

East Ham Corporation Act, 1957

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ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Citations.
2. Division of Act into Parts.
3. Incorporation of Lands Clauses Acts.
4. Interpretation.

PART II

LANDS

5. Development of land.
6. Loans for erection etc. of buildings.
7. Acquisition of land in advance of requirements.
8. Undertakings and agreements binding successive owners.
9. Parking places in buildings.
10. Provision of garages.
11. Purchase of land for certain purposes.
12. Recovery of deposits under Lands Clauses Acts.
13. Application of Lands Clauses Acts to purchases by agreement.

PART III

STREETS

General

14. Interpretation of this Part of Act.

Improvement of streets

15. Trees grass verges and gardens.
16. Variation of width of carriageways and footways.
17. Enforcement of improvement line.
18. Guard rails in private streets.
19. Attachment of street lamps brackets etc.
20. Illumination of street names.

Protection and repair of streets

Section

21. Retaining walls.
22. Fencing of forecourts.
23. Forecourts injurious to amenities of street.
24. Maintenance of forecourts to which the public have access.
25. Removal of trees etc. from streets.
26. Removal of furniture from streets.
27. Awnings over footways.
28. Urgent repairs of private streets.
29. Fencing and lighting of obstructions in highways.
30. Mixing of mortar etc. in streets.
31. Defacing of road surface etc.
32. Recovery of cost of providing lighting equipment in private streets.
33. Maintenance of footways etc.

Miscellaneous

34. Pavement lights and ventilators.
35. Damage to trees etc. on highways and in open spaces.
36. Decorations in streets.

PART IV

PUBLIC HEALTH

Sewers drains and sanitary conveniences

37. Recovery of cost of maintaining public sewers.
38. Separate drains for foul water and surface water.
39. Delegation of power to examine and test drains etc.
40. Summary power to remedy stopped-up drains etc.
41. Power to repair drains and private sewers.
42. Power to cleanse drains etc.
43. Abandoned drains to be cut off.
44. Penalty for improper construction or repair of water-closet etc.
45. Closet accommodation for separate dwellings.
46. Sanitary conveniences for persons employed on construction work.
47. Provision of sanitary conveniences at places of public exhibition etc.

Buildings and structures

48. Ruinous and dilapidated buildings and neglected sites.
49. Dangerous structures.
50. Recovery of expenses of watching etc. dangerous and dilapidated buildings.
51. Cellars and rooms below subsoil water level.

Section

52. Provision of bathrooms.
53. Food storage accommodation.
54. Separate approach for separate tenements.
55. New building overreaching adjoining chimneys.
56. Power to order alteration of domestic chimneys.
57. Demolition of buildings.
58. Dealing with drains and sewers before demolition of buildings.
59. Supply of water to premises where supply cut off.
60. Defective premises.
61. Precautions against fire in certain buildings.
62. Further provision for public and other buildings.
63. Fireman's switches for luminous tube signs.
64. Parts of buildings used for storage of inflammable substances.

Filthy or verminous premises or articles

65. Cleansing of filthy or verminous premises.
66. Power to require vacation of premises during fumigation.
67. Prohibition of sale of verminous articles.

Nuisances and disposal of refuse

68. Tipping of spoil and refuse.
69. Discharge of steam and waste gas.
70. Silencers for internal combustion engines.
71. Noise or vibration nuisance.
72. Discontinuance of offensive trade.
73. Nuisance from pigeons etc.
74. Receptacles for trade refuse.
75. Deposit of dangerous matter in dustbins.

PART V

INFECTIOUS DISEASES

76. Definition of notifiable disease.
77. Information to be furnished by occupier in case of notifiable disease.
78. Restriction on attendance at public places etc.
79. Exclusion of children from places of entertainment or assembly.
80. Compensation for stopping employment to prevent spread of disease.
81. Entry into premises in case of notifiable disease.
82. Prohibition of tuberculous persons from handling food.
83. Amendment of section 154 of Act of 1936.
84. Persons provided with certain accommodation etc.

PART VI

Section MOVABLE DWELLINGS

- 85. Interpretation of this Part of Act.
- 86. Prohibition of movable dwellings without consent.
- 87. Saving from this Part of Act.
- 88. Section 269 of Act of 1936 not to apply to borough.

PART VII

PUBLIC ORDER AND PUBLIC SAFETY

- 89. Barriers in streets.
- 90. Offences in respect of fire hydrants etc.
- 91. Safety of stands.
- 92. Boxing and wrestling entertainments.
- 93. Byelaws as to pleasure fairs and roller-skating rinks.
- 94. Derelict petrol tanks.
- 95. Restrictions on use of loudspeakers in streets.
- 96. Cancellation and variation of licences by agreement.
- 97. Devolution of licences in case of death of licensee.
- 98. Dispensation with bonds by theatre managers.

PART VIII

WEIGHTS AND MEASURES

- 99. Interpretation and application of this Part of Act.
- 100. Application of Act of 1889.
- 101. Byelaws relating to wood fuel.
- 102. Penalty on fraudulent sale of coal etc.
- 103. Sale of coal etc. otherwise than in sacks from a vehicle.
- 104. Sale in sacks of coal etc. in quantities exceeding two hundredweight.
- 105. Requirements as to vehicles carrying coal etc. for sale or delivery on sale.
- 106. Sale of briquettes.
- 107. Drivers of vehicles to take them to weighing-machines on request.
- 108. Notice of certain provisions of this Part of Act.
- 109. Offences by weighing-machine keepers and others.
- 110. Penalties on persons committing frauds.
- 111. Further offences in relation to weighing-machines.
- 112. Deficient weight measure or number.
- 113. Personal weighing-machines.
- 114. Power to erect weighbridges etc.

PART IX

Section FINANCE RATING ETC.

115. Power to borrow.
116. Saving for powers of Treasury.
117. Power to issue bonds.
118. Consolidated loans fund.
119. Insurance fund.
120. Dividend warrants by post.
121. Modification of mortgages by endorsement under hand.
122. Officers of Corporation acting as receivers etc.
123. Power to charge in respect of establishment expenses.
124. As to proof of continued existence of pensioners.
125. Payment of pension etc. to person of unsound mind.
126. Recovery of rates from certain owners.
127. Recovery of rates from persons removing.
128. Receipts in case of minors.
129. Investment of superannuation fund.

PART X

MISCELLANEOUS

130. Hairdressers and barbers.
131. Collection and delivery of washing.
132. Prizes for competitions.
133. Competitions etc.
134. False statements to obtain benefits.
135. Further powers as to libraries.
136. Welfare of aged and handicapped persons.
137. Social rehabilitation.
138. Research into matters concerning social conditions etc.
139. Subscriptions to local government and scientific bodies and other expenses.
140. Subscriptions to certain institutions.
141. Commemorative plaques.
142. Removal etc. of dangerous trees.
143. Disposal of lost and uncollected property.
144. Removal of vehicles.
145. Robes of office.
146. Recreational and other facilities for employees.
147. Publication of records etc.
148. Information centres.
149. Provision of gymnastic apparatus.
150. Summary recovery of damages for negligence.
151. Powers to use ladders etc. for entry or inspection.
152. Delegation of powers to sub-committees.
153. Authorities to officers.

Section

- 154. Authentication of documents.
- 155. Service of documents.
- 156. Protection of members of council and officers from personal liability.

PART XI

GENERAL

- 157. Confirming authority for byelaws.
- 158. Local inquiries.
- 159. Arbitration.
- 160. The appointed day.
- 161. Restriction on right to prosecute.
- 162. Appeals.
- 163. Application of general provisions of Act of 1936.
- 164. Repeal.
- 165. Application of certain sections within port of London.
- 166. For protection of Essex River Board.
- 167. For protection of certain statutory undertakers.
- 168. For protection of Port of London Authority.
- 169. For further protection of gas board.
- 170. Saving for trusts etc.
- 171. Saving for town and country planning.
- 172. Costs of Act.

SCHEDULES:

First Schedule—

Part I—Local Acts.

Part II—Confirmation Acts and orders.

Second Schedule—Provisions as to bonds.

Third Schedule—Sections of Public Health Act 1936 applied—

Part I—Sections applied generally.

Part II—Sections applied to Parts III IV V and VI and sections 94 and 142 of this Act.

Part III—Section applied to Parts III IV V and VI and sections 91 93 113 and 130 of this Act.

Fourth Schedule—Enactments repealed.



CHAPTER xxxvii

An Act to confer further powers upon the mayor aldermen and burgesses of the borough of East Ham and to make further provision for the improvement health local government and finances of the borough and for other purposes. [31st July 1957.]

WHEREAS—

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

(2) It is expedient to confer further powers upon the Corporation and to make further provision with reference to the improvement health and local government of the borough and the finances of the Corporation:

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

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

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen’s most Excellent Majesty by and

with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

PART I

PRELIMINARY

Citations.

1.—(1) This Act may be cited as the East Ham Corporation Act 1957.

(2) The local Acts as defined in section 4 (Interpretation) of this Act and this Act may be jointly cited as the East Ham Corporation Acts 1898 to 1957.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—Streets.

Part IV.—Public health.

Part V.—Infectious diseases.

Part VI.—Movable dwellings.

Part VII.—Public order and public safety.

Part VIII.—Weights and measures.

Part IX.—Finance rating etc.

Part X.—Miscellaneous.

Part XI.—General.

Incorporation of Lands Clauses Acts

3. The Lands Clauses Acts except sections 127 to 132 of the Lands Clauses Consolidation Act 1845 (which relate to the sale of superfluous lands) and sections 150 and 151 of that Act (which relate to access to the special Act) (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.

Interpretation.

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

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

“ the Act of 1925 ” means the Rating and Valuation Act 1925;

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

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

“ the Act of 1947 ” means the Town and Country Planning Act 1947;

- “ the Act of 1950 ” means the Public Utilities Street Works Act 1950;
- “ the appointed day ” has the meaning assigned to it by section 160 (The appointed day) of this Act;
- “ authorised security ” means any mortgage stock bond or other security which the Corporation are for the time being authorised to grant create or issue or upon or by means of which the Corporation are for the time being authorised to raise money;
- “ the borough ” means the borough of East Ham;
- “ the commission ” means the British Transport Commission;
- “ contravention ” includes a failure to comply and “ contravene ” shall be construed accordingly;
- “ the Corporation ” means the mayor aldermen and burgesses of the borough;
- “ the council ” means the council of the borough;
- “ daily fine ” means a fine for each day on which an offence is continued after conviction therefor;
- “ the electricity authority ” means the Central Electricity Authority;
- “ the electricity board ” means the London Electricity Board;
- “ enactment ” includes an enactment in this Act or in any general or local Act and any order byelaw scheme or regulation for the time being in force within the borough;
- “ financial year ” means a period of twelve months ending on the thirty-first day of March;
- “ food ” has the meaning assigned to that expression by section 135 of the Food and Drugs Act 1955;
- “ the gas board ” means the North Thames Gas Board;
- “ the general rate fund ” and “ the general rate ” mean respectively the general rate fund and the general rate of the borough;
- “ the Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part V of the Act of 1947 by the Lands Tribunal Act 1949 by the Town and Country Planning Act 1954 and by this Act;
- “ the local Acts ” means the local Acts specified in Part I of the First Schedule to this Act and the orders specified in Part II of that schedule and so much of the Confirmation Acts specified in Part II as relates to those orders;
- “ magistrates’ court ” has the same meaning as in subsection (1) of section 124 of the Magistrates’ Courts Act 1952;

PART I
—cont.

- “ the Minister ” means the Minister of Housing and Local Government;
- “ open space ” has the same meaning as in the Open Spaces Act 1906;
- “ private street ” means—
- (a) a street to which section 150 of the Public Health Act 1875 applies; or
- (b) (if the Corporation adopt the Private Street Works Act 1892 or that Act applies to any street in the borough) a street within the meaning of that Act;
- “ private street works ” means works executed under the provisions of any enactment relating to private street works for the time being in force in the borough;
- “ public service vehicle ” has the meaning assigned to it by section 39 of the Road Traffic Act 1956;
- “ revenues ” in relation to the Corporation has the meaning assigned to it by section 218 of the Act of 1933;
- “ statutory borrowing power ” includes a power of borrowing money conferred on the Corporation by or under any enactment except paragraph (a) of subsection (1) of section 215 of the Act of 1933;
- “ 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 Corporation;
- “ telegraphic line ” has the same meaning as in the Telegraph Act 1878;
- “ the town clerk ” “ the medical officer ” “ the treasurer ” “ the surveyor ” and “ the public health inspector ” mean respectively the town clerk the medical officer of health the treasurer the surveyor and any public health inspector of the borough;
- “ trolley vehicle ” has the same meaning as in section 54 of the Road Traffic Act 1956.

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

(4) References in this Act to a subsequent offence against any provision of this Act shall be construed as references to an offence against that provision committed after a previous conviction for such an offence.

PART II

LANDS

5.—(1) The Corporation may (with the consent of the Minister) Development
lay out and develop any lands for the time being belonging to of land,
them and may on any such land erect and maintain houses shops
offices industrial buildings garages warehouses and other buildings
and construct sewer drain pave channel and kerb streets:

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

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

(3) In this section the expression "industrial building"
includes a building used or designed or suitable for use for the
carrying on of any process for or incidental to the making of
any article or of part 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 including a ship or vessel.

6.—(1) The Corporation may advance money to the purchaser Loans for
or lessee of any land acquired from or leased by the Corporation erection etc.
for the purpose of enabling or assisting him to build on such of buildings.
land or to extend or improve any existing building thereon:

Provided that any such advance shall not exceed in the case
of a building being a house nine-tenths or in the case of any
other building three-quarters of the amount which in the opinion
of the Corporation will be the market value of the interest of
the borrower in the land after the purpose of the loan has been
effected.

(2) Before any advance is made under this section its repayment
shall be secured to the satisfaction of the Corporation by a
mortgage of the land and building in respect of which the advance
is to be made or of the lessee's interest therein and the instrument
securing the advance shall—

(a) fix the rate of interest to be paid being a rate not less
than the rate for the time being in operation under the
Small Dwellings Acquisition Acts 1899 to 1923 as
amended by section 92 of the Housing Act 1935;

(b) fix the period within which the advance is to be repaid
being a period not exceeding thirty years from the
date of the advance;

PART II
—cont.

- (c) require the repayment to be made either by equal instalments of principal or by an annuity of principal and interest combined;
- (d) fix the intervals at which all payments on account of principal and interest are to be made being intervals not exceeding half a year;
- (e) authorise the borrower at any of the usual quarter days after one month's notice and on paying all sums due on account of interest to repay the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the said instrument or as the Corporation may be prepared to accept) or a multiple of one hundred pounds (or of such less sum as aforesaid);
- (f) where the repayment is to be made by an annuity of principal and interest combined provide for determining the amount by which the annuity is to be reduced when a part of the advance is paid off otherwise than by way of an instalment of the annuity;
- (g) require the borrower either—
 - (i) to keep the building in respect of which the advance is made insured against fire to the satisfaction of the Corporation and to produce to the Corporation when required the receipts for the premiums paid in respect of the insurance; or
 - (ii) (if the Corporation elect themselves to insure the said building against fire) to repay to the Corporation the amounts of any premiums paid by them from time to time in that behalf; and
- (h) require the borrower to keep the said building in good repair.

