authority may appropriate the said premises subject to and in accordance with the provisions of section 163 of the Act of 1933 as if the said premises were land which was not required for the purpose for which it was acquired.

Recovery of private street works charges where owner unknown.

(2) (a) Where the county court make an order under subsection (1) of this section the court shall nominate a surveyor for determining the value of the said premises and such surveyor shall determine the same accordingly and shall annex to his valuation a declaration in writing subscribed by him of the correctness thereof and the local authority shall thereupon deposit a sum equal to the amount of such valuation after deduction of the amount of the final apportionment in respect of the said premises with interest thereon for a period of six

PART III
—cont.

years at the rate of five per centum per annum or at such other rate as may have been fixed by order of the Minister under section 77 of the Public Health Act 1925 together with all costs and expenses reasonably incurred by the local authority.

(b) In cases where the private street works have been executed under the Public Health Act 1875 the foregoing provisions of this section shall have effect by the substitution for the words "the amount of the final apportionment in respect of the said premises" of the words "the amount of the expenses of the local authority in executing the works in respect of the said premises".

(3) Any sum to be deposited under subsection (2) of this section shall be deposited in accordance with section 76 of the Lands Clauses Consolidation Act 1845 as if it was a sum awarded to be paid to an owner who cannot be found and as if the local authority were the promoters of an undertaking and such sum shall be applied in accordance with section 78 of that Act.

(4) The powers conferred by this section shall be exercisable by a local authority in addition to any existing rights powers and remedies for the recovery of expenses and shall be exercisable by the local authority in respect of all private street works whether completed before or after the passing of this Act.

Recovery of
deposits under
Lands Clauses
Acts.

24. 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 a local authority in the bank in pursuance of the provisions of that Act or in pursuance of the last foregoing section to order upon application by the local authority 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 local authority:

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 that such money as has been repaid or transferred to the local authority under the provisions of this section or any part thereof be paid to the person making such claim and may make such other order in the premises as the court shall think fit.

Removal of
trees etc.
from streets.

25.—(1) Where any tree or structure or any part thereof falls on or across any street in the county the highway authority may remove the same and recover the reasonable cost of so doing from the owner thereof or of the premises from which the tree structure or part thereof had fallen:

Provided that if it is not practicable after reasonable inquiry to ascertain the name and address of the owner of the tree structure or part thereof or of the premises from which it had fallen the cost of removal may be recovered from the occupier of the premises.

(2) The provisions of section 276 of the Act of 1936 (relating to the sale of certain materials) as applied by this Act shall for the purposes of this section have effect as if—

- (a) instead of the local authority the section referred to the highway authority as defined in section 4 (Interpretation) of this Act; and
- (b) the expression "materials" included a tree or structure or part thereof:

Provided that the highway authority may recover under subsection (1) of this section any balance of the cost outstanding after exercising their powers under section 276 of the Act of 1936.

(3) In any proceedings under this section the court may inquire whether the expenses incurred by the highway authority ought to be borne wholly or partly by the owner of the tree structure or part thereof or of the premises from which it had fallen (or as the case may be the occupier of those premises) and the court may make such order concerning the expenses or their apportionment as appears to the court to be just in the circumstances of the case:

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

26. Section 316 (Application of certain provisions to local authorities) of the Act of 1944 shall have effect with the substitution for the proviso to subsection (1) of that section of the following proviso:— Further provisions in reference to frontage lines.

"Provided that section 200 (Frontage line) of this Act in its application to a local authority shall have effect as if instead of county roads reference were made to claimed roads and other roads not being county roads."

27.—(1) A local authority may on the occasion of any public festivity cause flag-poles and pylons to be erected in any street in their district for the purpose of displaying decorations and may for that purpose provide sockets or slots in or under the surface of any such street. Decorations in streets.

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

PART III
—cont.

(3) A local authority shall not exercise the powers of this section—

- (a) in a trunk road without the consent of the Minister of Transport and Civil Aviation ;
- (b) in a county road (other than a claimed road) without the consent of the Council ; or
- (c) in any street belonging to or repairable by the commission without the consent of the commission.

Defacing of
road surface
or traffic sign.

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

- (a) soil or deface the surface of any street in the county or any wall fence post or other structure or erection or any tree in or adjoining any such street by inscribing or painting thereon any letter sign device or other mark ;
- (b) remove obliterate deface or obscure any traffic sign erected or placed in the county under the provisions of the Road Traffic Acts 1930 to 1947.

(2) If the provisions of the foregoing subsection are contravened the highway authority as regards the surface of the street and the traffic sign and the local authority as regards the wall fence post structure erection or tree may cleanse or reinstate the same and remove any such letter sign device or other mark.

(3) (a) Any person who contravenes the provisions of subsection (1) of this section shall be liable to a fine not exceeding five pounds and the highway authority and the local authority may recover from him the expenses incurred by them in consequence of such contravention.

(b) When exercising the powers of subsection (2) of this section an authority as between themselves and the person by whom the provisions of subsection (1) of this section are contravened shall not in the absence of negligence on the part of the authority or of any person employed by them be liable for any damages for or in respect of or consequent upon the exercise of those powers and any such damages paid by the authority in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by the person by whom the said provisions were contravened.

(4) Any byelaw relating to the purposes of this section made in pursuance of section 249 of the Act of 1933 and in force in the county or any part thereof is hereby repealed so far as it relates to those purposes.

29.—(1) Subject to the provisions of subsection (3) of this section no person shall—

- (a) sell or offer or expose for sale ; or
- (b) deposit for sale ;

on the verge of or on any lay-by in any street in the county repairable by the inhabitants at large or on any roadside waste adjacent thereto any food goods provisions articles or things in such a manner that any danger or obstruction is caused or is likely to be caused to persons or vehicles using such street or the footpath adjacent to such verge or roadside waste by—

- (i) such sale or offer or exposure for sale or deposit for sale ; or
- (ii) a person buying or examining such food goods provisions articles or things ; or
- (iii) a vehicle which had been used by such last-mentioned person.

(2) Any person who contravenes the provisions of this section shall be liable to a fine not exceeding forty shillings.

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

- (a) a person selling offering or exposing for sale or depositing for sale any food goods provisions articles or things at any market or fair for which he has paid a toll stallage or rent ;
- (b) any fixed or movable shelters or other accommodation for servants of the commission erected maintained or placed by the commission under the provisions of section 65 of the London Passenger Transport Act 1938 ; or
- (c) a person who has a licence under Part IX (Street trading) of the Act of 1944 in respect of the part of the street which comprises the verge or lay-by or has a licence or is registered under Part V (Street trading) of this Act in respect thereof.

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

Verges etc.
of housing
estates.

Provided that nothing in this section shall affect the rights of an undertaker with respect to any apparatus (including the placing of apparatus) in any such grass verge garden or space but in exercising such rights the undertakers shall not cause or permit except in cases of necessity horses or vehicles to enter upon any such verge garden or space.

PART III
—cont.

Sale of food
and articles on
verges etc.

PART III
—cont.

(2) The notice referred to in the foregoing subsection shall be conspicuously posted on or in proximity to the grass verge garden or space to which it relates and any person who contravenes a notice so posted shall be liable to a fine not exceeding twenty shillings.

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

Acquisition and
development of
derelict land.

31.—(1) The Council may purchase by agreement land in the county which is situated within two hundred and twenty yards from the centre of a classified road and—

(a) which in the opinion of the Council is derelict land or land not used for any useful purpose; and

(b) the development of which is in their opinion desirable.

(2) The Council may with the consent of the Minister develop any land which has been acquired by them being land to which the foregoing provisions of this section would apply and may thereon erect and maintain houses shops offices industrial buildings garages warehouses and other buildings.

(3) The Council may use or dispose of the building or other materials of any houses or structures on any land acquired by them under the powers of this section which they deem it necessary or desirable to pull down.

(4) The Council shall not purchase land in the exercise of the powers of this section except with the consent of the local authority for the district in which the land is situated.

(5) In this section—

the expression “classified road” has the same meaning as in the Local Government Act 1929;

the expression “industrial buildings” includes a building used or designed or suitable for use for the carrying on of any process for or incidental to any of the following purposes (namely):—

(a) the making of any article or of part of any article; or

(b) the altering repairing ornamenting finishing cleaning washing packing or canning or adapting for sale or breaking up or demolition of any article;

being a process carried on in the course of trade or business and for the purposes of this definition the expression “article” means an article of any description.

32. The Council may on a conspicuous external part of any house building or place in the county and a local authority may on a conspicuous external part of any house building or place in their district cause to be put up with the consent of the owner of such house building or place commemorative plaques indicating events of public interest in connection with such house building or place or the site thereof and may thereafter with the like consent maintain any such plaque.

PART III
—cont.
Commemorative plaques.

33.—(1) Where plans for the erection of a building are in accordance with building byelaws deposited with a local authority and the plans show that the building will not be provided with such means of access for fire brigade appliances and personnel as the local authority may after consultation with the fire authority consider necessary to enable effective action to be taken by the fire authority in case of fire at such building the local authority shall reject the plans.

Access for fire brigade to new buildings.

(2) If the local authority reject the plans under the authority of 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.

(3) Any question arising under this section between a local authority and the person by whom or on whose behalf the plans are deposited as to whether the plans show that the building will be provided with the necessary means of access for fire brigade appliances and personnel shall on the application of that person be determined by a magistrates' court.

34.—(1) Every person intending to build or take down any building or to alter or repair the outward part of any building in or abutting on any road in the county being a road repairable by the inhabitants at large shall if required by the highway authority—

Hoards to be set up during building operations.

- (a) before beginning the same cause close-boarded hoards or fences to be put up to the satisfaction of the highway authority in order to separate the building from the road ;
- (b) make a convenient covered platform and handrail to serve as a footway for passengers outside such hoard or fence ;
- (c) maintain such hoard or fence with such platform and handrail as aforesaid in good condition to the satisfaction of the highway authority during such time as they may require and cause the same to be lighted in such manner as to give proper warning to the public during the hours of darkness as defined in section 1 of the Road Transport Lighting Act 1927 ; and

PART III
—cont.