(3) Any person acting on behalf of the Corporation and authorised in writing by the town clerk shall have power at all reasonable times to enter any building in respect of which an advance has been made under this section for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are being complied with.

(4) In this section the expression "lessee" includes a person to whom the Corporation have agreed to grant a lease and the expression "lease" shall be construed accordingly.

Acquisition
of land in
advance of
requirements.

7.—(1) The Corporation may acquire by agreement whether by way of purchase lease or exchange any land whether situate within or without the borough for or in connection with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the borough notwithstanding that the land is not immediately required.

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

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

8.—(1) Every undertaking given by or to the Corporation to or by the owner of any legal estate in land and every agreement made between the Corporation and any such owner being an undertaking or agreement—

Undertakings and agreements binding successive owners.

(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 Corporation 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 Corporation a copy thereof.

9.—(1) The Corporation may provide and maintain and manage parking places for vehicles on any storey or storeys of or under any building in the borough for the time being belonging to them and may prescribe the class or classes of vehicles which may use any such parking place.

Parking places in buildings.

(2) For the purposes aforesaid the Corporation may—

(a) acquire buildings or acquire land and erect buildings (including shops and offices) thereon; and

(b) make such charges as they think fit for the use of such parking places.

10. The Corporation may erect provide and maintain garages on any land in the borough which they may for the time being possess and may let the same for such periods and on such terms and conditions as they may think fit:

Provision of garages.

Provided that nothing in this section shall empower the Corporation—

(a) to sell motor vehicles or fuel lubricants accessories spare parts or equipment for motor vehicles; or

PART II
—cont.

(b) to carry on the business of maintaining or repairing motor vehicles.

Purchase of land for certain purposes.

11.—(1) The Corporation by means of an order made by the Corporation and submitted to the appropriate Minister and confirmed by him may be authorised to purchase compulsorily land within the borough—

(a) for the purpose of section 9 (Parking places in buildings) of this Act; and

(b) for the purpose of section 10 (Provision of garages) of this Act.

(2) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of the said Act of 1946.

(3) In this section the expression “appropriate Minister” means the Minister of Transport and Civil Aviation in respect of the purpose mentioned in paragraph (a) of subsection (1) of this section and the Minister in respect of the purpose mentioned in paragraph (b) of that subsection.

Recovery of deposits under Lands Clauses Acts.

12. Notwithstanding anything in the Lands Clauses Consolidation Act 1845 it shall be lawful for the High Court at any time not being less than twelve years after any sum has been deposited by the Corporation in the bank in pursuance of section 76 of that Act or deposited by the Corporation in the bank by way of security in pursuance of section 85 of that Act to order upon application by the Corporation that the money so deposited or the fund in which the sum shall have been invested together with the accumulations thereto shall be repaid or transferred to the Corporation:

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

Application of Lands Clauses Acts to purchases by agreement.

13.—(1) For the purpose of any enactment empowering the acquisition by the Corporation of land by agreement for a purpose for which they are for the time being or could under any enactment for the time being in force be authorised to acquire the land compulsorily the Lands Clauses Acts (except the provisions relating to access to the special Act and except sections 127 to 132 of the Lands Clauses Consolidation Act 1845) shall so far as

concerns any such acquisition be deemed to be incorporated with such enactment and in construing those Acts for the purposes of this section such enactment shall be deemed to be the special Act and the Corporation shall be deemed to be promoters of the undertaking.

PART II
—cont.

(2) The powers exercisable under this section shall be in addition to the powers exercisable under any other enactment including section 3 (Incorporation of Lands Clauses Acts) of this Act.

PART III.

STREETS

General

14. In this Part of this Act the following expressions have the following meanings:—

Interpretation
of this Part
of Act.

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

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

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

Improvement of streets

15.—(1) Subject to the provisions of this section the Corporation shall have power in any street vested in them or on any land acquired by them for the purpose of the construction or improvement of any such street—

Trees grass
verges and
gardens.

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

(b) to lay out grass verges or gardens;

(c) to attach baskets for plants to posts or standards provided by the Corporation or with the consent of the owner thereof to any other posts or standards;

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

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

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

PART III
—cont.

(2) Any such notice shall be conspicuously posted on or in proximity to the grass verge or garden to which it relates and if any person contravenes a notice so posted he shall be liable to a fine not exceeding twenty shillings.

(3) The powers conferred by this section shall not be exercised so as to hinder the reasonable use of the street by any person entitled to the use thereof or so as to be a nuisance or injurious to the owner or occupier of any land or premises abutting on the street.

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

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

Variation of
width of
carriageways
and footways.

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

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

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

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

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

Enforcement
of improve-
ment line.

17.—(1) At any time after prescribing the improvement line of any street under section 33 of the Public Health Act 1925 or under section 23 of the East Ham Improvement Act 1898 the Corporation may by notice require the owner of any building which or any part of which was beyond or in front of the improvement line when it was prescribed to demolish set back or alter

the said building within such reasonable period as may be prescribed by the notice not being less than six months from the service of the notice so that it shall not project beyond or in front of the improvement line.

(2) Where any building is demolished set back or altered in compliance with a notice under this section the Corporation shall pay compensation to any owner or tenant thereof for any damage or loss sustained by him in consequence of the compliance and the amount of such compensation shall in default of agreement be determined in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

(3) In determining the amount of the compensation payable under this section to the owner or tenant of a building in a case where—

(a) he has an interest in land abutting on so much of the improvement line as immediately before the service of the said notice intersected or abutted on the building or land occupied in connection therewith; and

(b) the value of his said interest is enhanced by reason of the widening or improvement of the street;

the amount of the enhancement in value shall be set off against the compensation:

Provided that any such enhancement in value shall be estimated on the assumption that planning permission in respect of the land would be granted under the Act of 1947 for the operations or uses specified in the Third Schedule to that Act but for no other development.

(4) If any person fails to comply with a notice under this section he shall be liable to a fine not exceeding twenty pounds and the Corporation may do all such things as may be necessary to comply with the notice and recover the cost of so doing from that person.

(5) In this section the expression “building” includes a structure.

18.—(1) So much of section 149 of the Public Health Act 1875 as relates to fences and posts for the safety of foot-passengers in streets repairable by the inhabitants at large shall extend to streets in the borough which are not so repairable. Guard rails in private streets.

(2) The Corporation shall not without the consent of the undertakers concerned exercise the powers of this section—

(a) in any street belonging to or repairable by any transport undertakers and forming the approach to any station dock wharf or depot of those undertakers; or

PART III
—cont.

(b) so as to obstruct or interfere with the access to or exit from any station dock wharf or depot of any transport undertakers:

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

(3) In this section the expression "transport undertakers" means any railway dock canal inland navigation or passenger road transport undertakers.

Attachment of
street lamps
brackets etc.

19.—(1) Subject to the provisions of this section the Corporation may affix to any building in the borough such lamps brackets pipes electric lines and apparatus (hereafter in this section referred to as "attachments") as may be required for the purpose of street lighting.

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

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

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

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

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

(5) If the owner of any building suffers damage by or in consequence of the affixing to the building of any attachments under the powers of this section he shall be entitled to be paid by the Corporation compensation to be determined in case of

dispute in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

PART III
—cont.

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

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

1	2
Building forming part of an aerodrome licensed pursuant to an order made under the Civil Aviation Act 1949 or any enactment repealed by that Act	The Minister of Transport and Civil Aviation.
Building which— (i) is subject to a building preservation order made under section 29 of the Act of 1947; or (ii) is included in a list of buildings of special architectural or historic interest compiled or approved under section 30 of the last-mentioned Act; or (iii) is alleged by the owner thereof to be a building of special architectural or historic interest	The Minister.
Building owned by a highway authority or railway canal dock or inland navigation undertakers	The Minister of Transport and Civil Aviation.
Building owned by electricity or gas undertakers	The Minister of Power.
Building owned by statutory water undertakers	The Minister.

“building” includes a structure and a bridge or aqueduct over a street but does not include a bridge or aqueduct of the Metropolitan Water Board;

“owner” means—

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

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

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

and the expression “owned” shall be construed accordingly.

PART III
—cont.
Illumination
of street
names.

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

Provided that the Corporation shall not continue any illumination under this section which hinders or is likely to hinder the interpretation of any railway signal or is likely to render more hazardous the use of any railway or any dock or water within the Port of London.

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

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

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

Protection and repair of streets

Retaining
walls.

21.—(1) In this section the expression “ retaining wall ” means a wall in the borough which—

- (a) serves or is intended to serve as a support for earth or other material on one side only; and
- (b) does not form part of a permanent building;

and this section applies to any length of a retaining wall being a length—

- (i) any cross-section whereof is wholly or partly within twelve feet of a street in the borough; and
- (ii) which is at any point of a greater height than six feet above the level of the ground at the boundary of the street nearest that point.

(2) After the passing of this Act no length of a retaining wall to which this section applies shall be erected otherwise than in accordance with plans sections and specifications approved by the Corporation and if any person erects any such length of a wall in contravention of this subsection he shall be liable to a fine not exceeding five pounds.

(3) Any person aggrieved by the refusal of the Corporation to approve any plans sections and specifications submitted to them in pursuance of the last foregoing subsection may appeal to a magistrates' court.

(4) If any length of a retaining wall to which this section applies—

(a) is in such disrepair as to be liable to endanger persons using the street; or

(b) having been erected before the passing of this Act or erected in contravention of subsection (2) of this section is so constructed as to be liable as aforesaid;

the Corporation may by notice to the owner or occupier require him to execute such work as may be necessary to prevent it being liable as aforesaid and the provisions of section 290 of the Act of 1936 shall apply in relation to such a notice as they apply in relation to the notices mentioned in subsection (1) of that section:

Provided that in the application of the provisions of the said section 290 by this section the said section 290 shall have effect as if the grounds upon which a person may appeal included the ground that the Corporation ought to contribute to the expenses of executing any work required if there has been an increase of traffic affecting the retaining wall caused by the widening or improvement of the street by the Corporation.

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

(a) a retaining wall erected by the Minister of Transport and Civil Aviation on a trunk road; or

(b) a retaining wall which is erected on land belonging to the gas board so long as that land is used primarily for the purposes of works in connection with the provision of a supply of gas; or

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

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

(2) The provisions of section 290 of the 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.
Forecourts
injurious to
amenities of
street.

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

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

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

Maintenance
of forecourts
to which the
public have
access.

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

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

Provided that—

(a) for the purposes of paragraph (c) of subsection (3) of the said section 290 if the owner or occupier of a forecourt in respect of which a notice has been served under subsection (1) of this section elects to fence the forecourt and informs the Corporation of his intention to do so the effective fencing of the forecourt so as to prevent its use by the public shall be a reasonable alternative work;

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

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

(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 timber.

PART III
—cont.

26.—(1) The Corporation may remove and store any furniture articles goods or materials which may have been placed or dropped (whether accidentally or otherwise) in or upon any street in the borough and which—

Removal of
furniture
from streets.

(a) shall have remained there for more than forty-eight hours; or

(b) is or are likely to cause an obstruction;

and the Corporation shall not be liable for any loss or damage caused by such removal or storage.

(2) If the Corporation remove any furniture articles goods or materials under the powers of this section—

(a) they shall if and as soon as it is reasonably practicable so to do notify the person whom they believe to be the owner thereof; and

(b) they shall not exercise any power to sell any such furniture articles goods or materials whether under section 276 of the Act of 1936 or otherwise until after the expiration of twenty-eight days from the date of such notification or six months from the day on which they removed the furniture articles goods or materials whichever shall first occur.

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

Awnings over
footways.

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

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

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

PART III
—cont.

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

(6) In this section the expression “awning” includes a blind shade or other covering.

Urgent
repairs of
private streets.

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

Provided that the cost of the repairs executed in any street in any period of three consecutive years under this section shall not exceed fifty pounds or such greater sum as may from time to time be approved by the Minister for each one hundred yards of the length of the street.

(2) The exercise by the Corporation of their powers under this section shall not prejudice their powers under any statutory provision for the time being in force in the borough relating to private street works or private street improvement expenses or under section 19 of the Public Health Acts Amendment Act 1907.

Fencing and
lighting of
obstructions
in highways.

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

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

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

PART III
—cont.

30.—(1) No person shall mix mortar cement plaster or any like substance in any street in the borough repairable by the inhabitants at large or any street constructed whether by the Corporation or otherwise under the powers in that behalf contained in section 146 or 150 of the Public Health Act 1875 the Housing Act 1936 the Act of 1947 or this Act except upon such board or in such receptacle as will protect the street from such mortar cement plaster or substance and will prevent the same from being washed into any gully drain or sewer: Mixing of mortar etc. in streets.

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

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

31.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall— Defacing of road surface etc.

(a) deface the surface of any street in the borough or any wall fence post or other structure or erection or any tree on or adjoining any such street by 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 borough under the provisions of the Road Traffic Acts 1930 to 1956.

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

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

32.—(1) Where in any street or part of a street in the borough not being a highway repairable by the inhabitants at large the Corporation carry out any works under section 161 of the Public Health Act 1875 by way of providing and installing lamps lamp-posts and other materials and apparatus for lighting the Recovery of cost of providing lighting equipment in private streets.

PART III
—cont.

same without having first required the owners and occupiers of the premises fronting adjoining or abutting on that street or on that part of that street to carry out such works in accordance with section 150 of the said Act the Corporation may if they think fit recover the expenses incurred by them in so doing from the owners of the said premises according to the frontage of their respective premises and in such proportions as the Corporation may determine or (in case of dispute) as may be settled by arbitration.

(2) Where any such expenses have been apportioned by the Corporation as payable by any such owner such apportionment shall be binding and conclusive on him unless within three months from the service of notice on him by the Corporation of the amount determined to be due from him he shall by written notice dispute the same.

(3) For the purposes of the application of section 268 of the Public Health Act 1875 this section shall be construed as one with the said Act of 1875.

(4) The Corporation shall not be entitled to recover under this section from the commission expenses which by virtue of section 24 (As to private street expenses) of the British Transport Commission Act 1954 they would not have been entitled to recover from the commission under section 150 of the said Act of 1875.

(5) This section shall not apply to any street or part of a street in which lamps for lighting the same have been provided and installed before the passing of this Act.

Maintenance
of footways
etc.

33.—(1) Where a street in the borough which is not repairable by the inhabitants at large is laid out with a carriageway and footway the owner of every house fronting adjoining or abutting on such street shall maintain so much of the footway as abuts on or adjoins the frontage of such house and the approach to such house from the street (exclusive of so much of such footway or approach as passes through any land within the curtilage of such house) in accordance with such reasonable requirements as may be specified in a notice given by the Corporation.

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

(3) Subject to such right of appeal as aforesaid if any person fails to comply with a notice given by the Corporation under this section within twenty-eight days (or such longer period as may be specified in the notice or allowed by the Corporation) from the receipt of such notice he shall be liable to a fine not exceeding forty shillings and to a daily fine not exceeding twenty shillings.

Miscellaneous

PART III

—cont.