(d) remove such hoard or fence with such platform and handrail as aforesaid when required by the highway authority.

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

(3) Any person who contravenes the provisions of this section shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings.

(4) The provisions of section 80 of the Towns Improvement Clauses Act 1847 of section 34 of the Public Health Acts Amendment Act 1890 and of section 198 of the Act of 1944 shall not apply to any building operations in respect of which the highway authority have made requirements under this section.

Supply of
water to
premises where
supply cut off.

35.—(1) Where any statutory undertakers for the supply of water by reason of the defective state of a supply pipe or the absence or defective state of any fittings cease to supply with water any building in the county or part of a building therein which is occupied as a separate tenement being a building or part used for human habitation or as a place where persons are employed the local authority for the district in which the building or part is situated may after giving notice to the owner of the building or the part of a building of their intention to do so execute such works provide such fittings and do such other things as they may consider necessary to secure that the supply of water to the building or part is restored and the expenses reasonably incurred by them in so doing shall be recoverable from the owner of the building or part.

(2) Where any building or any part thereof has been let for the purpose of being used for human habitation or as a place where persons are employed it shall be deemed for the purposes of this section to be occupied and used for such purposes.

(3) 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 building or part of a building 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 has had due notice of the proceedings and an opportunity of being heard.

PART III
—cont.

(4) In and for the purposes of this section the expression "supply pipe" has the same meaning as in the Third Schedule to the Water Act 1945.

(5) This section shall not apply to any premises to which section 41 of the Factories Act 1937 applies.

36.—(1) A local authority as respects any premises in their district may in lieu of exercising their powers under section 75 of the Act of 1936 to require the owner or occupier of the premises to provide dustbins for the reception of house refuse themselves provide maintain repair cleanse and renew such number of dustbins as they may consider necessary.

Power for
local authority
to provide
dustbins.

(2) The local authority may (if they think fit) make an annual charge in respect of each dustbin provided maintained repaired cleansed or renewed by them under subsection (1) of this section as follows:—

- (a) in the case of a dustbin having a capacity not exceeding three and a quarter cubic feet such sum not exceeding five shillings as they may think fit; and
- (b) in the case of any other dustbin such sum as they may reasonably determine;

but the local authority shall not be obliged to make any such charge either in respect of any or in respect of all the premises in their district for which a dustbin is so provided maintained repaired cleansed or renewed.

(3) Subsection (3) of section 8 of the Local Government (Miscellaneous Provisions) Act 1953 (which makes provision for enabling the Minister to increase the annual charge which may be made by a local authority for a dustbin provided by them) shall apply in relation to the last foregoing subsection as it applies in relation to subsections (1) and (2) of that section.

(4) Any charge made under subsection (2) of this section shall become due on the first day of April in each year and may be recovered as part of the general rate in respect of the premises for which the dustbin was provided but without prejudice to the rights of any person under any tenancy agreement:

Provided that as respects any such premises—

- (a) if the premises are in more than one occupation for rating purposes the local authority shall make a reasonable apportionment of the charge in respect of each part of the premises so separately occupied;

PART III
—cont.

(b) if the premises or any part thereof as aforesaid are or is unoccupied during any portion of the period of twelve months commencing on the first day of April in any year the charge or sum apportioned to such part in respect of the charge (as the case may be) shall be reduced in the proportion which such portion bears to twelve months ; and

(c) if such premises or part are or is unoccupied on the first day of April in any year such charge or apportioned sum (as the case may be) shall not be recoverable until the premises or part become or becomes occupied and if they or it remain or remains unoccupied during the whole of the period of twelve months commencing on that day such charge or sum shall be treated as irrecoverable in respect of that period.

Exposed party walls to be weatherproof.

37.—(1) Within the county where any building or structure or part of a building or structure is demolished leaving a party wall exposed the person by or on behalf of whom it was demolished shall take such steps as shall be necessary to ensure that such wall will adequately resist the penetration of rain and snow :

Provided that if the building of which the wall forms part is not occupied those steps need not be taken until it is about to be occupied.

(2) If the steps referred to in subsection (1) of this section shall be necessary in connection with any demolition of a building or structure under section 58 (Dangerous or dilapidated buildings and structures) of the Act of 1936 subsection (2) of that section shall apply thereto.

(3) A person who fails to comply with the provisions of subsection (1) of this section for fourteen days after receiving notice from the local authority requiring him to comply therewith shall be liable to a fine not exceeding five pounds and to a fine not exceeding forty shillings for every day after conviction on which he fails to comply with the notice.

Summary power to remedy stopped-up drains etc.

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

(2) If the notice is not complied with the local authority may themselves carry out the work necessary to remedy the defect and may subject to the next following subsection recover

the expenses of so doing from the person on whom the notice was served:

PART III
—cont.

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

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

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

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

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

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

39.—(1) If any drain or private sewer in a district—

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

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

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

Power to
repair drains
and private
sewers.

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

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

(a) whether the drain or sewer in question required repair and whether the work done by the local authority was reasonable; and

(b) whether any apportionment made by the surveyor was fair;

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

PART III
—cont.

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

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

Power to
require
communication
of premises
with public
sewer in
certain cases.

40.—(1) (a) This section shall apply—

(i) as from the passing of this Act to the councils of the borough of Enfield and the urban districts of Staines and Yiewsley and West Drayton in respect of the specified part of the district and as from the prescribed date in respect of any other part of their district ;

(ii) as from the prescribed date to any other local authority in respect of their district or part thereof.

(b) In this section—

"the specified part of the district" in relation to—

(i) the borough council of Enfield means that part of the borough known as "the Oaklands Estate Crews Hill" which is bounded on the east by Theobalds Park Road on the south by nursery land on the west by the Hertford branch line of the British Railways and on the north by nursery land ;

(ii) the urban district council of Staines means those parts of the district which are shown coloured pink on the signed map ;

(iii) the urban district council of Yiewsley and West Drayton means that part of the district which is comprised within the green line on the Longford map being part of the village of Longford ;

"the signed map" means the map three copies of which have been signed by the Right Honourable the Lord Merthyr the chairman of the committee of the House of Lords to which the Bill for this Act was referred ;

"the Longford map" means the map three copies of which have been signed by Sir Rhys Hopkin Morris the chairman of the committee of the House of Commons to which the Bill for this Act was referred ;

"the prescribed date" means such date as the Minister may by order prescribe.

(2) In any case where a local authority to whom this section applies after the date on which it is applied under subsection (1) of this section are providing or are about to provide a public

sewer for serving an area or part of an area in their district to which this section then applies and for which a public sewer was not previously provided the local authority may by notice to the owner of any building in that area who is entitled to drain such building into such sewer but who cannot be required under section 39 of the Act of 1936 so to drain the same by reason of the existence of other satisfactory provision for the drainage thereof require such owner within a reasonable time specified in the notice to drain such building into such sewer by means of a proper drain to the satisfaction of the local authority:

Provided that the local authority shall not be entitled to serve such notice unless—

- (a) the sewer will be within one hundred feet of the site of the building and at a level which makes it reasonably practicable to construct at a reasonable cost a drain for communication between the building and the sewer ;
- (b) the value of the building has been increased or is likely to be increased through the availability of the public sewer for the service thereof ;
- (c) the drainage of the building to the public sewer will add to the amenity of the building or is needed for contributing to the general amenity of the area to be served by the sewer ; and
- (d) the land intervening between the building and the sewer is land through which such owner is entitled to construct a drain.

(3) Any dispute between the local authority and the owner as to any matter provided for or referred to in the foregoing subsection or in such notice shall be determined by a magistrates' court.

(4) Every notice given by a local authority in pursuance of subsection (2) of this section shall set forth the provisions of the proviso to that subsection and shall also have endorsed thereon notice of the right to appeal against such notice.

(5) Upon completion of the works required by the notice so as to cause the building to drain satisfactorily into the sewer the use of any cesspool pail collection system or other means previously used for disposing of foul drainage from the building shall be discontinued.

(6) 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.

(7) (a) The copies of the signed map and of the Longford map have been deposited as follows:—

One copy of each in the office of the Clerk of the Parliaments House of Lords;

One copy of each in the Private Bill Office of the House of Commons; and

One copy of the signed map in the office of the clerk of the Staines Urban District Council; and

One copy of the Longford map in the office of the clerk of the Yiewsley and West Drayton Urban District Council.

(b) Copies of the signed map deposited in pursuance of this section in the office of the clerk of the Staines Urban District Council and copies of the Longford map deposited in pursuance thereof in the office of the clerk of the Yiewsley and West Drayton Urban District Council certified by those clerks respectively to be true shall be received in all courts of justice and elsewhere as evidence of the contents of the maps.

Inspection chambers not to be covered.

41.—(1) Where a drain or private sewer has been provided with a man-hole or inspection chamber it shall be an offence to erect or place any part of a building or any wall fence hoarding or similar structure over such man-hole or inspection chamber so as to obstruct access thereto or in any other way to obstruct such access.

(2) A person who commits an offence against this section shall be liable to a fine not exceeding five pounds and to a fine not exceeding forty shillings for every day after conviction on which he permits part of a building or a wall fence hoarding or structure to remain over the man-hole or the inspection chamber.

(3) In this section the expression “inspection chamber” includes any means of access for the inspection and cleansing of a drain or private sewer.

Cleansing or destruction of filthy or verminous articles.

42. When it appears to the medical officer or a sanitary inspector of a local authority that the cleansing purifying disinfecting or destruction of any articles under section 84 of the Act of 1936 is urgently required he may subject to any directions of the local authority himself cause such articles to be cleansed purified disinfected or destroyed as the case may require at the expense of the local authority and if necessary for that purpose to be removed from the premises.

Byelaws for prevention of fire risks.

43. The Council may make byelaws for the prevention of serious risk of fire by the accumulation of highly inflammable materials on land in the neighbourhood of buildings.

44. The powers conferred upon the Council by section 216 (Council may provide bins for litter) of the Act of 1944 shall be exercisable upon any county road and that section shall have effect as if county roads were therein mentioned.