34.—(1) The owner or occupier of any premises situated under or abutting on a pavement forming part of a street in the borough may with the consent of the Corporation provide means for the admission of light or air to the premises through the pavement.

Pavement
lights and
ventilators.

(2) In giving their consent under this section the Corporation may attach thereto such terms and conditions as may be necessary to secure that such means for the admission of light or air are properly maintained and to prevent danger to the users of the street and such terms and conditions shall be binding on successive owners and occupiers of the premises and 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) The giving of consent by the Corporation shall not relieve the owner or occupier of the premises from any liability to the electricity authority or the electricity board to which he would have been subject if this section had not been enacted.

(4) Anything done before the passing of this Act which would have been lawfully done under this section if done after the passing thereof is hereby ratified.

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

35.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall on any highway or in any open space to which the public have access within the borough—

Damage to
trees etc. on
highways and
in open
spaces.

(a) remove or cut any turf; or

(b) pluck any bud blossom flower fruit or leaf of any tree shrub or plant or remove cut or displace any plant if the tree shrub or plant has been planted or maintained by the person having control of the highway or open space for the purpose of improving the amenities thereof and a notice stating the effect of this paragraph is conspicuously placed within reasonable proximity of the tree shrub or plant.

(2) If any person contravenes the provisions of this section he shall be liable to a fine not exceeding forty shillings and to the payment of such further amount as appears to the court reasonable compensation for any damage so committed which last-mentioned amount shall be paid to the person having control of the highway or open space.

PART III
—cont.

(3) Nothing in this section shall apply to any open space vested in or under the control of the National Trust for Places of Historic Interest or Natural Beauty.

Decorations
in streets.

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

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

(3) The Corporation shall not exercise the powers of this section in a trunk road without the consent of the Minister of Transport and Civil Aviation or in any street belonging to or repairable by the commission without the consent of the commission or so as to interfere with trolley vehicle poles and overhead apparatus or so as to cause danger or obstruction to the operation of trolley vehicles.

PART IV

PUBLIC HEALTH

Sewers drains and sanitary conveniences

Recovery
of cost of
maintaining
public sewers.

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

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

Separate
drains for
foul water
and surface
water.

38.—(1) In this section the expression “ separate system of drainage ” means a separate system of drains for the conveyance of foul water drainage and surface water drainage respectively and the expression “ separate system of public sewers ” means a separate system of public sewers for the conveyance of foul water drainage and surface water drainage respectively and the expression “ appropriate sewer ” means in relation to a drain provided for foul water a sewer provided for foul water and in relation to a drain provided for surface water a sewer provided for surface water.

(2) (a) Where the council resolve to construct a separate system of public sewers in any street in the borough specified in the resolution and give public notice of the resolution in a local newspaper circulating in the borough then as from the date of such publication in any case where plans—

- (i) of a building; or
- (ii) of an extension of a building; or
- (iii) of an alteration of a building already provided with a separate system of drainage; or
- (iv) of an alteration of a building which show that it is intended to provide in the building five or more additional water-closets;

are in accordance with building byelaws deposited with the Corporation the Corporation may reject the plans unless they show that the building or the extension or the part of the building to be altered (as the case may be) will be provided with a separate system of drainage:

Provided that any resolution passed in pursuance of the powers conferred by this section shall cease to be operative for the purpose of this section at the expiration of ten years from the date when it became operative if the construction of separate public sewers for foul water and surface water in the street specified in the resolution is not then completed.

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

(c) Any question arising under this section between the Corporation and any person by whom or on whose behalf the plans are deposited as to whether the plans show that the building or the extension or the part of the building to be altered (as the case may be) will be provided with a separate system of drainage may on the application of that person be determined by a magistrates' court.

(3) (a) Where the Corporation intend to provide or have provided a separate system of public sewers in substitution for an existing sewer they may by notice require the owner of any building which drains into such sewer to provide for such building a separate system of drainage.

(b) Where the owner of any building provides a separate system of drainage in accordance with a notice served upon him in pursuance of paragraph (a) of this subsection the Corporation shall pay to him the expenses reasonably incurred by him in so doing and any question as to the amount so to be paid by the Corporation shall be determined by arbitration.

PART IV
—cont.

(4) The Corporation may when they have provided a separate system of public sewers connect the drains of any building which is provided with a separate system of drainage to the appropriate sewers.

(5) (a) When any separate system of drainage has been connected to the appropriate sewer in a separate system of public sewers no person shall discharge directly or indirectly any foul water into a sewer provided for surface water or save with the consent of the Corporation any surface water into a sewer provided for foul water.

(b) Any person contravening the provisions of this subsection shall be liable to a fine not exceeding ten pounds.

Delegation
of power
to examine
and test
drains etc.

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

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

(a) that a sanitary convenience drain private sewer or cesspool is in such a condition as to be prejudicial to health or a nuisance; or

(b) that a drain or private sewer communicating directly or indirectly with a public sewer is so defective as to admit subsoil water;

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

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

Summary
power to
remedy
stopped-up
drains etc.

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

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

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

PART IV
—cont.

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

- (a) whether any requirement contained in a notice served under this section or any work done by the Corporation was reasonable; and
- (b) whether the expenses incurred by the Corporation in doing the work or any part thereof ought to be borne wholly or partly by the person on whom the notice was served;

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

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.

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

- (a) is not sufficiently maintained and kept in good repair to the satisfaction of the Corporation; and
- (b) can in the opinion of the Corporation be sufficiently repaired at a cost not exceeding fifty pounds;

Power to
repair drains
and private
sewers.

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

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

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

- (a) whether the drain or sewer in question required repair and whether the work done by the Corporation was reasonable; and
- (b) whether any apportionment made by the surveyor or the public health inspector 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 IV
—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.

Power to
cleans
drains etc.

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

Abandoned
drains to
be cut off.

43.—(1) Where after the passing of this Act any person shall within the borough—

- (a) reconstruct any drain which communicates with any sewer or other drain;
- (b) lay such drain in a new position; or
- (c) on the occasion of the execution of any works to or in connection with such drain permanently discontinue the use of such drain;

such person shall cause any drain or portion of drain thereby rendered unnecessary to be cut off and sealed at each end.

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

Penalty for
improper
construction
or repair of
water-closet
etc.

44.—(1) If a water-closet drain or soil pipe in the borough is so constructed or repaired as to be prejudicial to health or a nuisance the person who undertook or executed the construction or repair thereof shall unless he shows that the prejudice to health or nuisance could not have been avoided by the exercise of reasonable care be liable to a fine not exceeding twenty pounds.

(2) A person charged with an offence under this section (hereafter in this section referred to as “the original defendant”) shall upon information duly laid by him and on giving to the prosecutor not less than three clear days’ notice of his intention be entitled to have any other person being his agent servant or workman to whose act or default he alleges the offence was due brought before the court at the time appointed for the hearing of the charge and—

- (a) if after the commission of the offence has been proved the original defendant proves that the offence was due to the act or default of that other person that other person may be convicted of the offence; and

(b) if the original defendant further proves that he used all due diligence to secure that the water-closet drain or soil pipe in question was so constructed or repaired as not to be prejudicial to health or a nuisance he shall be acquitted of the offence.

(3) Where the original defendant seeks to avail himself of the provisions of subsection (2) of this section—

(a) the prosecutor as well as the person whom the original defendant charges with the offence shall have the right to cross-examine the original defendant if he gives evidence and any witness called by him in support of his pleas and to call rebutting evidence; and

(b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

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

Closet accommodation for separate dwellings.

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

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

Sanitary conveniences for persons employed on construction work.

(a) to provide in connection therewith sufficient and satisfactory sanitary conveniences for the use of the workpeople employed thereon; and

(b) where persons of both sexes are employed in or in connection with the operations or works to provide sufficient and satisfactory sanitary conveniences for persons of each sex;

if it is reasonably practicable so to do:

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

(2) The provisions of section 290 of the 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 IV
—cont.
Provision of
sanitary
conveniences
at places of
public
exhibition
etc.

47.—(1) The Corporation may by notice require the owner or occupier of any premises or place in the borough at which any exhibition performance amusement game or sport to which the public are or will be admitted is held given or provided or is about to be held given or provided and in respect of the admission of the public to which a charge is made to provide to the reasonable satisfaction of the Corporation and thereafter to the like satisfaction maintain during the continuance of such exhibition performance amusement game or sport in a suitable position such numbers of sanitary conveniences for the use of the public resorting to such premises or place as may be reasonable.

(2) Any person aggrieved by a requirement made under subsection (1) of this section may appeal to a magistrates' court.

(3) If any person fails to comply with a notice served on him under this section within such reasonable period after the date of the service of the notice as may be specified therein and the public are thereafter admitted to the premises or place for any such exhibition performance amusement game or sport he shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings:

Provided that—

- (a) in any proceedings under this subsection it shall be open to the defendant to question the reasonableness of the Corporation's requirements or of their decision to address their notice to him and not to the occupier or as the case may be the owner of the premises; and
- (b) no proceedings shall be taken against a person who has failed to comply with a notice served on him under this section if on the date when the public are admitted to the premises or place in respect of which the notice was served he has ceased to be the owner or occupier thereof.

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

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

(5) The provisions of this section shall not apply to any premises or place to which the provisions of byelaws for preserving sanitary conditions made by the Corporation under section 93 (Byelaws as to pleasure fairs and roller-skating rinks) of this Act apply.

Buildings and structures

PART IV

—cont.

48.—(1) Paragraphs (b) and (ii) of subsection (1) of section 58 of the Act of 1936 and so much of subsection (2) of that section as relates to those paragraphs shall cease to have effect in the borough and the following provisions of this section shall have effect in lieu thereof.

Ruinous and dilapidated buildings and neglected sites.

(2) Where a building in the borough is by reason of its ruinous or dilapidated condition seriously detrimental to the amenities of the neighbourhood the Corporation may by notice require the owner thereof—

- (a) to execute such works of repair or restoration; or
- (b) if he so elects to take such steps for demolishing the building or any part thereof and removing any rubbish or other material resulting from or exposed by the demolition;

as may be necessary in the interests of amenity.

(3) Where rubbish or other material resulting from or exposed by the demolition or collapse of a building in the borough is lying on the site of the building or on any land occupied with the building and by reason thereof the site or land is in such a condition as to be seriously detrimental to the amenities of the neighbourhood the Corporation may by notice require the owner of the site or land to take such steps for removing the rubbish or material as may be necessary in the interests of amenity.

(4) The provisions of section 290 of the Act of 1936 except paragraph (f) of subsection (3) 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 and in their application to a notice given under subsection (2) of this section—

- (a) subsection (2) of the said section 290 shall be construed as requiring the notice to indicate both the nature of the works of repair or restoration and the works of demolition and removal of rubbish or material; and
- (b) subsection (6) of the said section 290 shall be construed as authorising the Corporation to execute subject to the provisions of that subsection at their election either the works of repair or restoration or the works of demolition and removal of rubbish or material.

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

(6) In this section the expression “building” includes any structure.

PART IV
—cont.
Dangerous
structures.

49.—(1) Where it appears to the surveyor that a structure in the borough or any part of such structure is in such a state as to require treatment for the removal of any immediate danger the surveyor or any officer authorised by the council may on behalf of the Corporation take such steps as may be necessary to remove the immediate danger and any steps so taken and any expenses thereby incurred shall for the purposes of this section be deemed to have been taken and incurred by the Corporation.

(2) Before exercising their powers under this section in respect of a structure the Corporation shall if it is reasonably practicable in all the circumstances give notice of their intention so to do to the owner and the occupier thereof.

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

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

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

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

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

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

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

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

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

PART IV
—cont.

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

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

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

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

(c) the danger has been removed by the exercise of the powers of section 49 (Dangerous structures) of this Act;

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

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

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

51.—(1) No person shall in or in connection with any house shop or office in the borough construct without the consent of the Corporation any cellar or room the floor level of which is lower than the ordinary level of the subsoil water on under or adjacent to the site of the house shop or office.

Cellars and rooms below subsoil water level.

(2) Any consent under this section may be given subject to such conditions as to the construction or use of the premises as may be specified therein and any such conditions shall be binding on successive owners of the house shop or office.

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

(4) If any person constructs a cellar or room in contravention of subsection (1) of this section or of any conditions attached to any consent under this section—

(a) he shall be liable to a fine not exceeding twenty pounds; and

PART IV
—cont.

(b) the Corporation may by notice require him within such reasonable time as may be specified in the notice either to alter the cellar or room so that its construction will no longer contravene the said subsection or conditions or if he so elects to fill it in or otherwise make it unusable and if he fails to comply with any such notice the Corporation may themselves fill in the cellar or room or otherwise make it unusable and recover from him the expenses of so doing.

(5) If any person uses a cellar or room in contravention of any such conditions he shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding forty shillings.

(6) The provisions of the last two foregoing subsections shall have effect subject to the provisions of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 as to the avoidance for want of registration as a local land charge of any prohibition or restriction imposed by virtue of any such conditions.

(7) Nothing in this section shall apply to the construction of any cellar or room in connection with any shop or office which forms part of a railway station or in connection with any premises in respect of which there is a justices' licence for the sale of intoxicating liquor.

Provision of
bathrooms.

52.—(1) Where plans of a house have been deposited with the Corporation in pursuance of building byelaws the Corporation may reject the plans if they do not show that the house will be provided with a bathroom containing a fixed bath with the necessary water supply pipe and fittings and waste pipe connected to a suitable drain.

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

(3) For the purpose of this section the expression "house" includes any part of a building which is intended to be occupied as a separate dwelling.

Food storage
accommoda-
tion.

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

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

PART IV
—cont.

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

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

(5) For the purposes of this section—

- (a) the expression "house" includes any part of a building which is occupied or intended to be occupied as a separate dwelling;
- (b) the conversion of a building into two or more dwellings shall be deemed to be the erection of each of those dwellings; and
- (c) a house the erection whereof was commenced before the passing of this Act shall not be deemed to have been erected after the passing of this Act:

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

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

Separate approach for separate tenements.

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

55.—(1) Where after the passing of this Act—

- (a) any person erects or raises a building in the borough (in this section referred to as "the taller building") to a greater height than an adjoining building; and
- (b) any chimneys or flues of the adjoining building are in the party wall or in an external wall of the adjoining building;

New building overreaching adjoining chimneys.

PART IV
—cont.

the Corporation may by notice—

- (i) require that person within such time as may be specified in the notice to build up those chimneys and flues (if it is reasonably practicable so to do) so that the top thereof will be of the same height as the top of the chimneys of the taller building or the top of the taller building whichever is the higher; and
- (ii) require the owner or occupier of the adjoining building to allow the first-mentioned person to enter on that building and carry out such work as may be necessary to comply with the notice served on him:

Provided that if the said owner or occupier within fourteen days of the service of the notice on him serves on the first-mentioned person and on the Corporation a notice (in this section referred to as a “counter-notice”) that he elects to carry out the work himself the owner or occupier shall comply with the notice served under paragraph (i) of this subsection instead of the first-mentioned person and recover the cost of doing so from that person.

(2) Any person aggrieved by a requirement of the local authority under this section may appeal to a magistrates’ court.

(3) If—

- (a) any person on whom a notice is served under paragraph (i) of subsection (1) of this section fails to comply with the notice (except in a case where the owner or occupier of an adjoining building has refused to allow entry on that building or the carrying out of any such work as may be necessary to comply with the notice or has served a counter-notice); or
- (b) any person on whom a notice is served under paragraph (ii) of subsection (1) of this section fails to comply with the notice or having served a counter-notice fails to comply with the notice served under paragraph (i) of that subsection;

he shall be liable to a fine not exceeding twenty pounds and the Corporation may themselves carry out such work as may be necessary to comply with the notice served under the said paragraph (i) and recover the expenses of so doing from the person on whom that notice was served.

Power to
order
alteration
of domestic
chimneys.

56.—(1) If a magistrates’ court is satisfied upon a complaint by the Corporation that any smoke gas or vapour from any chimney flue or pipe of a building or structure forming part of or within the curtilage of a house in the borough is prejudicial to the health of any of the inhabitants of the borough or a nuisance the

court may make an order requiring the owner of the chimney flue or pipe within such time as may be specified in the order—

PART IV
—cont.

- (a) to cause it to be raised to a height so specified; or
- (b) to cause such other means for remedying the cause of complaint to be adopted as the court thinks fit:

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

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

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

Demolition
of buildings.

- (a) the shoring up of adjacent buildings; and
- (b) the removal of any material or rubbish resulting from the demolition or taking down and the clearance of the site;

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

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

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

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

(4) Nothing in this section shall be deemed to prohibit the execution in cases of emergency of any such works as may be reasonably necessary but without prejudice to the right of the Corporation to impose such reasonable terms and conditions in accordance with subsection (1) of this section in such manner as if any such works had not been commenced.

PART IV
—cont.

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

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

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

(8) Any expenses or any part of the expenses incurred in pursuance of this section in the shoring up of a building not entitled to support from the building to be demolished or taken down may be recovered by the person who has given notice under subsection (1) of this section or the Corporation (as the case may be) from the owner of the building to be shored up.

(9) In any case where the Corporation in pursuance of subsection (1) of this section require the shoring up of adjacent buildings they shall give notice to the owner thereof of their requirements.

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

(11) This section shall not apply to—

(a) any plant house orchard summer-house conservatory garden tool house poultry-house greenhouse coal shed or cycle shed or other similar structure; or

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

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

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

being terms and conditions which are specified in the demolition order or clearance order (as the case may be) and the provisions of this section (except subsection (3)) shall apply accordingly.

PART IV
—cont.

58.—(1) As from the appointed day the Corporation may if it is reasonable so to do having regard to all the circumstances of the case—

Dealing with
drains and
sewers before
demolition
of buildings.

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

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

- (i) to seal any sewer or drain on in or under the site of the building to which the notice or order relates; or
- (ii) to take up and remove any such sewer or drain and seal any other sewer or drain with which such first-mentioned sewer or drain may be connected;

and after giving to the Corporation not less than twenty-four hours' notice of their intention to do so to make good and restore to the satisfaction of the Corporation the surface of the ground disturbed by or interfered with by the execution of any works under paragraph (i) or paragraph (ii) of this subsection.

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

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

59.—(1) When the Metropolitan Water Board 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 borough 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 Corporation may after giving notice to the owner of the building or

Supply of
water to
premises
where supply
cut off.

PART IV
—cont.

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.

(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.

Defective
premises.

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

- (a) any house in the borough or the roof of any building in the borough is in such a state (in this section referred to as a “defective state”) as to be prejudicial to health or a nuisance; and
- (b) having regard to all the circumstances unreasonable delay in remedying the defective state would be occasioned by following in relation to such house or building (in this section referred to as “the premises”) the procedure prescribed in sections 93 to 95 of the Act of 1936;

the Corporation may (instead of serving an abatement notice as required by section 93 of the Act of 1936) serve upon the

person upon whom it would otherwise have been appropriate under the said section 93 to serve such an abatement notice a notice to the effect that the Corporation intend to remedy the defective state of the premises themselves and specifying the defects which they intend to remedy.

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

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

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

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

(b) A person against whom proceedings are taken under subsection (3) of this section (hereafter in this section referred to as “the original defendant”) shall upon complaint duly made by him and on giving to the Corporation not less than three

PART IV
—cont.

clear days' notice of his intention be entitled to have any person to whose default or sufferance he alleges that the defective state of the premises was due brought before the court in the proceedings and if the original defendant proves that the defective state of the premises arose or continued by the default or sufferance of that other person the court shall have power—

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

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

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

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

Precautions
against fire
in certain
buildings.

61.—(1) Where plans for the erection of a building have been deposited with the Corporation in pursuance of building byelaws and the plans show that the building will not be provided with such means of access for fire brigade appliances and personnel as they may consider necessary to enable effective action to be taken by them in case of fire at such building the Corporation shall reject the plans.

(2) If the Corporation reject the plans under the authority of this section the notice to be given under 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 the Corporation and a 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 access for fire brigade appliances and personnel may on the application of that person be determined by a magistrates' court.

PART IV
—cont.

62.—(1) If it appears to the Corporation that for the purpose of preventing fire in any building in the borough to which section 59 of the Act of 1936 applies or for the purpose of preventing injury or danger to persons resorting thereto—

Further provision for public and other buildings.

- (a) the apparatus or fittings for lighting or heating the building require alteration; or
- (b) the arrangement of the chairs and seating requires alteration;

the Corporation may by notice require the owner or occupier of the building to make such provision in regard to the matters aforesaid as may be necessary:

Provided that—

- (i) this subsection shall not apply to premises in respect of which a licence under the Theatres Act 1843 or the Cinematograph Acts 1909 and 1952 or the Home Counties (Music and Dancing) Licensing Act 1926 is for the time being in force;
- (ii) nothing in this section shall affect the operation of the Factories Act 1937 or any regulation or order made thereunder.

(2) The provisions of section 290 of the Act of 1936 with respect to appeals against and the enforcement of notices requiring the execution of works shall apply in relation to any notice given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

63.—(1) Any luminous tube sign or other similar apparatus requiring the transforming of electrical energy to a higher voltage fitted externally or internally on or in any premises in the borough other than such apparatus which is fitted internally in any premises and is attended when in operation or is used for lighting only and is already fitted with a readily accessible switch in the low voltage side of the apparatus shall be provided with a cut-off switch on the low voltage side of the transforming apparatus.

Fireman's switches for luminous tube signs.

(2) Before any apparatus to which subsection (1) of this section applies is fitted on or in any premises in the borough the owner or occupier of the premises shall at least fourteen days before the work of fitting the apparatus is begun give notice to the Corporation that such apparatus is about to be fitted indicating

PART IV
—cont.

the position in which it is proposed that the cut-off switch required under subsection (1) of this section will be placed and in the case of any such apparatus to be fitted internally in any premises shall inform the Corporation of the pattern of the cut-off switch which it is proposed to provide.

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

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

(4) The owner or occupier of any premises or other person who fails to comply with the provisions of subsection (1) subsection (2) or subsection (3) of this section shall be liable to a fine not exceeding five pounds.

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

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

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

64.—(1) (a) Where—

- (i) (A) part of a building in the borough is used for the storage for the purpose of sale or trade of any substance to which this section applies; and

Parts of buildings used for storage of inflammable substances.

(B) that part of such building is also used as a habitable room or a place in which any person works or any other part of such building which communicates directly or indirectly with or is adjacent to or constructed at a level higher than the first-mentioned part is so used; and

(ii) either—

(A) such storage is in such quantity as to be likely to prove a source of danger to any person inhabiting or using any part of the building for the purpose mentioned in sub-paragraph (i) (B) of this paragraph; or

(B) such storage is in such manner as to be liable to cause fire or explosion;

the Corporation may by order apply the following provisions of this section to the part of the building so used for storage.

(b) An order made under the foregoing paragraph shall come into force on such date (not being earlier than three months after the date on which notice of the making of the order is given pursuant to paragraph (d) of this subsection) as may be specified in the order or if an appeal is lodged against the order pursuant to paragraph (e) of this subsection on such later date as may be specified by the court.

(c) The Corporation shall revoke any such order by a further order if at any time the part of the building to which the first-mentioned order relates and every other part of the building which communicates directly or indirectly with or is adjacent to or constructed at a level higher than the part of the building to which the order relates ceases to be used as a habitable room or place in which any person works and notice thereof shall have been given to the Corporation.

(d) Notice of every order made under this section shall be given to the owner of the building and to the occupier of the part of the building to which the order relates.

(e) Any person on whom notice of the making of an order under paragraph (a) of this subsection is so served may appeal to a magistrates' court against the making of the order on the ground that it is not within the powers conferred on the Corporation by the said paragraph (a).

(f) An order under paragraph (a) of this subsection shall be treated as a local land charge for the purposes of the Land Charges Act 1925.

PART IV
—cont.

(2) The Corporation may by notice require the occupier of any part of a building to which an order made under subsection (1) of this section for the time being relates to provide within such reasonable period as may be specified in the notice—

- (i) adequate means for extinguishing fire and safeguards to prevent the spread of fire to or from the part of the building used for such storage;
- (ii) means of ready escape in case of fire from any part of the building used as a habitable room or place in which any person works and which communicates directly or indirectly with or is adjacent to or constructed at a level higher than the part of the building used for such storage and from the part of the building used for such storage; and
- (iii) notices in or on the part of the building used for such storage indicating the existence of danger from fire.

(3) The occupier of any building who—

- (a) by reason of a restriction affecting his interest in the building is precluded from executing works for the purpose of complying with any notice given by the Corporation under this section; or
- (b) considers that the owner of the building or any other person having an interest therein should contribute towards the cost of the execution of works as aforesaid and is unable to agree with the owner or such other person as to whether such a contribution should be made or as to the amount thereof;

may apply to the county court for an order to enable the execution of such works as may be necessary for the purpose of complying with such notice or (as the case may be) to direct the owner of the building or any other person who appears to the court to have an interest therein to contribute towards the cost of such works as aforesaid such an amount as appears to the court in all the circumstances of the case to be fair and reasonable and the court may on such application make an order in respect of either or both of the matters aforesaid accordingly.

(4) Upon compliance with any notice given under subsection (2) of this section the Corporation shall forthwith issue to the occupier to whom such notice has been given a certificate specifying precisely and in detail—

- (a) the matters provided by the occupier in compliance with the notice; and

(b) the maximum number of persons inhabiting or working in or proposed to inhabit or work in any part of the building to which sub-paragraph (i) (B) of subsection (1) (a) of this section applies.

(5) After the expiration of the period specified in any notice given by the Corporation under subsection (2) of this section a person shall not use or permit to be used the part of the building to which the notice relates for the storage for the purpose of sale or trade of any inflammable substance to which this section applies unless the building is certified by the Corporation to comply with the requirements specified in the notice and the matters provided by the occupier in compliance with the notice are adequately maintained.

(6) If after the grant of a certificate for the purpose of this section with regard to any part of a building the occupier thereof proposes—

- (a) to make any material extension or material structural alteration of any part of that building; or
- (b) to increase materially the number of persons inhabiting or working in any part of that building; or
- (c) to increase materially the extent of the storage for the purpose of sale or trade of any substance to which this section applies or to store any substances other than those in respect of which the certificate was granted and which will increase the risk of fire in that part of that building;

the occupier shall give notice to the Corporation of the proposal.

(7) The Corporation may from time to time upon giving notice thereof to such persons as are mentioned in paragraph (d) of subsection (1) of this section alter or revoke any certificate issued by them under this section and such alteration or revocation shall come into force on such date (not being earlier than one month after the date on which such notice is given) as may be specified in the notice or if an appeal is lodged against such alteration or revocation under subsection (8) of this section on such later date as may be specified by the court.

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

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

PART IV
—cont.

(iii) that the period specified in the notice is not reasonably sufficient for the purpose of complying with the requirements in the notice.

(b) Any person aggrieved by the refusal of the Corporation to grant a certificate under this section or by any alteration or revocation of such a certificate may appeal to a magistrates' court.

(9) If any person contravenes the provisions of this section he shall be liable—

(a) in the case of a contravention of subsection (5) of this section to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds; and

(b) in the case of a contravention of subsection (6) of this section to a fine not exceeding five pounds.

(10) This section applies to—

(a) any substance which is gaseous at a temperature of thirty-three degrees Fahrenheit at atmospheric pressure and which is inflammable; and

(b) any other substance which when tested by a method approved by the Secretary of State gives off an inflammable vapour at a temperature of less than one hundred and fifty degrees Fahrenheit:

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

(a) one or more of the substances to which sections 1 and 2 of the Petroleum (Consolidation) Act 1928 apply; or

(b) any substance which does not give off an inflammable vapour at a temperature of less than ninety degrees Fahrenheit and which is stored in securely closed metal containers in good condition and containing not more than five gallons each.

(11) In this section the expression "building" where used in relation to the storage of substances therein includes the curtilage of the building.

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

Filthy or verminous premises or articles

PART IV

—cont.

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

Cleansing of
filthy or
verminous
premises.

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

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

(b) are verminous;

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

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

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

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

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

Power to
require
vacation of
premises
during
fumigation.

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

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

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

PART IV
--cont.

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

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

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

Prohibition
of sale of
verminous
articles.

67.—(1) No dealer shall in the borough—

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

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

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

- (a) being prepared or offered by a dealer for sale; or
- (b) exposed by a dealer for sale or deposited by a dealer for sale or preparation for sale;

the medical officer or the public health inspector may cause the article to be disinfested or destroyed as the case may require and if necessary for that purpose to be removed from the premises and the Corporation may recover from the dealer the expenses incurred by them in taking any action under this subsection.

(3) If any person contravenes the provisions of subsection (1) of this section he shall be liable to a fine not exceeding twenty pounds.

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

(5) For the purposes of this section—

- (a) the expression "dealer" means a person who trades or deals in any household article;
- (b) the expression "household article" means an article of furniture bedding or clothing or any similar article;
- (c) the expression "preparation for sale" shall not include disinfestation.

Nuisances and disposal of refuse

PART IV

—cont.

68.—(1) The Corporation may make byelaws for regulating the tipping of spoil and refuse and for prohibiting the use of any spoil or refuse tip so as to be a nuisance to the occupiers of premises in the neighbourhood thereof.

(2) Byelaws made by virtue of this section may—

(a) contain provisions for imposing on persons offending against the byelaws fines not exceeding fifty pounds for each offence and in the case of a continuing offence a daily fine not exceeding ten pounds;

(b) provide that any spoil or refuse tip placed kept or used in breach of the byelaws shall be a statutory nuisance for the purpose of Part III of the Act of 1936.

(3) No byelaw under this section shall extend to regulate or control—

(a) the tipping of spoil or refuse by railway dock canal or inland navigation undertakers for the purpose of constructing widening altering or maintaining any railway dock canal or inland navigation or wharf works; or

(b) the tipping of spoil by the Essex River Board in the exercise of its statutory powers.

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

Discharge of
steam and
waste gas.