PART III
—cont.

Further powers as to bins for litter.

45.—(1) The Council may provide and place and maintain on any county road (other than a claimed road) and with the consent of the owner thereof on any roadside waste adjoining such road bins or other receptacles for holding sand.

Provision of sand bins.

(2) Any person who without lawful authority shall remove or otherwise interfere with any such bin or receptacle shall be liable to a fine not exceeding forty shillings.

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

For the protection of certain statutory undertakers.

(1) In this section unless the subject or context otherwise requires—

“ apparatus ” means—

(a) in relation to the Central Electricity Authority the Southern Electricity Board the Eastern Electricity Board and the London Electricity Board electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by those undertakers ;

(b) in relation to the North Thames Gas Board the South Eastern Gas Board and the Eastern Gas Board mains pipes or other apparatus belonging to or maintained by those undertakers ;

(c) in relation to the Metropolitan Water Board the Barnet District Water Company the Colne Valley Water Company the Rickmansworth and Uxbridge Valley Water Company and the West Surrey Water Company mains pipes and other apparatus belonging to or maintained by those undertakers ;

and includes any works constructed for the lodging therein of apparatus ;

“ appropriate authority ” means the Council the highway authority or the local authority as the case may be ;

“ undertakers ” means—

the Southern Electricity Board ;

the Eastern Electricity Board ;

the London Electricity Board ;

PART III
—cont.

the Central Electricity Authority ;
the North Thames Gas Board ;
the South Eastern Gas Board ;
the Eastern Gas Board ;
the Metropolitan Water Board ;
the Barnet District Water Company ;
the Colne Valley Water Company ;
the Rickmansworth and Uxbridge Valley Water
Company ; and
the West Surrey Water Company ;

and “ undertaker ” means any of the undertakers :

- (2) Nothing in the following sections of this Act shall relieve the appropriate authority from liability for damage caused by them to any apparatus in exercise of the powers of the said sections and the appropriate authority shall so exercise those powers as not to render less convenient (so far as is reasonably practicable) the access to any apparatus :—
- Section 27 (Decorations in streets) ;
Section 34 (Hoards to be set up during building operations) ;
Section 45 (Provision of sand bins) :
- (3) Nothing in section 39 (Power to repair drains and private sewers) of this Act shall authorise the appropriate authority to execute any works in under over across along or upon any operational land (within the meaning of the Town and Country Planning Act 1947) of an undertaker without the consent of the undertaker which consent shall not be unreasonably withheld :
- (4) (a) Any difference which may arise between the appropriate authority and an undertaker under this section shall be referred to a single arbitrator appointed by agreement between the appropriate authority and the undertaker or in default of agreement by the president of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to such arbitration ;
- (b) In settling any difference under this section the arbitrator may if he thinks fit require the appropriate authority to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

PART IV

PARKS OPEN SPACES AND CEMETERIES

47.—(1) For the purpose of providing a parking place under section 68 of the Public Health Act 1925 as amended by section 16 of the Restriction of Ribbon Development Act 1935 the Council or a local authority may with the consent of the Minister utilise any part of a park pleasure ground or open space provided by them or under their management and control: Parking places in parks etc.

Provided that—

- (a) the part of any park pleasure ground or open space utilised under this section shall not exceed one-eighth of the total area thereof or one acre whichever is the less ; and
- (b) the powers conferred by this section shall not be exercisable in relation to consecrated land unless the sanction of a licence or faculty from the consistory court of the diocese in which the land is situated is first obtained.

(2) In this section the expression "open space" includes an open space within the meaning of the Open Spaces Act 1906 and also a metropolitan common within the meaning of the Metropolitan Commons Acts 1866 to 1898.

48.—(1) The powers of a local authority in relation to a burial ground maintainable by them shall include the power— Extension of power to maintain burial grounds.

- (a) to put and keep in order any tombstone therein ;
- (b) to level any grave therein or remove any tombstone or movable memorial on any grave therein or the railings surrounding any grave or tombstone therein.

(2) Before exercising the powers conferred by paragraph (b) of the foregoing subsection the local authority shall give notice of their intention to do so—

- (a) by publishing the notice once in each of two successive weeks in a local newspaper circulating in their district with an interval between each publication of not less than six clear days ;
- (b) by displaying the notice in a conspicuous position in the burial ground ; and
- (c) by serving the notice upon the owner of the grave or upon a relative of a deceased person whose remains are interred therein if after reasonable inquiry the name and address of such owner or relative can be ascertained.

PART IV
—cont.

(3) The said notice shall—

- (a) contain brief particulars of the local authority's proposals and if necessary specify an address at which full particulars of the proposals can be obtained ;
- (b) specify the date on which it is intended that the local authority shall begin to carry out the proposals which shall not be earlier than the fourteenth day after the last publication of the notice in a newspaper as aforesaid or the twenty-first day after the notice is first displayed in the burial ground as aforesaid or where notice is served under paragraph (c) of subsection (2) of this section the twenty-first day after the service thereof ;
- (c) state the effect of the next following subsection.

(4) If notice of objection to the proposals and of the ground thereof is given to the local authority before the date so specified and is not withdrawn before the expiration of fourteen days from that date the proposals to which the objection relates shall not be carried out without the consent of the Minister.

(5) Unless within three months after the first publication of the notice as required by paragraph (a) of subsection (2) of this section or where notice is served under paragraph (c) of that subsection within three months after the service of such notice whichever is the later any tombstones memorials or railings removed under this section are claimed the local authority may put them to such use as they think appropriate or destroy them.

(6) Where any tombstone is removed under this section the local authority may erect at their own expense in substitution a tombstone of a value not exceeding twenty-five pounds.

(7) The local authority shall cause to be made a record of each tombstone and memorial removed under this section and deposit a copy of the record with the Registrar-General.

(8) Where a faculty or licence of a consistory court is required for any work nothing in this section shall relieve a local authority of their obligation to obtain such a faculty or licence and where a local authority obtain a faculty or licence for any work subsections (2) to (5) of this section shall not apply to that work.

(9) In this section—

“ burial ground ” includes a cemetery ;

“ grave ” includes a grave space ;

“ tombstone ” includes a kerb and any fixed memorial to the dead.

49. Section 44 of the Public Health Acts Amendment Act 1890 shall in its application to any district have effect as if—

PART IV
—cont.

(a) the urban authority had been empowered to close to the public any park or pleasure ground on six consecutive days (excluding Sunday) on any one occasion and in computing any period of six days Saturday and Monday shall be deemed to be consecutive days;

Closing of
parks.

(b) the proviso to subsection (1) of that section had been omitted and there were substituted the following:—

“ Provided that—

(i) no such park or pleasure ground shall be closed on more than three Sundays in any one year ; and

(ii) on any public holiday on which the urban authority think fit to close to the public any such park or pleasure ground not more than one-quarter of the total area of all the parks and pleasure grounds provided by them or under their management and control shall be so closed at one and the same time.”

50.—(1) Where any part of a park or pleasure ground provided by or under the management and control of a local authority is set apart by them under paragraph (b) of subsection (1) of section 76 of the Public Health Acts Amendment Act 1907 for the purpose of cricket football or any other game or recreation the local authority may permit the exclusive use by any club or other body of persons of—

Power to let
parks etc.
for games.

(a) any portion of the part set apart as aforesaid ; and

(b) the whole or any part of any pavilion convenience refreshment room or other building provided under that section ;

subject to such charges and conditions as the local authority think fit:

Provided that nothing in this section shall empower the local authority to permit at one and the same time the exclusive use of—

(i) more than one-third of the area of any park or pleasure ground ; or

(ii) more than one-quarter of the total area of all the parks and pleasure grounds provided by them or under their management and control.

(2) Section 286 (Charges for and letting of parks &c. for games) of the Act of 1944 is hereby repealed.

PART V

STREET TRADING

Application of
Part V.

51.—(1) The provisions of this Part of this Act shall come into operation in any district upon the passing of a resolution to that effect by the council of that district on such a date as may be named in the resolution not being less than two months after the date on which it is passed and in relation to that district the date so named shall be the appointed day for the purposes of this Part of this Act.

(2) Not less than six weeks before the provisions of this Part of this Act come into operation in any district in pursuance of this section the local authority shall give notice thereof by advertisement in a local newspaper circulating in their district and shall inform the Secretary of State.

(3) The provisions of Part IX (Street trading) of the Act of 1944 shall cease to be in operation in a district on the date upon which the provisions of this Part of this Act come into operation in that district and for the purposes of section 38 (Effect of repeal in future Acts) of the Interpretation Act 1889 this subsection shall be deemed to be a repeal of Part IX of the Act of 1944 in relation to that district.

Interpretation
of expressions
in Part V.

52.—(1) In this Part of this Act—

“the appointed day” has the meaning assigned to it by section 51 (Application of Part V) of this Act;

“annual licence” means a licence under this Part of this Act other than a temporary licence;

“article or thing” includes any living thing;

“designated street” means a street in respect of which a designating resolution is for the time being in force;

“designating resolution” means a resolution passed by a local authority under paragraph (a) of subsection (1) of section 53 (Designation of streets for purposes of street trading) of this Act;

“existing street trader” means an individual who at any time before the material date has regularly engaged in street trading which immediately before that date could be lawfully carried on without the authority of a licence but on or after that date could not be so carried on save as authorised by section 55 (Existing street traders) of this Act or by a registered street trader;

“the material date” means the date on which the street in relation to which the expression is used becomes a designated street;

“receptacle” includes a vehicle or stall and any basket bag box vessel stand easel board tray or other structure or thing which is used (whether or not constructed or adapted for such use) as a container for or for the display of any article or thing ;

“registered street trader” means a person registered as a registered street trader under section 56 (Registered street traders) of this Act ;

“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 an annual licence or a temporary licence ;

“temporary licence” means a licence under this Part of this Act valid for a single day or for a period of not more than fourteen consecutive days.

(2) Where any street in a district is so situated in relation to any other district that street trading in that street could in the opinion of the councils of the two districts be more conveniently regulated under the provisions of this Part of this Act by the council of such other district then if so agreed between the councils of the two districts the street shall for the purposes of this Part of this Act be deemed to be situated in the said other district.

53.—(1) A local authority may from time to time by resolution—

(a) designate any street within their district as a street in respect of which they will entertain applications for the grant of street trading licences ; and

(b) specify in relation to any designated street within their district any class or classes of articles or things which or other than which they will not prescribe in any street trading licences granted by them in respect of that street ;

and may from time to time by subsequent resolution rescind or vary any such resolution :

Provided that—

(i) the local authority shall not pass a designating resolution in respect of any street belonging to or repairable by the commission without their consent ; and

PART V
—cont.

- (ii) before passing a designating resolution in respect of a street the local authority shall consult with the commissioner of police of the metropolis on the proposal so to do.

(2) (a) A local authority shall give public notice of the passing by them of a resolution under the foregoing subsection by posting a notice in the street to which the resolution relates and in such other manner as they think desirable.

(b) Every such notice shall include such statement of the effect of the provisions of sections 55 (Existing street traders) and 56 (Registered street traders) of this Act as may appear to the local authority to be necessary for the information of existing street traders who may be affected by the taking effect of the resolution.

(3) The local authority shall as soon as practicable after the appointed day take into consideration—

- (a) the streets prescribed by the licences granted by them under Part IX of the Act of 1944 and then in force ;
- (b) the number of street trading licences for which applications are likely to be made to them ;
- (c) all other circumstances of the street trading within their district ; 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 their district ;

and shall not later than one month after the appointed day 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 a district that any street therein in respect of which a designating resolution has not been passed should become a designated street those persons may at any time after the appointed day make application to the local authority for the passing by them of a designating resolution in respect of that street :

Provided that—

- (a) 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 ;
- (b) 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.

PART V
—cont.

(5) A local authority 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 local authority 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 a local authority 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 a local authority passed under paragraph (b) of subsection (1) of this section or by a resolution rescinding or varying any such resolution or 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 (and where the number of appeals made to him under this section and not withdrawn in respect of any one application or resolution is more than twenty shall) cause a public local inquiry to be held into the subject-matter of an appeal before giving his determination:

Provided that the Secretary of State shall not be required to cause a public local inquiry to be held in any case where it appears to him that he ought by his determination to give such directions to the local authority as will fully satisfy the appellants and the local authority consent to such a determination.

(10) The determination of the Secretary of State on an appeal made to him under this section shall be final and the Secretary

PART V
—cont.

of State may either dismiss such appeal or may give such directions to the local authority as he thinks necessary to meet the case and the local authority shall comply with any such directions.

**Licensing of
street traders.**

54.—(1) Subject to the provisions of this Part of this Act it shall be unlawful for any person—

(a) to engage in street trading in or from a stationary position in any street within a district in which this Part of this Act is in operation; 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.

(2) For the purposes of this Part of this Act a person shall be deemed to engage in street trading on any occasion on which he sells or exposes or offers for sale any article or thing in a street whether or not he regularly carries on the business of street trading and a person shall be deemed to engage in street trading in or from a stationary position in a street if while he is engaged in street trading he or any article or thing exposed or offered for sale by him or any receptacle used by him in connection with the street trading occupies a stationary position in a street.

**Existing
street traders.**

55. An existing street trader shall be entitled—

(a) on the material date and until the expiration of two months thereafter or (if on his application an extended period has been allowed under subsection (2) of the next following section for the giving of notice under that section) until the date on which he gives notice within such extended period; and

(b) (where he has given to the local authority a notice under the next following section) for a further period terminating—

(i) on the date on which he becomes a registered street trader; or

(ii) on the expiration of a period of fourteen days from the date of a notification to him by the local authority of their refusal to register him as a registered street trader;

to engage in the street trading in which he engaged as an existing street trader immediately before the material date to the like extent and in the like manner as if he held a street trading licence for that purpose:

Provided that this section shall not authorise an existing street trader to sell or expose or offer for sale any article or thing in any street in which he did not regularly engage in street trading immediately before the material date.

56.—(1) An existing street trader with respect to whom the following condition is substantially satisfied (that is to say) that he has for a period of three years immediately preceding the date of his giving to the local authority a notice in writing in accordance with the provisions of the next following subsection regularly engaged in street trading which has throughout that period been of the same nature and conducted in the same position or place in a street and in the same manner shall be entitled on his giving such notice as aforesaid to be registered by the local authority as a registered street trader:

PART V:
—cont.
Registered
street traders.

Provided that in determining whether the condition aforesaid is substantially satisfied any part (not being longer than one-half) of the said period during which an existing street trader was serving with Her Majesty's forces shall be treated as a part of the period during which he engaged in street trading of the same nature and conducted in the same position or place in a street and in the same manner as during the remainder of the period.

(2) A notice for the purposes of the foregoing subsection may be given at any time during the period of two months next following the material date or during such extended period as may be allowed by the local authority and shall specify—

- (a) the name and address of the existing street trader ;
- (b) the street in which and the position or place in that street at which he has regularly engaged in street trading ;
- (c) the article or thing or the class or classes of articles or things regularly sold by him ;
- (d) the day or days on which and the time or times at or during which he has sold or exposed or offered for sale such articles or things as aforesaid ;
- (e) the kind of receptacle (if any) used by him in connection with the street trading ;
- (f) the period during which he has regularly engaged in street trading in all respects in accordance with the particulars specified by him under the foregoing paragraphs (b) (c) (d) and (e) ; and
- (g) where the period specified by him under the foregoing paragraph (f) is less than three years such information as may be necessary to enable the local authority to determine whether the case is one to which the proviso to the foregoing subsection applies.

(3) Upon the receipt of any such notice as aforesaid unless it appears to the local authority that the condition referred to in subsection (1) of this section is not substantially satisfied or they are satisfied that the particulars specified in the notice are inaccurate in some material respect they shall register as a

PART V
—cont.

registered street trader the person by whom the notice is given and where it appears to them that the condition is not so satisfied they may either refuse to register the person or if they are satisfied that he is an existing street trader and they consider that it would be reasonable that he should be registered as a registered street trader notwithstanding that the condition is not so satisfied they may so register him.

(4) (a) The local authority shall on registering any person as a registered street trader also register in relation to him the particulars specified by him under paragraphs (b) (c) (d) and (e) of subsection (2) of this section in the notice given by him under that subsection:

Provided that—

- (i) where it appears to the local authority that the particulars so specified as aforesaid by any person would not if registered in relation to him adequately define his rights as a registered street trader they may with the consent of that person when registering the particulars make such modifications therein as may be necessary for that purpose;
- (ii) the local authority may at any time with the consent or on the application of a registered street trader make such modifications in the particulars registered in relation to him under this subsection as they think fit.

(b) The local authority shall on registering any person as a registered street trader issue to him a certificate of registration which shall include the particulars registered in relation to him under the foregoing paragraph of this subsection and on making any subsequent modification in those particulars they shall amend the certificate or issue a new certificate.

(5) Where a local authority refuse to register a person as a registered street trader they shall within two months of the receipt by them of the notice given by that person under this section notify him in writing of their refusal and where such notification is not given in accordance with this subsection they shall be deemed so to have registered him.

(6) A registered street trader shall be entitled to engage and continue to engage in street trading to the like extent and in the like manner as if he held an annual licence granted and annually renewed by a local authority and as if the particulars registered in relation to him under subsection (4) of this section were the prescriptions of such licence and where the street in respect of which he is registered is not at the date of registration but subsequently becomes a designated street he shall continue to be so entitled as aforesaid without the need for further registration:

Provided that nothing in section 65 (Power to licensees to employ other persons) of this Act shall be deemed to authorise the employment by a registered street trader of any person other than a member of his family.

PART V
—cont.

(7) A local authority shall as soon as may be after the appointed day give public notice of the provisions of this section and of the last preceding section so far as may appear to them to be necessary for the information of existing street traders within their district who may be affected by the coming into operation of this Part of this Act.

57. If in the opinion of a local authority a person who has been registered by them as a registered street trader is on account of his having been convicted of an offence under this Part of this Act or any offence (being an offence committed by him in connection with the exercise of his rights as a registered street trader) under any enactment relating to obstruction of traffic in highways or for any other sufficient reason unsuitable to be permitted to engage in street trading as a registered street trader the local authority may cancel the registration of that person as a registered street trader as from such date as they may fix for the purpose and as from the date so fixed that person shall cease to be a registered street trader:

Cancellation of registration of registered street traders.

Provided that—

- (1) a local authority shall not cancel any such registration as aforesaid unless they shall have given to the registered street trader not less than seven days before the date proposed to be fixed by them as aforesaid notice in writing of the proposed cancellation and (if so required by him in writing within three days of the receipt of such notice) shall have afforded him an opportunity of being heard against such cancellation;
- (2) any such cancellation as aforesaid shall be without prejudice to any application for an annual licence which may thereafter be made under the provisions of the next following section by the person whose registration as a registered street trader is cancelled.

58.—(1) A person requiring an annual licence or the renewal of an annual licence shall make application in writing to the local authority and shall in such application state—

Annual 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;

PART V
—cont.

(d) the street or streets in which he intends so to sell or expose or offer for sale and the nature and type of any receptacle which he intends to use in connection with any sale or exposure or offer for sale.

(2) As soon as reasonably practicable after the receipt of an application under this section the local authority shall (save as provided by the next following subsection or by subsection (5) of section 61 (For preventing interference with traffic) of this Act) grant or renew an annual licence to the applicant.