(a) any steam or waste gas ejected from any stationary engine or the boilers or condensers thereof; or

(b) any condensing water above a temperature of one hundred and ten degrees Fahrenheit so ejected; or

(c) any spent or ejected steam arising or produced in the course of any trade or business.

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

Provided that in any proceedings brought under this section it shall be a defence for the defendant to prove that he has used the best practicable means for preventing or mitigating the prejudice to health or the nuisance having regard to cost and to other relevant circumstances.

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

PART IV
—cont.
Silencers for
internal
combustion
engines.

70.—(1) A stationary internal combustion engine shall not be used in the borough unless an effectual silencer is provided and used on the exhaust of the engine.

(2) If any person uses any such engine in contravention of the foregoing subsection or causes or permits any such engine to be so used the Corporation may give him notice that the engine is being or has been so used and if after the lapse of such time from the service of the notice as may be reasonably sufficient for remedying the cause of complaint he uses the engine as aforesaid or causes or permits it to be so used he shall be liable to a fine not exceeding ten pounds and to a daily fine not exceeding forty shillings.

(3) An authorised officer of the Corporation shall on production if so required of some duly authenticated document showing his authority have the right—

(a) to enter at all reasonable hours any premises on which there is reason to believe that any such engine is being or has been used in contravention of subsection (1) of this section; and

(b) to inspect and test any silencer on the exhaust of any such engine found on the premises and for that purpose to require the silencer to be taken off;

and any expenses incurred under this subsection by any such officer may be recovered by the Corporation from the occupier of the premises if there is found on the premises any such engine which is not provided with an effectual silencer on the exhaust thereof:

Provided that in the exercise of the powers conferred by this section on any premises belonging to railway undertakers and used by them for the purposes of their undertaking such officer shall conform to such reasonable requirements of the undertakers as are necessary to prevent obstruction to or interference with the working of the traffic of the undertakers.

Noise or
vibration
nuisance.

71.—(1) Any excessive or unreasonable or unnecessary noise or vibration which is prejudicial to health or a nuisance shall be a statutory nuisance for the purposes of Part III of the Act of 1936:

Provided that—

(a) in any proceedings brought by virtue of this section under the said Part III in respect of a noise or vibration occasioned in the course of any trade or business it shall be a defence for the defendant to prove that he has used the best practicable means for preventing or mitigating the noise or vibration having regard to the cost and to other relevant circumstances;

(b) a justice shall not entertain a complaint under section 99 of the said Act with respect to a noise unless the complaint is made by not less than three occupiers of premises within hearing of the noise;

(c) a justice shall not entertain a complaint under the said section 99 with respect to vibration.

(2) Nothing in this section shall apply to a noise or vibration occasioned by the exercise by railway undertakers of statutory powers conferred in relation to their railway undertaking.

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

72. In its application to the use of any land in the borough for the carrying on of an offensive trade within the meaning of section 107 of the Act of 1936 subsection (1) of section 26 of the Act of 1947 shall have effect as if after the word "interests" where the word first occurs in that subsection there were inserted the words "of public health or". Discontin-
uance
of offensive
trade.

73.—(1) For the purpose of abating or mitigating any nuisance annoyance or damage caused in the borough by house-doves pigeons or starlings having or believed by the Corporation to have no owner or of preventing or minimising any such nuisance annoyance or damage which might in the opinion of the Corporation be so caused the Corporation may notwithstanding anything in the Larceny Act 1861 or in any other Act or at common law— Nuisance from
pigeons etc.

(a) seize and humanely destroy or cause to be seized and humanely destroyed any such house-doves pigeons or starlings in excess of such numbers as the Corporation consider reasonable;

(b) sell or otherwise dispose of or cause to be sold or otherwise disposed of the carcasses of any such house-doves pigeons or starlings; and

(c) take such other steps as they think necessary for any such purpose:

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

(i) enter upon any premises (other than a public highway) without the consent of the occupier or the person having the exclusive control and management of the premises; or

(ii) execute or do any work or thing affecting the structure of any building or the use of any land without the consent of the owner of the building or land.

(2) Nothing in this section shall authorise the seizure or destruction of any wild bird in contravention of the provisions of the Protection of Birds Act 1954 or any order made thereunder.

PART IV
—cont.
Receptacles
for trade
refuse.

74.—(1) If the Corporation have as respects the borough or any part thereof undertaken the removal of trade refuse or any kind of trade refuse they may by notice require the occupier of any building within the borough or as the case may be that part of the borough to provide such number of covered dustbins or other suitable receptacles for the reception of trade refuse of such material size and construction as the Corporation may approve:

Provided that this subsection shall not entitle the Corporation to require the replacement of any dustbin in use at the commencement of this Act so long as it is of suitable material size and construction and properly covered and in proper condition.

Any person aggrieved by a requirement of the Corporation under this subsection may appeal to a magistrates' court.

(2) If a person fails to comply with a notice under the preceding subsection or fails to maintain in good order and condition any dustbin or other suitable receptacle which under that subsection he has been required to provide or fails to replace any such dustbin or other suitable receptacle when worn out by a new dustbin or other suitable receptacle of a material size and construction approved by the Corporation the Corporation may provide such dustbin or other suitable receptacle or such new dustbin or other suitable receptacle as may be required and may recover the expenses reasonably incurred by them in so doing from the person in default and without prejudice to the right of the Corporation to exercise that power he shall be liable to a fine not exceeding twenty shillings.

Deposit of
dangerous
matter in
dustbins.

75. Any person who deposits in or near a dustbin or other receptacle for removal by the Corporation whether as house refuse or trade refuse any or any part of any fluorescent tubes cathode ray tubes or corrosive substances or inflammable liquids whether in containers or not or any other similar dangerous matter whereby injury to the health of the Corporation's employees may be caused shall be liable to a fine not exceeding five pounds.

PART V

INFECTIOUS DISEASES

Definition of
notifiable
disease.

76. In this Part of this Act the expression "notifiable disease" means—

- (a) any notifiable disease as defined by section 343 of the Act of 1936; and
- (b) any infectious disease to which section 144 of that Act for the time being applies in the borough by virtue of regulations made under section 143 thereof.

77.—(1) On the application of the medical officer the occupier of any building in the borough which is used for human habitation and in which there is or has been any person suffering from a notifiable disease shall furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

PART V
—cont.
Information to be furnished by occupier in case of notifiable disease.

(2) If any person required to furnish information under this section fails to furnish it or knowingly furnishes false information he shall be liable to a fine not exceeding forty shillings.

(3) In this section—

(a) the expression “occupier” includes—

(i) a person having the charge management or control of the building or of the part of the building in which the person suffering from a notifiable disease is or has been; and

(ii) in the case of a building the whole of which is ordinarily let out in separate tenements or in the case of a lodging-house the whole of which is ordinarily let to lodgers the person receiving the rent payable by the tenants or lodgers either on his own account or as the agent of another person;

(b) the expression “notifiable disease” includes food poisoning.

78. Section 148 of the Act of 1936 shall in its application to the borough have effect as if the following paragraph were substituted for paragraph (b) thereof:—

Restriction on attendance at public places etc.

“ (b) having the care of a person—

(i) whom he knows to be suffering from a notifiable disease; or

(ii) whom he cannot permit to attend school without contravening section 150 of this Act;

causes or permits that person to expose other persons to the risk of infection by his presence or conduct in any such place as aforesaid; or ”.

79.—(1) With a view to preventing the spread of a notifiable disease the Corporation on the advice of the medical officer may by notice published in such manner as they think best for bringing it to the notice of persons concerned prohibit the admission of persons under the prescribed age to places of entertainment or assembly in the borough for a time specified in the notice.

Exclusion of children from places of entertainment or assembly.

(2) If the person responsible for the management of any place of entertainment or assembly having been served by the Corporation with a copy of a notice published under the foregoing

PART V
—cont.

subsection admits any person under the prescribed age to that place in contravention of the notice he shall be liable to a fine not exceeding five pounds:

Provided that in any proceedings under this subsection it shall be a defence to prove that there were reasonable grounds for believing that the person admitted had attained the prescribed age.

(3) In this section the expression “prescribed age” in relation to any notice means such age not exceeding sixteen as may be prescribed by the notice.

Compensation
for stopping
employment
to prevent
spread of
disease.

80. If with a view to preventing the spread of—

- (a) a notifiable disease; or
- (b) a disease to which subsection (1) of section 23 of the Food and Drugs Act 1955 applies;

the medical officer requests in writing any person to discontinue his employment the Corporation may if they think fit compensate him for any loss occasioned by his compliance with the request.

Entry into
premises
in case of
notifiable
disease.

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

- (a) that in any premises in the borough there is a person who is or has been suffering from a notifiable disease; and
- (b) that admission to the premises or examination of that person has been refused or that refusal is apprehended or that the case is one of urgency or that an application for admission would defeat the object of the entry;

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

Provided that no such warrant shall authorise the medical officer—

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

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

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

82.—(1) If the medical officer certifies—

- (a) that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state; and
- (b) that he is occupied in the cooking preparation or handling of food in the borough intended for consumption by persons other than himself or members of his household; and
- (c) that his continuance in that occupation would in the judgment of the medical officer be a danger to the health of other persons;

the medical officer or any other person authorised in that behalf by the Corporation may request him in writing to discontinue his occupation as aforesaid.

(2) If any person requested as aforesaid complies with the request the Corporation may if they think fit compensate him for any loss occasioned by his compliance with the request.

(3) If any person requested as aforesaid fails to comply with the request a magistrates' court may on the application of the Corporation order him to comply with the request and may by any such order if it thinks fit direct that such compensation (if any) as it thinks equitable shall be paid to him by the Corporation.

(4) If any person fails to comply with any such order he shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings.

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

83. Section 154 of the Act of 1936 shall in its application to the borough have effect as if after the words "or any article whatsoever" in subsection (1) of that section there were inserted the words "or any animal or other living thing".

84.—(1) (a) The Corporation may require any person residing in accommodation provided by them under Part III of the National Assistance Act 1948 whom they have reason to believe may be suffering from a communicable disease to submit himself for examination by the medical officer or a duly registered medical practitioner and if he certifies that that person is suffering from a communicable disease and that serious risk of infection is thereby caused to other persons then the Corporation if satisfied that accommodation is available in a suitable hospital may with the consent of the hospital management committee or board of governors of the hospital order him to be removed thereto.

(b) The Corporation and any officer of the Corporation to whom an order under this subsection is addressed and any officer of the hospital in question may do all acts necessary for giving effect to the order.

PART V
—cont.
Prohibition of
tuberculous
persons from
handling
food.

Amendment
of section 154
of Act of 1936.

Persons
provided with
certain
accommo-
dation etc.

PART V
—cont.

(2) The Corporation may require any person residing in accommodation provided by them under paragraph (b) of subsection (1) of section 21 of the National Assistance Act 1948 whom they have reason to believe may be in a filthy condition or to be suffering from infestation of his person or clothing by vermin to submit to such measures as may in their opinion be necessary to cleanse him or free him or his clothing from vermin as the case may be.

(3) In this section—

the expression “hospital” has the meaning assigned to it by section 79 of the National Health Service Act 1946;

the expression “communicable disease” means—

- (a) any notifiable disease; and
- (b) tuberculosis of the respiratory tract.

PART VI

MOVABLE DWELLINGS

Interpretation
of this Part
of Act.

85. In this Part of this Act unless the context otherwise requires—

“movable dwelling” includes—

- (a) any tent;
- (b) any structure capable of being moved from place to place; and
- (c) any van cart carriage truck tramcar railway-carriage motor car caravan trailer omnibus or other vehicle;

used or intended to be used for the purpose of human habitation (whether temporarily or otherwise) but does not include—

(i) any tent structure or vehicle temporarily used by shepherds labourers or other persons for farming agricultural or other like purposes or in connection with building operations;

(ii) any tent structure or vehicle temporarily used for the service of the Corporation or any statutory undertakers or other public authority;

(iii) any vessel as defined in section 742 of the Merchant Shipping Act 1894;

(iv) any shelter provided for the treatment of tuberculosis or used in connection with an open air school;

(v) any vehicle used by the commission in connection with the maintenance and repair of their undertaking; or

(vi) any tent structure van or similar vehicle belonging to any statutory undertakers and any trailer drawn by such van used by those undertakers for the purposes of their undertaking;

PART VI
—cont.

“occupier” in relation to a movable dwelling shall be deemed to include the owner of such dwelling or any person in charge thereof.

86.—(1) No movable dwelling shall be placed or kept on any land situate within the borough without the previous consent of the Corporation.

Prohibition
of movable
dwellings
without
consent.

(2) It shall not be lawful for any person without the previous consent of the Corporation to let or permit to be used any land so situate for occupation by any movable dwelling unless to the satisfaction of the Corporation—

- (i) the surface of the land is covered with concrete or other suitable material; and
- (ii) the land is provided with sufficient roads sanitary accommodation drains and sewers and is furnished with a separate supply of water.

(3) The Corporation may attach to any consent given by them under the foregoing provisions such terms and conditions as they think fit—

- (a) in the case of any consent given under subsection (1) of this section to the placing or keeping of a movable dwelling on land with respect to the use of that dwelling (including the space to be kept free between it and any other such dwelling) and its removal at the end of a specified period and for securing sanitary conditions;
- (b) in the case of any consent given under subsection (2) of this section to the letting or permitting to be used of any land with respect to the number and classes of movable dwellings which can be kept on such land at the same time and the space to be kept free between any two such dwellings and with respect to water supply and for securing sanitary conditions.

(4) Where under subsection (1) or subsection (2) of this section an application is made to the Corporation for their consent the Corporation shall be deemed to have withheld their consent unless within four weeks from the receipt of the application they give notice to the applicant stating that such consent is granted:

Provided that where the consent of the Corporation is deemed to have been withheld under this subsection the following provisions shall have effect:—

- (a) The Corporation shall by notice inform the applicant that their consent is deemed to have been withheld and of his right of appeal under this section;

PART VI
—cont.

(b) Subject to the provisions of paragraph (c) of this proviso for the purpose of subsection (5) of this section the notice served under paragraph (a) of this proviso shall be deemed to be a notice of the withholding of the Corporation's consent;

(c) If in the notice served under paragraph (a) of this proviso the Corporation inform the applicant that his application is being further considered by them the time within which any appeal against the withholding of consent to such application may be brought shall be fourteen days from the date on which notice of the council's decision after such further consideration is served on the applicant.

(5) Any person aggrieved by the withholding by the Corporation of their consent under the provisions of this section or by any term or condition attached to the consent may appeal to a magistrates' court.

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

(7) No proceedings shall be taken in respect of a contravention of the provisions of this section in relation to a movable dwelling placed or kept on land immediately before the passing of this Act—

(a) until the expiration of a period of four weeks after the passing of this Act; or

(b) if within the said period an application is made under this section for the consent of the Corporation in relation to such movable dwelling until the applicant is informed of the decision of the Corporation thereon and if consent is withheld during such further time as is provided under section 162 (Appeals) of this Act.