(3) A local authority may refuse to grant or renew an annual licence or may at any time revoke or vary an annual 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 or streets to which the application relates or which is or are prescribed by the licence is at the date of such application or becomes at any time after the grant of such licence insufficient to permit of the applicant or licensee engaging therein in any street trading or in the particular street trading proposed to be or actually carried on by him without causing undue interference with or inconvenience to traffic in such street or streets ; or

(c) the street or streets to which the application relates is or are not a designated street or designated streets ; or

(d) the street or streets to which the application relates is or are a designated street or designated streets in relation to which the local authority have by resolution specified a class or classes of articles or things which or other than which they will not prescribe in any street trading licences granted by them in respect of that street or those streets and the prescription in the licence applied for of the articles or things proposed to be sold or exposed or offered for sale by the applicant would be contrary to the terms of such resolution ; or

(e) the applicant or licensee has persistently refused or neglected to pay any charges due from him to the local authority under this Part of this Act or the byelaws made thereunder ; or

(f) the licensee has for a period of not less than four weeks not exercised or not fully exercised his rights under the licence :

Provided that—

(i) the local authority shall not refuse to grant or renew and shall not revoke an annual licence on the

ground only that the applicant or licensee does not reside in their district ;

PART V
—cont.

(ii) the local authority shall not refuse to renew and shall not revoke or vary an annual 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 local authority refuse to grant or renew an annual licence or revoke or vary an annual 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) An annual licence may prescribe—

- (a) the street or streets 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 and type of any receptacle which may be used by the licensee in connection with any sale or exposure or offer for sale and the number of such receptacles which may be so used ;

and on any occasion of the renewal of an annual licence the local authority may vary such prescriptions.

(6) An annual licence shall unless revoked be valid—

- (a) if granted or renewed at any annual meeting fixed by the local authority 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.

59.—(1) A local authority may if they think fit on the receipt from any person of an application for that purpose grant to that person a temporary licence.

PART V
—cont.

(2) A temporary licence shall be valid only on the day or during the period in respect of which it is granted and—

(a) shall be in the like form as an annual licence with such modifications therein as the circumstances require ; and

(b) shall prescribe the day or period in respect of which it is granted and may prescribe any other relevant matter which may be prescribed by an annual licence.

(3) A temporary licence may be granted by any officer of the local authority authorised by them in that behalf.

(4) Where the holder of an annual licence by which a position or place in a street is prescribed is not for the time being exercising his rights under the licence a temporary licence authorising street trading in that position or place may be granted to any person other than such holder but shall be subject to the condition that it shall cease to be valid if during the currency thereof the holder of the annual licence desires to resume the exercise of his rights.

Fees on
licences.

60.—(1) Any person making application for the grant or renewal of an annual licence shall when making the application pay to the local authority in respect thereof a fee of five shillings.

(2) Where the local authority refuse to grant or renew an annual licence they shall repay to the person who made the application therefor the amount of the fee paid by him as aforesaid.

(3) An applicant for a temporary licence shall pay to the local authority a fee of such amount as may be determined by them not exceeding the maximum sum which may be fixed for that purpose by byelaws made under this Part of this Act but the local authority shall repay to the applicant the amount of the fee paid by him if the licence applied for be not granted.

For preventing
interference
with traffic.

61.—(1) Where it appears to the Secretary of State after consultation with the local authority that undue interference with or inconvenience to traffic in any street within their district 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.

(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 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 local authority to any person (otherwise than by way of renewal of an annual licence already held by that person) of an annual licence authorising street trading in that street:

PART V
—cont.

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 at least one newspaper circulating within the district to which the order relates 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.

62. Any person aggrieved by the refusal of a local authority to register him as a registered street trader or to grant or renew an annual licence or by the cancellation by them of his registration as a registered street trader or by the revocation or variation by a local authority of an annual licence or by any prescription made by a local authority under subsection (5) of section 58 (Annual licences) of this Act may appeal to a magistrates' court

Appeal against refusal of licence etc.

PART V
—cont.

and on any such appeal the court may confirm reverse or vary the decision of the local authority and may award costs:

Provided that—

- (1) any such appeal shall be brought within fourteen days from the date on which the refusal cancellation revocation variation or prescription which is the subject of the appeal is notified to such person as aforesaid by the local authority and notice in writing of the appeal shall be sent by him to the local authority not less than seven days before the hearing thereof;
- (2) no appeal shall be brought under this section against the refusal of a local authority to grant or renew an annual licence on the ground mentioned in paragraph (c) or the ground mentioned in paragraph (d) of subsection (3) of the said section 58 or in pursuance of the provisions of subsection (5) of section 61 (For preventing interference with traffic) of this Act or against any prescription made in pursuance of an order made under the said section 61 or of any resolution passed by a local authority under paragraph (b) of subsection (1) of section 53 (Designation of streets for purposes of street trading) of this Act.

Charges to holders of annual licences.

63. A local authority may make and recover from holders of annual licences granted by them charges—

- (1) for the removal of refuse or other services rendered by them to such holders; and
- (2) 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.

Byelaws as to trading under licences.

64.—(1) A local authority shall make byelaws relating to the following matters (that is to say):—

- (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 such authority;
- (b) the deposit and removal of refuse;
- (c) the allocation maximum dimensions and arrangement of receptacles;
- (d) any other conditions under which articles or things may be sold or exposed or offered for sale under such authority as aforesaid;

- (e) the charges which may be made under section 63 (Charges to holders of annual licences) of this Act; and
- (f) the maximum fee which may be charged to an applicant for a temporary licence.

PART V
—cont.

(2) Before making any byelaws under this section the local authority shall take such steps as they think necessary for affording to any recognised organisation representative of street traders and to any street trader affected by such byelaws and not being a member of any such organisation an opportunity to make representations with regard thereto.

65. 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.

Power to
licensees to
employ other
persons.

66.—(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—

Offences
penalties etc.

(a) engages in street trading in or from a stationary position in any street within a district in which this Part of this Act is in operation; 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—

(i) for the purposes of this subsection the particulars registered in relation to a registered street trader under subsection (4) of section 56 (Registered street traders) of this Act shall be deemed to be the prescriptions of a street trading licence held by him;

(ii) where any person has brought an appeal under this Part of this Act against the refusal of a local authority to renew an annual licence or against the revocation or variation of an annual licence or against any prescription of an annual 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 varied or to have been renewed without any variation of the prescriptions thereof;

(iii) where any person has brought an appeal under this Part of this Act against the refusal of a local authority to register him as a registered street trader or against their refusal to grant him an annual licence for which he applied consequently upon that refusal or against

PART V
—cont.

the cancellation of his registration as a registered street trader he shall not until such appeal has been heard and determined or has been abandoned be liable to any further or other proceedings under this subsection than he would have been if the local authority had not refused to register him as aforesaid or (as the case may be) if his registration had not been cancelled ;

- (iv) where during the period of validity of a street trading licence (other than a temporary licence) which is not subsequently revoked an application or appeal is made under section 53 (Designation of streets for purposes of street trading) of this Act with respect to a street prescribed by that licence the holder of the licence shall not be liable to any further or other proceedings under this subsection in respect of anything done by him in that street during any period between the date of expiration of the licence and the time when the question raised by such application or appeal as aforesaid is finally disposed of under the said section than he would have been if that licence had still been in force and the provisions of this paragraph shall apply notwithstanding that the holder of the licence was not a party to any such application or appeal as aforesaid or that he has not made any application to the local authority for the renewal of the licence.

(2) Any person who by wilful misrepresentation procures himself to be registered as a registered street trader or obtains a street trading licence or the renewal of any such licence shall be guilty of an offence.

(3) Any person found engaging in street trading in or from a stationary position in a street within a district in which this Part of this Act is in operation or engaging in street trading in a designated street shall on being required to do so by an officer of the local authority 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) Every person guilty of an offence under this section shall be liable to a fine not exceeding five pounds.

67. Nothing in this Part of this Act shall—

- (1) 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 ; or

Saving for
pedlars
hawkers
newsvendors
etc.

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

PART V
—cont.

(a) (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 county) 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

(b) (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 ; or

(3) 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 receptacle used by him to occupy a stationary position in the street for an unreasonable time ; or

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

68. 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 enactments relating to obstruction.

69. 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. Saving for sales in legal markets or fairs.

70. 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 Transitional provisions.

PART V
—cont.

under Part IX of the Act of 1944 shall have effect as if granted prescribed given made taken or done under the corresponding provisions of this Part of this Act and any such licence shall for the purposes of this Part of this Act be deemed to be a street trading licence.

PART VI

FINANCE

Power to borrow.

71.—(1) The Council shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow—

- (a) such sums as may be necessary for any of the purposes of this Act ;
- (b) without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall repay any sums so borrowed within such periods as the Council may determine not exceeding those respectively mentioned in the third column of the said table:—

(1)	(2)	(3)
Purpose	Amount	Period for repayment calculated from the date or dates of borrowing
(1) The purchase of lands and easements and the construction of the works authorised by the Act of 1944 or by this Act.	£6,800,000 In addition to the sum which the Council were empowered to borrow by paragraph (a) of subsection (1) of section 70 (Power to borrow) of the Middlesex County Council (Sewerage) Act 1938.	Forty years.
(2) The payment of the costs charges and expenses of this Act.	The amount requisite	Five years.

(2) The money which the Council are empowered by the Middlesex County Council (Sewerage) Act 1938 and this Act to borrow for the purchase of land and easements and the construction of the sewers authorised by the Act of 1944 and this Act may be used for the construction under the powers of the Act of 1936 as applied to the Council by section 67 of the Act

of 1944 of any sewers in substitution for the sewers so authorised and in the purchase of land and easements for and the payment of compensation in respect of those sewers.

PART VI
—cont.

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

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

73.—(1) The Council may establish a fund to be called "the capital fund" for the purpose of defraying expenditure to which capital is properly applicable. Council's capital fund.

(2) The fund shall be formed by appropriating in the accounts of the Council (other than their education account) such sums out of the county fund as the Council may from time to time deem expedient:

Provided that—

- (a) the sum so appropriated in any year shall not except with the consent of the Minister exceed the equivalent of the product of a rate of threepence in the pound for the county;
- (b) no payment shall be made by the Council into the capital fund so as to make that fund exceed an amount equivalent to five per centum of the rateable value of the county.

(3) The amount which may be defrayed out of the fund for any one transaction shall not exceed two hundred and fifty thousand pounds or such greater sum as may be allowed by the Minister in any case.

(4) When defraying any expenditure out of the fund the Council may determine that the sum shall be repaid to the fund from the account to which the moneys are advanced by such instalments (with or without interest) and within such period as the Council may determine and such payment shall not affect the sum which under the foregoing provisions of this section may be appropriated to the fund from the county fund.

PART VI
—CONT.

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

(b) Any income arising from the investment or use of the moneys in the fund in the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the fund to the purposes authorised shall be carried to the county fund as receipts for general county purposes and an amount equivalent to such income shall be carried to the credit of the capital fund out of the county fund.

(6) For the purposes of this section the product of a rate of a specified sum in the pound for the county shall be ascertained in accordance with subsections (3) and (4) of section 144 of the Local Government Act 1948.

(7) Section 435 (Council's capital reserve fund) of the Act of 1944 is hereby repealed and any fund established under that section shall be deemed to be part of the capital fund to be established under this section and the Council shall be deemed to have been authorised to exercise in reference thereto the powers of subsection (4) of this section.

**Local
authority's
capital fund.**

74.—(1) A local authority (other than the council of the borough of Wembley and the councils of the urban districts of Staines and Yiewsley and West Drayton) may establish a fund to be called "the capital fund" for the purpose of defraying expenditure to which capital is properly applicable other than expenditure in connection with an undertaking from which revenue is derived.

(2) The fund shall be formed by appropriating in the accounts of the local authority such sums out of the general rate fund as the local authority may from time to time deem expedient:

Provided that—

(a) the sum so appropriated in any year shall not except with the consent of the Minister exceed the equivalent of the product of a rate of twopence in the pound for the district of the local authority;

(b) no payment shall be made by the local authority into the capital fund so as to make that fund exceed an amount equivalent to five per centum of the rateable value of the said district.

(3) The amount which may be defrayed out of the fund for any one transaction shall not exceed a sum equivalent to the product of a rate of fivepence in the pound for the district of

the local authority or the sum of five thousand pounds (whichever shall be the greater) or such greater sum as may be allowed by the Minister in any case.

PART VI
—cont.

(4) When defraying any expenditure out of the fund the local authority may determine that the sum shall be repaid to the fund from the account to which the moneys are advanced by such instalments (with or without interest) and within such period as the local authority may determine and such payment shall not affect the sum which under the foregoing provisions of this section may be appropriated to the fund from the general rate fund.

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

(b) Any income arising from the investment or use of the moneys in the fund in the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the fund to the purposes authorised shall be carried to the general rate fund and an amount equivalent to such income shall be carried to the credit of the capital fund out of the general rate fund.

(6) For the purposes of this section the product of a rate of a specified sum in the pound for the district of the local authority shall be ascertained in accordance with subsections (3) and (4) of section 144 of the Local Government Act 1948.

(7) Section 295 (Capital reserve fund) of the Act of 1944 is hereby repealed and any fund established by a local authority under that section shall be deemed to be part of the capital fund of that authority to be established under this section and that authority shall be deemed to have been authorised to exercise in reference thereto the powers of subsection (4) of this section.

(8) This section shall not apply to the council of the borough of Brentford and Chiswick.

75. Section 292 (Power to make a charge in respect of establishment expenses) of the Act of 1936 shall extend to apply to any expenses recoverable by a local authority under the Housing Acts 1936 to 1954 and to the recovery thereof. Charges in respect of establishment expenses.

76. Paragraph (b) of subsection (2) of section 445 (Provision of lectures &c.) of the Act of 1944 shall have effect by the substitution for the words "two hundred and fifty pounds" of the words "five hundred pounds". Provision of lectures etc.

PART VI
—cont.

Recovery of rates from tenants and lodgers.

Additional evening instruction excluded for super-annuation.

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

78. The salary wages fees and other payments paid or made to an employee of the Council as an instructor at or for the purposes of an evening institute or for evening classes where such employment is in addition to his ordinary employment shall not be remuneration within the meaning of the Local Government Superannuation Acts 1937 and 1953 or any other enactment affecting the superannuation fund maintained by the Council under those Acts and the service of any such employee in any such employment shall not be reckoned as service for any of the purposes of those Acts.

PART VII

MISCELLANEOUS

Undertakings and agreements binding successive owners.

79.—(1) Every undertaking given by or to the Council or a local authority to or by the owner of any legal estate in land and every agreement made between the Council or a local authority and any such owner being an undertaking or agreement—

(a) given or made under seal on the passing of plans or otherwise in connection with the land; and

(b) expressed to be given or made in pursuance of this section;

shall be binding not only upon the Council or the local authority and any owner joining in the undertaking or agreement but also upon the successors in title of any owner so joining and any person claiming through or under them.

(2) Any such undertaking or agreement shall be treated as a local land charge for the purposes of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926.

(3) Any person upon whom any such undertaking or agreement is binding shall be entitled to require from the Council or the local authority a copy thereof.

Provision of reciprocal services etc. by Council and local authority.

80.—(1) For the better performance of their respective powers or duties provision may be made by agreement in the case of the Council between the Council and a local authority or in the case of a local authority between the local authority on the one hand and the Council or some other local authority on the other hand

for the taking by either party thereto of action of the following kinds:—

PART VII
—cont

- (a) the undertaking by one party for the other of any administrative clerical professional or technical services ;
- (b) the use or maintenance by one party of any vehicle plant equipment or apparatus of the other party and if it appears convenient the services of any staff employed in connection therewith ;
- (c) the carrying out of works of maintenance by one party in connection with land or buildings for the maintenance of which the other is responsible.

(2) In this section the expression " maintenance " includes renewal improvement and extension.

(3) Where provision could be made either by an agreement under this section or by virtue of the powers conferred by section 271 of the Act of 1936 it shall be made under the said section 271 and not under this section.

81.—(1) Any person who for the purpose of obtaining for himself or for any other person any of the benefits or advantages hereinafter mentioned—

False statements to obtain benefits.

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

shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(2) The benefits or advantages hereinbefore referred to are—

- (a) the occupation of any house belonging to the Council or to a local authority ;
- (b) a rebate of the rent of any such house ;
- (c) a reduction in the amount of any payment due to the Council or a local authority by virtue of the following enactments or of regulations made thereunder or the remission of any such payment :—
 - (i) the Children and Young Persons Act 1933 ;
 - (ii) the Education Acts 1944 to 1953 ;
 - (iii) the Children Act 1948 ; or

PART VII
—cont.

(d) any award grant contribution or payment made by the Council under the Education Acts 1944 to 1953 or under or by virtue of any regulations made under those Acts.

(3) If any person is convicted of an offence under this section the court may—

(a) terminate the tenancy of the house of which occupation had been obtained and order possession thereof to be given to the Council or the local authority (as the case may be);

(b) order the person convicted to pay to the Council or to the local authority (as the case may be) the amount of the rebate or reduction obtained by him;

(c) order the person convicted to make such payments as the court may think just to the Council or the local authority (as the case may be) in respect of—

(i) the reduction in the amount of any payment referred to in paragraph (c) of the last foregoing subsection or the remission thereof; or

(ii) any award grant contribution or payment referred to in paragraph (d) of that subsection.

(4) For the purposes of this section the expression “house” includes any part of a house which is occupied or intended to be occupied as a separate dwelling.

Return of
library books
etc.

82.—(1) In this section—

“a library” means any library maintained under the Public Libraries Acts 1892 to 1919 by a library authority (either alone or in combination with another authority) and any library maintained under the said Acts any part of the cost of the maintenance of which is borne by a library authority;

“a library authority” means the library authority for any area within the county for which the Public Libraries Acts 1892 to 1919 have been adopted;

“article” includes a book or gramophone record;

and in relation to a library maintained by two or more authorities in combination or the cost of the maintenance of which is shared by two or more authorities references to the authority by whom the library is maintained shall be construed as references to those authorities.

(2) Any person borrowing an article from a library shall not be entitled to retain the same after the expiration of such period (not being in the case of a book less than fourteen days) after the date of the borrowing thereof as may be prescribed in relation to

that article by the authority by whom the library is maintained and for the purposes of this provision the authority may prescribe different periods for different kinds of books or articles.

PART VII
—cont.

(3) Without prejudice to any other powers with respect to articles borrowed from a library the authority by whom the library is maintained may recover from any person failing to return any article borrowed from that library within such period as may be prescribed as aforesaid such reasonable sum as they may prescribe in respect of each day or each week or part of a week during which he fails to return the article together with any expenses incurred in sending to him notices in respect of the article:

Provided that in the case of a book the sum prescribed as aforesaid shall not exceed sixpence in respect of any week or part of a week during which the book is not returned as aforesaid.

(4) When any article is reserved by a library authority for any person the authority may recover from him such sum in respect of the reservation as they may prescribe.

(5) Where a library authority become entitled under this section to recover any sum from any person that person shall not have any right until that sum has been duly paid to borrow any other article from any library maintained by that authority including any library which is maintained by the authority in combination with another authority or part of the cost of the maintenance of which is borne by the authority.

83.—(1) If it appears to a local authority that for the prevention of danger to persons generally or to property any tree in their district should be removed cut or felled the authority may serve a notice on the owner of the premises on which such tree is growing or situated requiring him within twenty-one days to remove cut or fell the tree or execute such other works as the authority may consider necessary to prevent the danger:

Power to
require
removal etc.
of dangerous
trees.

Provided that if it is not practicable after reasonable inquiry to ascertain the name and address of the owner of the premises the notice may be served on the occupier thereof.

(2) The provisions of section 276 of the Act of 1936 relating to the sale of certain materials as applied by this Act shall for the purposes of this section have effect as if the expression "materials" included a tree or part thereof.

(3) 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 VII
—cont.

Provided that for the purposes of such application the said section 290 shall have effect as if—

(a) for paragraph (a) of subsection (3) thereof there were substituted the following paragraph:—

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

(b) for the purposes of paragraph (e) of that subsection the notice might lawfully have been served on either the owner or the occupier of the premises.

Derelict petrol
tanks.