87. Nothing in this Part of this Act shall apply to—

(a) a movable dwelling which is kept by its owner on land occupied by him in connection with his dwelling-house and is used for habitation only by him or by members of his household; or

(b) a movable dwelling which belongs to a person who is the proprietor of a travelling circus roundabout amusement fair stall or store (not being a pedlar hawker or costermonger) and which is regularly used by him in the course of travelling for the purpose of his business; or

(c) a movable dwelling which is not in use for human habitation and is being kept on premises the occupier

Saving from
this Part of
Act.

of which permits no movable dwellings to be kept thereon except such as are for the time being not in use for human habitation; or

PART VI
—cont.

(d) a movable dwelling used for recreational or instructional purposes so long as it is so used and is not used as a sole or principal means of habitation; or

(e) the use of land for the keeping of a movable dwelling by a member of any organisation which holds a certificate of exemption granted by the Minister under subsection (6) of section 269 of the Act of 1936 or to the keeping and use of a movable dwelling by a member of any such organisation.

For the purpose of this paragraph the expression "member" in relation to any such organisation includes a member of any branch or unit of or formed by the organisation.

88. Except in so far as may be necessary for the purpose of giving effect to paragraph (e) of the last foregoing section section 269 of the Act of 1936 shall cease to apply to the borough. Section 269 of Act of 1936 not to apply to borough.

PART VII

PUBLIC ORDER AND PUBLIC SAFETY

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

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

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

(b) as respects any street belonging to or repairable by any railway dock canal inland navigation or passenger road transport undertakers and forming the approach to any station dock wharf or depot of those undertakers or so as to obstruct or interfere with the access to or exit from any station dock wharf or depot of such undertakers without the consent of those undertakers;

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

PART VII
—cont.

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

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

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

Offences in
respect of fire
hydrants etc.

90.—(1) If any person wilfully and without the consent of the Corporation—

- (a) obstructs the access to any fire alarm; or
- (b) removes, obliterates, alters, defaces or obscures any plate or mark provided by the Corporation for indicating the position of any fire alarm or the position of any fire hydrant or any underground tank provided for fire-fighting purposes; or
- (c) interferes with any such fire alarm hydrant or tank or the equipment thereof;

he shall be liable to a fine not exceeding five pounds and (without prejudice to their other means of recovering expenses incurred by them in consequence of the offences referred to in this subsection) the Corporation may recover from him the expense of—

- (i) removing the obstruction; or
- (ii) replacing or making good the plate or mark.

(2) If any person for the purpose of requiring the services of the fire brigade or an ambulance telephones or causes to be telephoned any statement which he knows to be false from a telephone call box provided in the borough by the Postmaster-General (other than any such false alarm of fire as is referred to in section 31 of the Fire Services Act 1947) he shall be liable to a fine not exceeding twenty-five pounds.

Safety of
stands.

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

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

- (a) such modifications of the plan section and particulars submitted to them ; and
- (b) compliance with such requirements as to maintenance and otherwise;

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

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

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

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

(6) If any person—

- (a) commences to erect in contravention of subsection (1) of this section a stand capable of affording seating or standing accommodation for twenty or more persons at any one time; or
- (b) erects such a stand otherwise than in accordance with a plan section and particulars submitted to the Corporation under the said subsection (1) or if notice has been given of any modifications under subsection (2) of this section otherwise than in accordance with the said plan section and particulars as modified by the notice; or
- (c) being the owner or occupier of such a stand erected otherwise than as aforesaid allows twenty or more persons to be on the stand at any one time; or

PART VII
—cont.

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

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

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

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

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

(9) In this section the expression “stand” includes a structure but does not include a building or extension of a building to which building byelaws are applicable or a stand erected by the commission for the accommodation of their passengers or servants under the provisions of section 104 of the London Passenger Transport Act 1934 or section 65 of the London Passenger Transport Act 1938.

Boxing and
wrestling
entertainments.

92.—(1) As from the appointed day the provisions of the Home Counties (Music and Dancing) Licensing Act 1926 shall in their application to the borough extend to any place kept for the purposes of any boxing or wrestling entertainment as though any such entertainment were of the like kind with public dancing and music:

Provided that the said provisions shall not extend to any premises licensed under the Theatres Act 1843 if and so long as the conditions attached to the licence under that Act are complied with as though a boxing or wrestling entertainment were a stage play.

(2) For the purposes of this section the expression “boxing or wrestling entertainment” means any public contest or display of boxing or wrestling except such as may be provided or given—

(a) by travelling showmen at pleasure fairs;

(b) by bona fide organisations associations clubs or societies whether for juveniles or adults and whether corporate or unincorporate which are not carried on for profit; or

(c) by any university university college college of a university training college establishment of further education or school.

93.—(1) The Corporation may make byelaws—

PART VII

—cont.

Byelaws as to
pleasure fairs
and roller-
skating rinks.

(a) for regulating the hours during which pleasure fairs and roller-skating rinks may be open to the public;

(b) for securing safe and adequate means of ingress to and egress from any pleasure fair or roller-skating rink;

(c) for the prevention and suppression of nuisances and preserving sanitary conditions cleanliness order and public safety at any pleasure fair or roller-skating rink.

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

“pleasure fair” means any place—

(i) which is for the time being used wholly or mainly for providing (whether or not in combination with any other entertainment) any entertainment to which this section applies; and

(ii) for admission to which or for the use of the contrivances in which a charge is made;

“roller-skating rink” means any place which is for the time being used wholly or mainly for roller-skating and for admission to which a charge is made.

(3) Subject to the provisions of the next following subsection the entertainments to which this section applies are the following:—

(a) circuses;

(b) exhibitions of human beings or of performing animals;

(c) merry-go-rounds roundabouts swings switchback railways;

(d) coconut shies hoop-las shooting galleries;

(e) dodgems or other mechanical riding or driving contrivances;

(f) automatic or other machines intended for entertainment or amusement;

(g) anything similar to any of the foregoing.

(4) Nothing in this section or the byelaws made thereunder shall apply to—

(a) any fair held by statute royal charter royal licence letters patent or ancient custom; or

(b) any entertainment which is not run for profit and is not carried on for more than seven consecutive days; or

(c) any entertainment the profits whereof are devoted to a religious or charitable purpose.

PART VII
—cont.

(5) The Corporation shall—

- (a) not less than one month before making byelaws under this section furnish the Amusement Caterers' Association, the Association of Amusement Park Proprietors of Great Britain and the Showmen's Guild of Great Britain with a draft of the proposed byelaws; and
- (b) on submitting the byelaws to the Secretary of State for confirmation furnish him with a copy of any representations made to the Corporation in writing by any of the said bodies and a statement showing the effect if any given to any such representation.

(6) Different byelaws may be made under this section for pleasure fairs and roller-skating rinks and for different kinds of pleasure fairs.

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

Derelict
petrol tanks.

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

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

(3) If any person after due warning contravenes the provisions of subsection (1) of this section he shall be liable to a fine not exceeding ten pounds and the Corporation may take such steps as may be reasonably necessary to prevent danger from the container to which the warning relates and may recover from such person the expenses incurred by them in so doing.

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

Restrictions
on use of
loudspeakers
in streets.

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

Provided that this subsection shall not apply to the operation of any loudspeaker on a vehicle constructed or adapted for use for the conveyance of any perishable commodity for human consumption (including ice-cream) where—

- (a) the loudspeaker is used in conjunction with an electrically operated instrument to produce sounds (not being words); and
- (b) the main purpose of operating the said loudspeaker is to notify members of the public that the driver or other attendant of the vehicle is available to sell to members of the public the commodity conveyed by the vehicle; and
- (c) the loudspeaker is not operated so as to be a nuisance.

For the purposes of this proviso “ice-cream” includes any similar commodity and the commodity known as “water ice”.

(2) No person shall between the hours of nine in the afternoon and eight in the forenoon operate or cause or suffer to be operated any loudspeaker for any purpose when such loudspeaker is in any street in the borough:

Provided that this subsection shall not apply to a loudspeaker forming part of a wireless set on or inside a motor vehicle so long as such loudspeaker is used for the private purposes of the occupants of the said vehicle or for communication with them in connection with their trade or business and is not used so as to be an annoyance or nuisance to persons in a street.

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

(4) This section shall not apply to—

- (a) the use of a loudspeaker by the Corporation or the police or the fire brigade in the execution of their duty or in case of emergency;
- (b) the use of a loudspeaker by the commission for the purpose of announcements to their passengers or staff at any station or depot of the commission or by any persons operating public service vehicles for the purpose of announcements to their passengers whilst in any of their vehicles or at any of their stations or depots or for communications between their staff;
- (c) the use of a loudspeaker by the electricity authority the electricity board the gas board or the Metropolitan Water Board in case of emergency affecting their undertaking.

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

PART VII
—cont.
Cancellation
and variation
of licences
by agreement.

96.—(1) Upon receiving a written request in that behalf accompanied by the licence from the holder of a licence for the time being in force under the provisions of the Home Counties (Music and Dancing) Licensing Act 1926 or under the Theatres Act 1843 or under the Cinematograph Act 1909 the Corporation may—

- (a) cancel the licence; or
- (b) modify or waive any of the terms conditions or restrictions attached to the licence or attach new or substituted terms conditions or restrictions to such licence.

(2) The terms conditions or restrictions of any such licence as so modified and any new or substituted terms conditions or restrictions attached under the powers of this section shall be binding and enforceable in all respects as if they had been attached to the licence at the grant thereof.

Devolution of
licences in case
of death of
licensee.

97. Upon the death of the holder of a licence granted in respect of a place or premises in the borough under the Theatres Act 1843 the Cinematograph Act 1909 or the Home Counties (Music and Dancing) Licensing Act 1926 the person carrying on at the place or premises the functions in respect of which the licence was granted or acting as the actual and responsible manager of the place or premises in respect of which the licence was granted shall be deemed to be the holder of the licence until the licence has been transferred to some other person.

Dispensation
with bonds by
theatre
managers.

98.—(1) Except in any case in which the Corporation otherwise require so much of section 7 of the Theatres Act 1843 as provides that the actual and responsible manager for the time being of a theatre in respect of which a licence is granted under that Act and two sureties shall become bound in penal sums for the purposes mentioned in that section shall cease to have effect as respects licences granted by the Corporation under that Act.

(2) (a) If the licensee of a theatre licensed by the Corporation under the Theatres Act 1843 uses it or allows it to be used in contravention of the provisions of that Act or any rules made by the Corporation thereunder or of the terms conditions or restrictions upon or subject to which the licence was granted he shall be liable to a fine not exceeding fifty pounds and to a daily fine not exceeding ten pounds.

(b) Upon a conviction under this subsection the licence granted in respect of the theatre may be revoked by the Corporation.

(3) (a) The Corporation shall within three months after the passing of this Act give public notice of the foregoing provisions of this section by advertisement in two or more local newspapers circulating in the borough and otherwise in such manner as the Corporation think sufficient.

(b) In any proceedings it shall be presumed unless the contrary is proved that the provisions of this subsection have been complied with.

PART VIII

WEIGHTS AND MEASURES

99.—(1) In this Part of this Act unless the subject or context otherwise requires the following expressions have the following meanings:—

Interpretation
and applica-
tion of this
Part of Act.

“ the Act of 1889 ” means the Weights and Measures Act 1889;

“ briquette ” means solid fuel manufactured mainly from coal each briquette being not less than one pound in weight;

“ coke ” includes any solid fuel derived from coal or of which coal or coke is a constituent and includes briquettes;

“ vehicle ” includes any lorry cart handcart wagon truck or other means of conveying goods or commodities by land but does not include a railway truck or wagon.

(2) In the following sections of this Act namely:—

Section 107 (Drivers of vehicles to take them to weighing-machines on request);

Section 109 (Offences by weighing-machine keepers and others);

Section 110 (Penalties on persons committing frauds); and

Section 111 (Further offences in relation to weighing-machines);

the expression “ weighing-machine ” means a weighing-machine available for the use of the public for the purpose of ascertaining the weight of any vehicle or the load thereof.

(3) The provisions of this Part of this Act shall apply in the borough.

100.—(1) Section 4 of the Act of 1889 (which provides that persons convicted of offences shall be liable to imprisonment in cases of fraud) shall extend and apply to convictions under—

Application
of Act of 1889.

(a) sections 20 to 22 and 24 to 26 and 29 of the Act of 1889 as extended by this section to coke and wood fuel; and

(b) the following sections of this Act:—

Section 103 (Sale of coal etc. otherwise than in sacks from a vehicle);

Section 104 (Sale in sacks of coal etc. in quantities exceeding two hundredweight);

Section 106 (Sale of briquettes);

Section 112 (Deficient weight measure or number).

(2) Sections 20 to 22 and 24 to 26 and section 28 (except paragraph (c) of subsection (1)) and section 29 of the Act of 1889 and any byelaws made by the Corporation thereunder and

PART VIII
—cont.

the Third Schedule to the Act of 1889 shall in their application to the borough extend to coke and (except section 28 and the byelaws made thereunder) to wood fuel subject to and in accordance with the following provisions:—

- (a) The references in subsection (1) of section 21 and subsection (1) of section 22 to any quantity of coal exceeding two hundredweight shall include references to any quantity of coke or wood fuel exceeding two hundredweight;
- (b) The reference in section 24 to coal in any quantity not exceeding two hundredweight shall include a reference to coke in any quantity not exceeding two hundredweight and to wood fuel in any quantity of fourteen pounds or over but not exceeding two hundredweight;
- (c) Any other reference to coal in the said sections 20 to 22 and 24 to 26 and 28 and 29 and any byelaws made thereunder and in the said Third Schedule shall include a reference to coke and (except in section 28 and the byelaws made thereunder) to any quantity of wood fuel of fourteen pounds or over;
- (d) In relation to coke and wood fuel such of the said sections as are hereinafter mentioned shall be construed as if the words “in the borough” were inserted—
 - (i) in subsection (1) of section 20 after the word “sold” where it first occurs;
 - (ii) in subsection (1) of section 21 after the word “delivered” where it first occurs;
 - (iii) in subsection (1) of section 22 after the word “conveyed”;
 - (iv) in section 24 after the word “delivers”;
 - (v) in subsection (1) of section 25 after the word “place” where it first occurs;
 - (vi) in subsection (1) of section 29 after the word “place” where it first occurs and after the word “stop”.

Byelaws
relating to
wood fuel.

101. The Corporation may make byelaws—

- (a) regulating for the purposes of this Part of this Act and of the Act of 1889 the sale of wood fuel in quantities of fourteen pounds or over but not exceeding two hundredweight; and
- (b) requiring either generally or in specified classes of cases a weighing instrument of a form approved by the Corporation to be carried with any vehicle in which wood fuel is carried for sale or delivery to a purchaser.

102. If any coal coke or wood fuel is being or has been sold delivered offered for sale exposed for sale or carried on a vehicle for sale or delivery in the borough and any person wilfully makes any false statement as to the weight thereof or wilfully increases the weight of any such coal coke or wood fuel by damping the same or wilfully does any other act by which the seller or the purchaser or prospective purchaser of coal coke or wood fuel is or may be defrauded not being a false statement or an act (as the case may be) to which section 110 (Penalties on persons committing frauds) of this Act applies he shall be liable to a fine not exceeding for a first offence five pounds and for any subsequent offence ten pounds and in respect of any such offence the court may in lieu of or in addition to imposing a fine impose any term of imprisonment not exceeding two months.