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

(2) Any officer of the local authority for the district in which the premises are situated who is duly authorised by them may on producing a copy of his authority purporting to be signed by the clerk of the local authority require the occupier of the premises on which is situated any tank or other fixed container which has been used for the storage of petroleum spirit and is no longer used for that purpose to show him such container and permit him to ascertain whether steps have been taken to comply with the provisions of this section.

(3) If any person after due warning contravenes the provisions of subsection (1) of this section he shall be guilty of an offence and shall be liable to a fine not exceeding ten pounds and to a daily fine not exceeding five pounds.

(4) In this section the expression “petroleum spirit” has the same meaning as in the Petroleum (Consolidation) Act 1928.

Maintenance
of gifts of
property.

85.—(1) The Council may administer maintain and improve any lands buildings and objects of interest accepted by them in pursuance of section 36 (Power to accept gifts of objects of interest) of the County Council of Middlesex (General Powers) Act 1906 or under subsection (1) of section 268 of the Act of 1933 and may execute any works (including works of maintenance or improvement) incidental to or consequential upon the acceptance of such gifts.

(2) A local authority may administer maintain and improve any property accepted by them in pursuance of subsection (1) of section 268 of the Act of 1933 and may execute any works (including works of maintenance or improvement) incidental to or consequential upon the acceptance of such gifts.

86.—(1) Subject to the provisions of this section the Council may purchase any pictures sculptures or other objects of artistic historical or scientific interest which in their opinion it is desirable to acquire for exhibition in any art gallery museum or other building of the Council.

PART VII
—cont.

Purchase of
pictures etc.

(2) Any expenditure incurred by the Council under this section shall not in any financial year exceed the equivalent of the product of a rate of one-fifth of one penny in the pound for the county or such greater fraction (not exceeding one-half) of the product of a rate of one penny in the pound as may be approved by the Minister.

(3) For the purposes of this section the product of a fraction of one penny in the pound shall be ascertained in accordance with subsections (3) and (4) of section 144 of the Local Government Act 1948.

(4) The Council may sell and dispose of any objects acquired under the powers of this section.

87. Where a person has to remove from a house in consequence of its acquisition by the Council or a local authority or of any other action taken by them the Council or the local authority may pay to him such reasonable allowances as they think fit towards his expenses in removing.

Power to make
allowances for
removing.

88. Section 345 (Prohibition of movable dwellings) of the Act of 1944 shall extend to the whole county and accordingly the following provisions of that Act are repealed namely:—

Further
provisions as to
movable
dwellings.

Section 344 (Court may prohibit movable dwellings in certain areas);

The words in section 345 as amended by section 33 of the Act of 1950 "having a population of not less than twenty thousand according to the published returns of the last census for the time being".

89. The council of a borough within the county may provide and maintain robes of office and head-dresses for the use of the mayor aldermen and councillors for the time being of their borough:

Robes of office.

Provided that the robes and head-dresses provided by any such council under the powers of this section shall remain the property of the council.

90.—(1) The Council or a local authority may make reasonable payments for or in connection with—

Expenses of
public
entertainment
etc.

(a) the provision of public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing;

PART VII
—cont.

- (b) the arrangement and conduct of ceremonies and displays relative to or arising out of any statutory functions of the Council or the local authority ;
- (c) refreshments for members of the Council or of the local authority and representatives of other local authorities and other bodies or for other persons attending conferences or meetings convened by the Council or a local authority or any of the occasions referred to in this section.

(2) The Council may pay reasonable expenses incurred by members of their fire brigade and ambulance service and civil defence corps and allied organisations who participate in competitions exercises and displays.

(3) In its application to the Council paragraph (b) of subsection (1) of section 1 of the Local Authorities (Expenses) Act 1956 shall have effect as if for the words "visiting the county" there were substituted the words "visiting the county or the administrative county of London".

(4) Paragraph (b) of subsection (1) and subsection (2) of section 437 of the Act of 1944 are hereby repealed.

PART VIII

GENERAL

Application of existing enactments.

91. The following provisions of the Act of 1944 so far as the same are applicable in that behalf shall with any necessary modifications extend and apply to the exercise of the powers of this Act in the same manner as if those provisions were re-enacted in this Act (namely):—

- Section 469 (Recovery of penalties etc.) ;
- Section 470 (Damages and charges to be settled by court);
- Section 472 (Compensation how to be determined).

Confirming authority for byelaws.

92. As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Secretary of State.

Local inquiries.

93.—(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.

(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.

PART VIII
—CONT.

94. Proceedings in respect of an offence created by or under this Act (except section 84 (Derelict petrol tanks)) shall not without the written consent of the Attorney-General be taken by any person other than a party aggrieved or the Council or the local authority.

Restriction
on right to
prosecute.

95.—(1) Section 300 of the Act of 1936 shall apply with respect to appeals to a magistrates' court under any enactment in this Act 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.

Appeals.

(2) Where any requirement refusal or other decision of the Council a local authority or a highway authority 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 Council the local authority or the highway authority themselves execute the work or take the action ; and

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

96.—(1) No matter or thing done and no contract entered into by the Council and no matter or thing done by any member of the Council or by any officer of the Council or other person whomsoever acting under the direction of the Council shall if the matter or thing were done or the contract were entered into bona fide for the purpose of carrying out any powers or duties of the Council under any local enactment subject any member or officer of the Council or other person as aforesaid personally to any action liability claim or demand whatsoever and any expense incurred by the Council or any such member officer or other person acting as aforesaid shall be borne and repaid out of the county fund :

Protection of
members of
Council and
their officers
from personal
liability.

Provided that nothing in this section shall exempt any member or officer of the Council from liability to be surcharged

PART VIII
—cont.

with the amount of any expenditure which may be disallowed by the district auditor in the accounts of the Council and which such member or officer incurred or authorised or joined in incurring or authorising.

(2) The provisions of section 265 of the Public Health Act 1875 affording protection to local authorities and their officers from personal liability shall enure for the benefit of any member of any local authority and any officer of such authority or other person acting under the direction of such authority in relation to the execution by such local authority officer or person of the provisions of any local enactment.

Application of
general
provisions of
Act of 1936.

97.—(1) The sections of the Act of 1936 mentioned in Part I of the Second 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 buildings and sanitation); and

Part VII (Miscellaneous).

(3) Section 293 (Recovery of expenses etc.) of the Act of 1936 shall have effect as if references therein to that Act included a reference to Part III and Part VII of this Act except section 82 (Return of library books etc.).

(4) In their application to this Act the sections of the Act of 1936 mentioned in the Second Schedule to this Act shall have effect as if the expression “local authority” included the Council and any local authority.

Saving for
town and
country
planning.

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

Saving for
trusts etc.

99.—(1) No power conferred upon the Council or a local authority by the sections of this Act hereinafter mentioned shall be exercised in such manner—

(a) as to be at variance with any trust subject to which any land or building is held managed or controlled by the Council or the local authority 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 (other than a covenant or condition which was subsisting immediately before the date of the gift or lease to the Council or the local authority) subject to which a gift or lease of any land or building has been accepted by or granted to the Council or the local authority without the consent of the donor grantor lessor or other person entitled in law to the benefit of the covenant or condition.

PART VIII
—cont.

(2) The sections of this Act hereinbefore mentioned are—

Section 31 (Acquisition and development of derelict land);

Section 47 (Parking places in parks etc.);

Section 49 (Closing of parks); and

Section 50 (Power to let parks etc. for games).

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

101. All the costs charges and expenses preliminary to and Costs of Act. 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 Council.

SCHEDULES

FIRST SCHEDULE

THIS AGREEMENT is made the fourth day of June 1956 BETWEEN TWICKENHAM GRAVEL COMPANY LIMITED whose registered office is at 32 Victoria Street London S.W.1 (hereinafter called "the Company") of the one part and THE COUNTY COUNCIL OF THE ADMINISTRATIVE COUNTY OF MIDDLESEX (hereinafter called "the Council") of the other part

WHEREAS—

(1) The Company are the owners in fee simple of the gravel-bearing land at Waltham Cross in the Counties of Middlesex and Hertford shown on the deposited plans:

(2) The Council are promoting in the present Session of Parliament a Bill intituled "An Act to make further provision for the disposal of sewage in the County of Middlesex and parts of adjoining counties to confer further powers upon the Middlesex County Council and the local authorities in Middlesex in relation to the health local government improvement and finances of the county and the boroughs and districts therein and for other purposes" (hereinafter called "the Bill"):

(3) The Bill would extend the time for the completion and empower the Council to acquire compulsorily lands or easements or rights therein required for the purpose of certain works authorised by the Middlesex County Council Act 1944 including the construction of a sewer (Work No. 7) within the limits of deviation shown on the deposited plans and comprising land belonging to the Company:

(4) The Company have lodged a Petition against the Bill alleging that the Company's property rights and interests would be injuriously affected by the Bill and in particular by a power of compulsory purchase over the said land:

(5) In view of the objections of the Company and to enable them to continue the excavation of gravel from their lands it has been agreed that the powers of the Council in reference to the construction of the said sewer shall be limited the intention of the Council being to construct alternative sewers in the exercise of their powers under the provisions of the Public Health Act 1936 which were applied to them by section 67 of the Middlesex County Council Act 1944:

(6) In consideration of the Council entering into this Agreement and including provisions for the protection of the Company in the Bill the Company have agreed to withdraw their Petition and not further to oppose the Bill:

NOW THIS DEED WITNESSETH AND IT IS HEREBY AGREED as follows:—

1. At the request of the Council made at any time before the 1st day of October 1961 the Company shall convey to them on the terms hereinafter expressed the legal estate in fee simple free from incumbrances in a site not exceeding 100 feet from north to south by 50 feet from east to west for use by the Council for the erection thereon of a pumping station. Such site shall be selected by the Council from land

belonging to the Company but the eastern boundary thereof shall coincide with the eastern boundary of the Company's land abutting on the River Lee Navigation and the whole thereof shall form part of the land at present leased by the Company to Dunlop Sports Company Limited.

1ST SCH.
—cont.

2. At the request of the Council made at any time before the 1st day of October 1961 the Company shall grant to them in fee simple on the terms hereinafter expressed such easements and rights in the Company's land as the Council may reasonably require for the purpose of constructing using and maintaining and obtaining access to the sewers hereinafter mentioned namely:—

- (a) a sewer from the said pumping station site in a northerly direction to a point to be selected by the Council near to the boundary between Middlesex and Hertfordshire the whole length of this sewer to be laid within the margin 15 feet wide which the Company shall leave unexcavated along the eastern boundary of their land;
- (b) a sewer from the termination of the last-mentioned sewer proceeding in a westerly direction to a point to be selected by the Council on the eastern (or at the option of the Council on the western) bank of the Small River Lee near to the intersection of the county boundary and that river This sewer shall be laid in the strip of filling 40 feet wide or in the strip of gravel 30 feet wide respectively referred to in clause 4 (a) and (b) hereof or in any filled land of the Company to the north of the county boundary;
- (c) a sewer from the termination of the last-mentioned sewer proceeding in a south-westerly and southerly direction along the eastern or (as the case may be) the western bank of the Small River Lee The whole length of the sewer if on the eastern bank shall be laid within the margin 20 feet wide which the Company are required by the conditions of their Planning Permission to leave unexcavated along the bank of the Small River Lee and if on the western bank shall be laid within the existing margin or (to the extent that it is constructed in land which has been filled by the Company at the date of construction) within 100 feet of the Small River Lee.

3. The said easements shall include full right and liberty to the Council their contractors agents and workmen at all reasonable times to enter upon the land of the Company for the purpose of laying repairing and maintaining the said sewers the Council causing thereby as little damage as reasonably practicable and making good all such damage as may be caused to the land and property of the Company.

4. (a) To facilitate the laying of the sewers referred to in clause 2 hereof the Company shall forthwith commence and as quickly as possible complete the filling of a strip of their excavated land not less than 40 feet wide measured along the surface between the River Lee Navigation and the Small River Lee such strip to run from east to west along the north of the present gravel face which is approximately on the line of the county boundary The Company shall leave

1st Sch.
—cont.

unexcavated a protective strip of the gravel face 6 feet wide measured along the surface on the south side of and contiguous with the said strip of filling.

(b) If and to the extent that the Company shall not have completed the said strip of filling at the time when the Council commence construction of the said sewers the Company shall leave unexcavated for the laying of the sewers a strip of the said gravel face 30 feet wide measured along the surface in lieu of the said strip of filling and protective strip of gravel 6 feet wide. Provided that the Council at their option may lay the said sewers in any filled land of the Company to the north of the county boundary and upon written notice from the Council of their intention so to do the Company shall not be required to leave the said strip of gravel 30 feet wide.

5. At all times when the Council their contractors agents or workmen are carrying out work on the land of the Company or on land acquired from the Company in pursuance of this Agreement the Council shall be responsible for the performance and observance of the following conditions:—

(a) Any water pumped by the Council or their contractors agents or workmen from the land shall at the request of the Company be discharged into the nearest watercourse on the Company's land running from east to west;

(b) If and so often as any excavation is made by the Council or their contractors agents or workmen beneath the Company's skip railway adequate support shall be provided and maintained for the railway over the excavation and all work necessary to provide and maintain such support shall be carried out between the hours of noon on a Saturday and 7 a.m. on the following Monday;

(c) Any fence on any part of the Company's land which may be broken through by the Council or their contractors agents or workmen shall be reinstated or repaired to the reasonable satisfaction of the Company and where necessary adequate temporary fencing shall be provided to the reasonable satisfaction of the Company.

6. The Council shall give to the Company two months' notice of the date upon which they will require the land to be acquired by them for the pumping station under clause 1 hereof and of the date or dates upon which they will require the easements to be acquired by them under clause 2 hereof.

7.—(1) The Council shall pay compensation to the Company in respect of the land and easements to be acquired by them in pursuance of this Agreement and subject to the provisions of this Agreement such compensation shall be assessed as if—

(a) the land and easements were acquired compulsorily under the provisions contained in the Act into which the Bill is passed relating to the compulsory purchase of land and easements; and

(b) the dates on which the Council commence work on any of the Company's lands were the dates of the service of the notices to treat in respect of the lands in question.

(2) Compensation payable under this clause shall include compensation in respect of gravel left unexcavated by the Company solely for the purpose of complying with the provisions of this Agreement or with any written request of the Council.

1st SCH.
—cont.

8. Any difference or dispute arising in connection with this Agreement (other than a dispute as to the amount of compensation payable by the Council) shall be referred to a single arbitrator to be agreed or in the absence of agreement nominated by the President for the time being of the Royal Institution of Chartered Surveyors.

9. This Agreement is made subject to such alterations as Parliament may think fit to make therein. Provided that if any material alteration shall be so made either party shall be entitled forthwith to give notice to the other to determine this Agreement.

In witness whereof the parties hereto have hereunto set their respective Common Seals the day and year first before written.

THE COMMON SEAL of Twickenham Gravel Company Limited was hereunto affixed in the presence of

B. L. MORTON
TIMOTHY U. HARTWRIGHT } *Directors*
THOMAS W. HARPER *Secretary*

THE COMMON SEAL of the County Council of the Administrative County of Middlesex was hereunto affixed in the presence of

C. G. A. COWAN *Chairman of the County Council*
KENNETH GOODACRE *Clerk of the County Council*

SECOND SCHEDULE

SECTIONS OF PUBLIC HEALTH ACT 1936 APPLIED

PART I

SECTIONS APPLIED GENERALLY

Section	Marginal note
271	Interpretation of "provide".
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284	Authentication of documents.
285	Service of notices &c.
288	Penalty for obstructing execution of Act.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

2ND SCH.
—cont.

PART II

SECTIONS APPLIED TO PARTS III AND VII OF THIS ACT

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

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.
Local Loans Act 1875	38 & 39 Vict. c. 83.
Electric Lighting Act 1882	45 & 46 Vict. c. 56.
Interpretation Act 1889	52 & 53 Vict. c. 63.
Public Health Acts Amendment Act 1890 ...	53 & 54 Vict. c. 5.
Private Street Works Act 1892	55 & 56 Vict. c. 57.
Open Spaces Act 1906	6 Edw. 7 c. 25.
County Council of Middlesex (General Powers) Act 1906	6 Edw. 7 c. clxxiv.
Public Health Acts Amendment Act 1907 ...	7 Edw. 7 c. 53.
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5 c. 57.
London Traffic Act 1924	14 & 15 Geo. 5 c. 34.
Land Charges Act 1925	15 & 16 Geo. 5 c. 22.
Public Health Act 1925	15 & 16 Geo. 5 c. 71.
Rating and Valuation Act 1925	15 & 16 Geo. 5 c. 90.
Law of Property (Amendment) Act 1926 ...	16 & 17 Geo. 5 c. 11.
Road Transport Lighting Act 1927	17 & 18 Geo. 5 c. 37.
Petroleum (Consolidation) Act 1928	18 & 19 Geo. 5 c. 32.
Local Government Act 1929	19 & 20 Geo. 5 c. 17.
Road Traffic Act 1930	20 & 21 Geo. 5 c. 43.
Middlesex County Council Act 1931	21 & 22 Geo. 5 c. xxxii.
Children and Young Persons Act 1933 ...	23 & 24 Geo. 5 c. 12.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Restriction of Ribbon Development Act 1935 ...	25 & 26 Geo. 5 c. 47.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Trunk Roads Act 1936	1 Edw. 8 & 1 Geo. 6 c. 5.
Factories Act 1937	1 Edw. 8 & 1 Geo. 6 c. 67.
Local Government Superannuation Act 1937 ...	1 Edw. 8 & 1 Geo. 6 c. 68.
London Passenger Transport Act 1938 ...	1 & 2 Geo. 6 c. xcii.
Middlesex County Council (Sewerage) Act 1938	1 & 2 Geo. 6 c. xc.
Middlesex County Council Act 1944	7 & 8 Geo. 6 c. xxi.
Water Act 1945	8 & 9 Geo. 6 c. 42.
Trunk Roads Act 1946	9 & 10 Geo. 6 c. 30.
Ministers of the Crown (Transfer of Functions) Act 1946	9 & 10 Geo. 6 c. 31.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51.
Local Government Act 1948	11 & 12 Geo. 6 c. 26.
Education (Miscellaneous Provisions) Act 1948	11 & 12 Geo. 6 c. 40.
Children Act 1948	11 & 12 Geo. 6 c. 43.
Lands Tribunal Act 1949	12 13 & 14 Geo. 6 c. 42.
Arbitration Act 1950	14 Geo. 6 c. 27.
Public Utilities Street Works Act 1950 ...	14 Geo. 6 c. 39.
Middlesex County Council Act 1950	14 Geo. 6 c. lii.
Magistrates' Courts Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 55.
Local Government Superannuation Act 1953 ...	1 & 2 Eliz. 2 c. 25.
Local Government (Miscellaneous Provisions) Act 1953	1 & 2 Eliz. 2 c. 26.
Town and Country Planning Act 1954 ...	2 & 3 Eliz. 2 c. 72.
Food and Drugs Act 1955	4 Eliz. 2 c. 16.
Local Authorities (Expenses) Act 1956 ...	4 & 5 Eliz. 2 c. 36.

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2. Incorporation of Acts.
3. Interpretation.
4. Power to acquire Rock Ferry Pier.
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7. Power to acquire lands and confirmation of agreement.
8. Correction of errors in deposited plan and book of reference.
9. Grant of easements by persons under disability.
10. Power to remove part of Rock Ferry Pier and to make works.
11. Period for completion of works.
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14. Works affecting river Mersey.
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21. Abatement of work abandoned or decayed.
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24. Application of Local Government Act 1933 to byelaws.
25. Inquiries by Minister.
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27. For protection of Corporation.
28. Crown rights.
29. Saving for town and country planning.
30. Repeal of provisions of Act of 1897.
31. Costs of Act.

SCHEDULE.

A