PART VIII
—cont.

Penalty on fraudulent sale of coal etc.

103.—(1) Any person selling or exposing for sale or carrying for sale or delivery on sale in the borough coal coke or wood fuel from or on a vehicle otherwise than in sacks and not carrying on such vehicle a weighing instrument of a type approved by the Corporation and stamped by an inspector of weights and measures shall sell at one time only the whole load of such coal coke or wood fuel on such vehicle and shall before leaving the place at which the coal coke or wood fuel was loaded be furnished with a ticket or note stating the gross tare and net weight of such load and the name of the purchaser and shall produce such ticket or note to any inspector of weights and measures or other officer appointed for the purpose by the Corporation on demand and shall deliver such ticket or note to the purchaser or his servant before any part of the coal coke or wood fuel is unloaded.

Sale of coal etc. otherwise than in sacks from a vehicle.

(2) If at the time of the loading of a vehicle the purchaser of the load is not known it shall be sufficient for the purposes of this section if the name of the purchaser is inserted in the ticket or note before the load is delivered to him.

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

104.—(1) Where—

Sale in sacks of coal etc. in quantities exceeding two hundredweight.

(a) any quantity of coal coke or wood fuel exceeding two hundredweight is carried by means of any one vehicle on any one journey for delivery in the borough to more than one purchaser; or

(b) any person sells or exposes or offers for sale or carries for sale or delivery on sale in the borough coal coke or wood fuel from or on any vehicle in quantities exceeding two hundredweight;

and such coal coke or wood fuel is carried on such vehicle in sacks the net weight of coal coke or wood fuel in any one sack shall be

PART VIII
—cont.

equal to one hundredweight or one-half of a hundredweight and each sack shall be legibly marked so as to show the net weight of coal coke or wood fuel carried in such sack.

(2) In addition to the matters which in accordance with section 21 of and the Third Schedule to the Act of 1889 are required to be stated on the ticket or note referred to in that section there shall in cases to which subsection (1) of this section applies be stated on such ticket or note the number of sacks carried on the vehicle to which the ticket or note refers and the net weight of coal coke or wood fuel in each of such sacks and the said section 21 shall in its application to the borough have effect accordingly.

(3) If any of the requirements of subsection (1) of this section are contravened the seller of the coal coke or wood fuel or the person responsible for loading the coal coke or wood fuel on such vehicle shall be liable to a fine not exceeding five pounds and if the net weight of coal coke or wood fuel in any such sack is less than the weight shown thereon or stated in the ticket or note referred to in the said section 21 of the Act of 1889 the said persons or the person in charge of such vehicle shall be liable to the like fine.

(4) A person against whom proceedings are brought in respect of an offence under this section (hereafter in this section referred to as "the original defendant") shall upon information duly laid by him and on giving to the prosecutor not less than three clear days' notice of his intention be entitled to have any other person to whose act or default he alleges that the offence was due brought before the court in the proceedings and if after the commission of the offence has been proved the original defendant proves that the offence was due to the act or default of that other person that other person may be convicted of the offence and if the original defendant further proves that he has used all due diligence to secure that the provisions in question were complied with he shall be acquitted of the offence.

(5) Where the original defendant seeks to avail himself of the provisions of the last foregoing subsection—

(a) the prosecutor as well as the person whom the original defendant charges with the offence shall have the right to cross-examine him if he gives evidence and any witness called by him in support of his pleas and to call rebutting evidence;

(b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

105.—(1) Every vehicle carrying coal coke or wood fuel for sale or for delivery on sale in the borough shall have the seller's name and place of business clearly marked on such vehicle in letters not less than one inch in height and visible from the near side thereof:

PART VIII
—cont.
Requirements
as to vehicles
carrying coal
etc. for sale or
delivery on
sale.

Provided that vehicles belonging to or used by the National Coal Board or the gas board shall sufficiently comply with the provisions of this section if the words "National Coal Board" or "North Thames Gas" (as the case may be) are clearly marked and visible as aforesaid on such vehicles.

(2) The seller of any coal coke or wood fuel carried on a vehicle in contravention of this section shall be liable to a fine not exceeding five pounds.

106. Notwithstanding anything to the contrary contained in this Part of this Act briquettes may be sold by number and the following provisions shall apply to briquettes which are sold or intended to be sold by number instead of the provisions of subsection (2) of section 100 (Application of Act of 1889) section 103 (Sale of coal etc. otherwise than in sacks from a vehicle) and section 104 (Sale in sacks of coal etc. in quantities exceeding two hundredweight) of this Act:—

Sale of
briquettes.

- (a) If any seller delivers or causes to be delivered to the purchaser or his agent a less number of briquettes than is purported to be sold he shall be liable to a fine not exceeding for a first offence five pounds and for any subsequent offence ten pounds;
- (b) (i) Where more than twenty-five briquettes are delivered by means of a vehicle to a purchaser the seller shall therewith deliver or cause to be delivered to the purchaser or his agent before any of the briquettes are unloaded a ticket or note stating in legible figures the number of briquettes upon which the purchase price is based;
- (ii) If default is made in complying with the requirements of this paragraph with respect to the delivery of a ticket or note or if the number is less than the number expressed in the ticket or note the seller of the briquettes or the person in charge of the vehicle as the case may be shall be liable to a fine not exceeding for a first offence five pounds and for any subsequent offence ten pounds;
- (iii) If any person attending on any such vehicle having received any such ticket or note for delivery to the purchaser fails to deliver it as required by this paragraph or on being requested so to do to exhibit it to any inspector of weights and measures of the Corporation

PART VIII
—cont.

he shall be liable to a fine not exceeding for a first offence five pounds and for any subsequent offence ten pounds;

- (c) (i) Every person who within the borough sells or offers or exposes for sale any briquettes shall cause his name and place of business and residence to be registered with the Corporation and on each occasion on which he shall change his registered place of business or residence he shall within seven days thereafter cause particulars of such change to be registered with the Corporation;
- (ii) If any person contravenes the provisions of this paragraph he shall be liable to a fine not exceeding five pounds.

Drivers of vehicles to take them to weighing-machines on request.

107.—(1) The driver of any vehicle loaded with any goods (including coal coke or wood fuel) to be sold in the borough by reference to the weight of such loaded vehicle shall at the request of the buyer or seller of any such goods or the person on whose behalf the same shall be consigned or of any of their respective agents or of an inspector of weights and measures of the Corporation take such vehicle with or without the loading thereof to be weighed or reweighed at the nearest suitable and available weighing-machine stamped by an inspector of weights and measures.

(2) If the nearest suitable and available weighing-machine to which such vehicle shall be required to go for weighing or reweighing is not on the regular course of the road by which it would otherwise be necessary for the vehicle to pass the owner of the vehicle shall be paid sixpence for every half-mile beyond the first half-mile of the extra distance which the vehicle is required to go under this section.

(3) All charges for carriage made under subsection (2) of this section together with the tolls or fees to be paid for weighing or reweighing any such vehicle shall be paid by the person requiring the same to be weighed and such charges for carriage shall if demanded be paid before the driver of such vehicle shall be obliged to go out of his way for the purpose of having the same weighed.

(4) The driver of any such vehicle who shall not upon being requested and paid such charges as aforesaid (if demanded) take such vehicle to the weighing-machine to which he is required to go shall be liable to a fine not exceeding ten pounds and the driver of any such vehicle who shall refuse to give all reasonable assistance in the weighing or reweighing of the same shall be liable to a fine not exceeding five pounds.

(5) Section 27 and paragraph (c) of subsection (1) of section 28 of the Act of 1889 shall cease to apply to the borough.

(6) In this section the expression "driver" includes the owner and any person in charge of any vehicle.

108.—(1) The provisions of this Part of this Act hereinafter mentioned shall come into operation in the borough on the first day of October nineteen hundred and fifty-seven.

PART VIII
—cont.
Notice of certain provisions of this Part of Act.

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

Section 103 (Sale of coal etc. otherwise than in sacks from a vehicle);

Section 104 (Sale in sacks of coal etc. in quantities exceeding two hundredweight);

Section 105 (Requirements as to vehicles carrying coal etc. for sale or delivery on sale);

Section 106 (Sale of briquettes);

Section 107 (Drivers of vehicles to take them to weighing-machines on request).

(3) (a) The Corporation shall forthwith after the passing of this Act cause public notice to be given to the effect of the said sections by advertisement in one or more newspapers circulating in the borough and otherwise in such manner as the Corporation think fit.

(b) In any proceedings it shall be presumed unless the contrary is proved that the provisions of this subsection have been complied with.

109. Any person keeping or who purports to act on behalf of a keeper of a weighing-machine who shall—

Offences by weighing-machine keepers and others.

(a) during such hours as may be fixed by the Corporation wilfully neglect on application duly to weigh with or without its loading any vehicle that shall come to the machine kept by him to be weighed which does not exceed the dimensions of the weighing platform or the maximum load which that machine is constructed to weigh;

(b) not fairly weigh any such vehicle with or without its loading;

(c) not deliver to the purchaser of any such loading or any person interested therein on application a ticket or account containing the true weight of such loading;

(d) give to any person a false ticket or account of the weight of such vehicle or the loading thereof;

(e) weigh any vehicle knowing that anything has been added to the loading thereof so as to increase the weight of the same or that the wheels thereof have been changed between the time of the same being weighed with its loading and the time of its coming back to be again weighed without its loading and shall not give immediate notice thereof to the person interested therein;

PART VIII
—cont.

- (f) knowingly assist in or connive at any fraud committed or attempted concerning the weighing of any such vehicle or the loading thereof or shall make or connive at making any false representation of the weight of the same respectively;
- (g) fail to make immediately after the weight of any vehicle with or without its loading has been ascertained a true record of the weight thereof and retain such record for a period of six months; or
- (h) issue particulars of any vehicle with or without its loading which he has not personally ascertained;

shall be liable to a fine not exceeding for a first offence ten pounds and for any subsequent offence fifty pounds and in respect of any such subsequent offence if the court is of opinion that such offence was committed with intent to defraud the court may in lieu of or in addition to imposing a fine impose any term of imprisonment not exceeding three months:

Provided that paragraphs (a) and (b) of this section shall not impose an obligation to weigh any vehicle or loading upon any person so far as those paragraphs relate to a weighing-machine not ordinarily available for the public or of insufficient capacity or otherwise unsuitable or upon the keeper of any such weighing-machine.

Penalties
on persons
committing
frauds.

110.—(1) Any person who in regard to the weighing of any vehicle at any weighing-machine—

- (a) at or before the time of weighing any such vehicle shall place or knowingly leave any matter or thing in or about the same other than the proper loading thereof;
- (b) shall alter any ticket denoting the weight of any such vehicle or of the loading thereof;
- (c) shall make or use or be privy to the making or using of any false or fraudulent ticket or knowingly give a false statement to a weighing-machine keeper respecting the weight of any such vehicle or the loading thereof;
- (d) after the weighing of such vehicle with the loading thereof shall remove any part of such loading and afterwards dispose or attempt to dispose of the residue of such loading as being the full loading denoted by such ticket;
- (e) after such vehicle and the loading thereof shall have been so weighed shall substitute or attempt to substitute any vehicle with or without the loading thereof or shall for the purpose of fraud change the wheels of the vehicle which shall have been so weighed or make any alteration

or do any other act to such vehicle before the same shall be brought back to the machine to be again weighed without the loading thereof;

PART VIII
—cont.

(f) when any such vehicle shall have been weighed with the loading thereof at any such machine as aforesaid if required shall refuse to bring back the same without alteration to be weighed without the loading at the same machine; or

(g) shall be guilty of any other fraudulent contrivance touching the weight of any such vehicle or of the loading thereof;

shall be liable to a fine not exceeding for a first offence ten pounds and for any subsequent offence fifty pounds and in respect of any such subsequent offence the court may in lieu of or in addition to imposing a fine impose any term of imprisonment not exceeding three months.

(2) Section 23 of the Act of 1889 shall cease to apply to the borough.

111.—(1) Any person who knowingly delivers or passes off or who knowingly causes or permits to be delivered or passed off with or in connection with a particular vehicle or the loading thereof any ticket which has been issued by a person keeping or acting as a keeper of a weighing-machine to denote the weight of a different vehicle or loading shall be liable to a fine not exceeding for a first offence ten pounds and for any subsequent offence fifty pounds.

Further offences in relation to weighing-machines.

(2) Any person in charge of a vehicle who in regard to the weighing of such vehicle at any weighing-machine refuses after being requested so to do by any person keeping or acting as keeper of the weighing-machine to give his name and address or who wilfully gives an incorrect name or address shall be liable to a fine not exceeding ten pounds.

112.—(1) If any person—

(a) sells or delivers or makes up or exposes for sale or delivery by weight or measure; or

(b) sells or delivers or sets apart keeps or exposes for sale or delivery in numbers;

Deficient weight measure or number.

any article or articles of which the weight measure or number (as the case may be) is less than the weight measure or number thereof which has been represented by such person he shall be guilty of an offence and shall be liable to a fine not exceeding for a first offence five pounds and for any subsequent offence ten pounds.

PART VIII
—cont.

(2) Any inspector of weights and measures of the Corporation on production if required of his authority under the Weights and Measures Acts 1878 to 1936 may at all reasonable times—

- (a) enter any building or other place in the borough in which he has reasonable cause to believe that any article is sold or is made up or exposed for sale by weight or measure or that any articles are sold or are set apart or kept or exposed for sale in numbers; or
- (b) inspect any vehicle which he has reasonable cause to believe is carrying articles for sale or delivery by weight or measure or in numbers in the borough; or
- (c) stop any person who he has reasonable cause to believe is carrying or in charge of any basket or other receptacle from which articles are sold or delivered by weight or measure or in numbers or in which such articles are kept or exposed for sale or delivery in the borough;

and weigh measure or number any such article or articles or require any such article or articles to be weighed measured or numbered in his presence.

(3) If the inspector of weights and measures has reasonable cause to believe that the weight measure or number of any such article or articles is less than the weight measure or number thereof which has been represented by the person who has sold delivered or made up set apart kept or exposed the same for sale or delivery he may for the purposes of proceedings under subsection (1) of this section seize impound and convey such article or articles to an office provided for the purpose by the Corporation.

(4) For the purposes of section 288 of the Act of 1936 as applied by this Act action wilfully taken by the driver or person in charge of any vehicle to avoid inspection of the vehicle by an inspector of weights and measures under this section by driving away or increasing speed when approached by such inspector shall be deemed to be obstruction.

(5) In any proceedings under this section in respect of an alleged deficiency of weight or measure of any prepacked article the court shall disregard any inconsiderable variation in the weight or measure of a single article and shall have regard to the average weight or measure of a reasonable number of other articles of the same kind (if any) sold or delivered by the defendant or in his possession for the purpose of sale or delivery on the same occasion and generally to all the circumstances of the case.

(6) In any proceedings under this section in respect of an alleged deficiency of weight or measure or number it shall be a

defence for the defendant to prove to the satisfaction of the court either—

PART VIII
—cont.

- (a) that such deficiency was due to a bona fide mistake or accident or other causes beyond his control and that he took all reasonable precautions and exercised all due diligence to prevent the occurrence of such deficiency; or
- (b) that the alleged deficiency was due to unavoidable evaporation or drainage and that due care and precaution had been taken to avoid such deficiency; or
- (c) in case of a prepacked article that he purchased the article in the wrapper or container in which he sold it from a person carrying on business at an address in the United Kingdom and that the wrapper or container had remained unopened and that he had no reason to believe that this section was being contravened.

(7) A person against whom proceedings are brought in respect of an offence against this section (hereafter in this section referred to as “the original defendant”) shall upon information duly laid by him and on giving to the prosecution not less than three clear days’ notice of his intention be entitled to have any other person to whose act or default he alleges that the offence was due brought before the court in the proceedings and if after the offence has been proved the original defendant proves that the offence was due to the act or default of that other person that other person may be convicted of the offence and if the original defendant further proves that he has used all due diligence to secure that the provisions in question were complied with he shall be acquitted of the offence.

(8) Where the original defendant seeks to avail himself of the provisions of the last foregoing subsection—

- (a) the prosecution as well as the person whom the original defendant charges with the offence shall have the right to cross-examine him if he gives evidence and any witness called by him in support of his pleas and to call rebutting evidence;
- (b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(9) A prosecution in respect of an offence by a retailer under this section other than an offence of obstructing or hindering an inspector in the exercise of his duties shall not be instituted after the expiration of twenty-eight days from the time when the offence was committed nor unless within seven days after the alleged commission of the offence notice of the date and nature of the alleged offence has been served on or sent by registered

PART VIII
—cont.

post to the defendant nor unless in the case of any alleged deficiency the person against whom the allegation is made has been given reasonable opportunity to check the weight measure or number of the article or articles in respect of which such allegation is made.

(10) A prosecution under this section shall not be instituted except by or on behalf of the Director of Public Prosecutions or the Corporation.

(11) The provisions of this section shall not apply to the sale of coal coke or wood fuel nor to any article of food to which section 1 of the Sale of Food (Weights and Measures) Act 1926 applies.

(12) In this section the expression “prepacked article” means any article which is packed or made up in advance ready for retail sale in a wrapper or container and where any article packed or made up in a wrapper or container is found on any premises where such articles are packed kept or stored for sale the article shall be deemed to be prepacked unless the contrary is proved.

Personal
weighing-
machines.

113.—(1) In this section—

the expression “personal weighing-machine” means a weighing-machine constructed or adapted for ascertaining the weight of a person;

the expression “prescribed” means prescribed by the Corporation by byelaws made under this section;

the expression “stamped” means bearing a stamp of verification such as is authorised for use under the Weights and Measures Acts 1878 to 1936; and

the expressions “in use” and “used” mean used or exposed for use.

(2) The Corporation may make byelaws—

(a) generally with respect to the examination on verification and to the inspection of personal weighing-machines;

(b) for prescribing the distinguishing mark to be affixed to personal weighing-machines approved on verification under this section and the circumstances and conditions in and under which such mark may be affixed or cancelled;

(c) for prescribing the tests to be applied for the purpose of ascertaining the accuracy and efficiency of personal weighing-machines;

(d) for prescribing the limits of error to be allowed on the verification and inspection respectively of personal weighing-machines;

(e) for prescribing the fees to be paid to the Corporation for the examination and marking of personal weighing-machines submitted for verification or for the examination of such personal weighing-machines submitted as aforesaid as are found to be incorrect or defective.

(3) On and after the expiration of a period of twelve months from the coming into force of any byelaws made under subsection (2) of this section the owner or the person having in his possession or being in charge of any personal weighing-machine which is in use and which is false or unjust beyond the prescribed limits of error to be allowed on inspection shall be liable to a fine not exceeding for a first offence forty shillings and for any subsequent offence five pounds and the machine shall be liable to be forfeited.

(4) (a) On and after the expiration of the said period a personal weighing-machine shall not be used unless such machine has been examined and approved by an inspector of weights and measures of the Corporation and has been marked with the prescribed distinguishing mark by such inspector or unless it has been stamped by any inspector of weights and measures.

(b) On or after the expiration of the said period the owner or the person having in his possession or being in charge of any personal weighing-machine which is in use and which is not so marked or stamped shall be liable to a fine not exceeding for a first offence forty shillings and for any subsequent offence five pounds and the machine shall be liable to be forfeited.

(c) The provisions of this subsection shall not apply to a personal weighing-machine owned by a travelling showman and used by him at a pleasure fair if at any time within the three months preceding such use such weighing-machine has been examined and approved by any inspector of weights and measures.

(5) If any person forges counterfeits or (not being an inspector of weights and measures of the Corporation) removes any such mark or stamp as is referred to in the last foregoing subsection or unlawfully marks or stamps a machine with any such mark or stamp or knowingly exposes for use any personal weighing-machine on which there is any such forged or counterfeit mark or stamp he shall be liable to a fine not exceeding five pounds and the machine shall be liable to be forfeited.

(6) (a) Any inspector of weights and measures of the Corporation may—

- (i) verify any personal weighing-machine submitted for the purpose;
- (ii) at all reasonable times examine inspect and test any personal weighing-machine which is in use;

PART VIII
—cont.

- (iii) seize and detain any personal weighing-machine which there is reasonable cause to believe may be liable to be forfeited under the provisions of this section;
- (iv) for the purposes referred to in the foregoing subparagraphs (ii) and (iii) enter any premises or place where there is reason to believe that there is a personal weighing-machine in use.

(b) If any person neglects or refuses to produce for such examination inspection and testing any personal weighing-machine which is in use and is in his possession or custody or on his premises or refuses to permit any such inspector of weights and measures to examine inspect or test the same or obstructs the entry of such inspector or otherwise obstructs or hinders him from acting under this section he shall be liable to a fine not exceeding for a first offence five pounds and for any subsequent offence ten pounds.

(7) For the purposes of this section—

- (a) a personal weighing-machine shall not be deemed to be used in the borough unless either—
 - (i) a charge is made or is proposed to be made for the use of the machine; or
 - (ii) the machine is kept in any premises or place to which the public have access; and
- (b) a personal weighing-machine shall not be deemed to be marked or stamped by reason of its bearing a cancelled distinguishing mark or stamp.

(8) For the purposes of this section a person shall not be held to be in possession or in charge of a personal weighing-machine by reason solely of the fact that it is situate on his premises by virtue of a licence or agreement under which some other person is responsible for the maintenance of such machine.

(9) A personal weighing-machine which is liable to be forfeited under any of the foregoing provisions of this section shall not be forfeited if in the opinion of the court it is reasonably practicable having regard to cost or other relevant circumstances to restore such machine to a condition in which it may lawfully be used under this section.

(10) (a) The provisions of subsections (5) (6) and (7) of this section shall come into operation on the date on which any byelaws made under subsection (2) of this section shall come into force and the Corporation shall forthwith after the confirmation of any such byelaws give public notice of the provisions of this section by advertisement in a local newspaper circulating in the borough.

(b) In any proceedings it shall be presumed unless the contrary is proved that the provisions of this subsection as to public notice have been complied with.

PART VIII
—cont.

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

Power to erect
weighbridges
etc.

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

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

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

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

PART IX

FINANCE RATING ETC.

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

Power 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 the sum requisite for the payment of the costs charges and expenses of this Act.

(2) The Corporation shall repay the moneys borrowed under paragraph (b) of the preceding subsection within such period as the Corporation may determine not exceeding five years from the date of borrowing.

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

PART IX
—cont.

borrowed under the said Part IX and the period fixed under this section for the repayment of any money borrowed shall as respects that money be the fixed period for the purposes of the said Part IX.

Saving for
powers of
Treasury.

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

Power to
issue bonds.

117.—(1) In addition to any other form of borrowing the Corporation may exercise any statutory borrowing power by the issue of bonds to be called East Ham Corporation Bonds (in this Act referred to as “bonds”) in accordance with the provisions of this Act.

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

- Section 209 (Notice of trusts);
- Section 210 (Receipts on behalf of joint holders and infants);
- Section 211 (Appointment of receiver);
- Section 212 (Repayment of moneys borrowed on mortgage);
- Section 213 (Sinking fund);
- Section 214 (Adjustments of sinking fund).

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

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

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

Consolidated
loans fund.

118.—(1) Notwithstanding anything in any other enactment relating to the Corporation they may if they think fit establish a fund to be called the consolidated loans fund to which shall be paid—

- (a) all moneys borrowed by the Corporation by the issue of authorised securities together with all moneys borrowed without or pending the issue of an authorised security in connection with the exercise of any statutory borrowing power;
- (b) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise

except such as are paid to a capital fund established by the Corporation under section 1 of the Local Government (Miscellaneous Provisions) Act 1953 or are applied by the Corporation with due authority to another capital purpose; and

- (c) the appropriate sums provided in each financial year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

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

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

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

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

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

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

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

PART IX
—cont.

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

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

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

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

Insurance
fund.

119.—(1) The Corporation may establish a fund to be called the insurance fund with a view to providing a sum of money which shall be available for making good such losses damages costs and expenses as may from time to time arise in respect of such risks as may from time to time be specified in a resolution of the council (in this section referred to as “the specified risks”).

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices against the whole or any part of all or any of the specified risks.

(3) When the insurance fund shall amount to the prescribed amount (as hereinafter defined) the Corporation shall discontinue the appropriations to the fund under subsection (4) of this section but if the fund is at any time reduced below the prescribed amount the Corporation shall recommence and continue such appropriations until the fund be restored to the prescribed amount and if at any time the Corporation reduce the prescribed amount so that there are more moneys in the insurance fund than the sum so prescribed such moneys shall be transferred to the general rate fund and (if any sums shall have been appropriated from the housing revenue account under the next succeeding subsection) to the housing revenue account in such proportions as the

Corporation consider equitable and any moneys so transferred to the general rate fund shall be apportioned between the several accounts of that fund in such proportions as the Corporation consider equitable.

PART IX
—cont.

(4) The Corporation may from time to time appropriate to the insurance fund such sums as they think fit from the appropriate account in the general rate fund and (if they think fit) from the housing revenue account and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking department or service of the Corporation which if the specified risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance:

Provided that any payments by contribution from the housing revenue account shall not exceed the proportion of the total yearly payments which in the opinion of the Corporation properly relates to the specified risks arising from the purposes for which that account is kept.

(5) (a) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in respect of the specified risks or any of them all moneys for the time being standing to the credit of the insurance fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities and the interest and other annual proceeds received by the Corporation in respect of such investments shall be carried to and form part of the general rate fund.

(b) The Corporation shall in every financial year carry to the credit of the insurance fund out of the revenue moneys of the general rate fund an amount equal to the interest and other annual proceeds carried to the general rate fund in pursuance of the last preceding paragraph.

(6) (a) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Corporation in respect of the specified risks which are payable out of the insurance fund in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Corporation may with the sanction of the Minister borrow at interest under and subject to the provisions of Part IX of the Act of 1933 such sums of money as will be necessary to make up the deficiency.

(b) The amounts of the annual charges in respect of interest on and repayment of principal of any sums borrowed in pursuance of the preceding paragraph of this subsection and the amounts

PART IX
—cont.

of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings departments or services of the Corporation and in such proportions as the Corporation may determine having regard to the risks through which such deficiencies arise.

(7) In this section—

“insurance office” includes an underwriter being a member of an association of underwriters;

“prescribed amount” means such sum as may from time to time be prescribed by the council.

Dividend warrants by post.

120.—(1) The Corporation may give notice to any person being registered as a holder of any authorised security (other than stock) that they intend to send interest or dividends to him by post if he does not object and if such person does not within fourteen days from the receipt of such notice give notice to the Corporation of such objection the Corporation may from time to time send orders for the payment of interest or dividend warrants by post to the address of such person appearing in the register:

Provided that if such person gives notice to the Corporation that he desires such orders or warrants to be sent to another person at a given address the Corporation may from time to time send the same by post to such other person at such address.

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

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

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

Modification of mortgages by endorsement under hand

121. Notwithstanding anything in any enactment or in any rule of law or otherwise to the contrary where it is agreed between the Corporation and a person at any time entitled to any mortgage granted by the Corporation to extend the time for the repayment of the principal moneys secured by such mortgage or to alter the

rate of interest payable by the Corporation on the principal moneys so secured and not repaid or both to extend such time and to alter such rate of interest effect may be given thereto by an endorsement in writing under the hands of such person (or in the case of a corporate body by the duly authorised representative of that body) and of the town clerk or his duly authorised representative endorsed on the deed by which such mortgage was originally granted and the provisions of any such endorsement shall be deemed to be incorporated in the said deed and shall as from the date specified in such endorsement operate and take effect accordingly.

PART IX
—cont.

122.—(1) The Corporation may pay to any of their officers who act in any of the following capacities:—

Officers of
Corporation
acting as
receivers etc.

- (a) as the receiver appointed by an order made under the Lunacy Act 1890;
- (b) as the administrator of the estate of a deceased person acting by virtue of a grant made to him as the nominee of the Corporation;
- (c) as a surety to a bond required by law from an officer acting in accordance with paragraph (a) of this subsection;

the amount of any sum forfeited by him to the Crown or the Principal Probate Registrar or the amount of any payment which such officer is liable to make by reason of his acting in the course of his duties as an officer of the Corporation in any such capacity as aforesaid.

(2) The Corporation may pay the amount of any premiums upon an insurance policy indemnifying an officer acting in one of the capacities mentioned in subsection (1) of this section against any act neglect or default whether his own or that of any other person occurring in the course of the receivership or administration.

(3) Any payments which the Corporation have power to make under the provisions of subsection (1) of this section and any of the risks referred to in subsection (2) of this section may be specified by the council as specified risks in accordance with section 119 (Insurance fund) of this Act and that section shall be construed accordingly.

123. Whenever under any enactment (other than the Act of 1936) the Corporation on the application or in consequence of the default of the owner or occupier of any premises execute any work the cost of which is payable by such owner or occupier the Corporation may include in and recover as part of such cost such additional sum not exceeding five per centum of the cost of the work as they think fit in respect of their establishment charges.

Power to
charge in
respect of
establishment
expenses.

PART IX

—cont.

As to proof
of continued
existence of
pensioners.

124. Notwithstanding anything in any other enactment the Corporation shall not be required to make any payment by way of superannuation allowance pension compensation or other such payment under any statutory authority to or for the benefit of any person unless satisfactory proof is given to the Corporation in such manner and at such times as they may from time to time require of the continued existence of such person.

Payment of
pension etc.
to person of
unsound
mind.

125.—(1) Subject to the provisions of this section where a person entitled to receive from the Corporation any sum to which this section applies is lawfully detained as a person of unsound mind in accordance with the Lunacy and Mental Treatment Acts 1890 to 1930 the Corporation may pay the whole of that sum or so much thereof as they think fit to the person having the care of the person so detained as aforesaid and may pay or apply the whole or so much as they think fit of the surplus (if any) thereof to or for the maintenance or benefit of the wife husband relations or dependants of the person so detained as aforesaid.

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

(3) This section applies to any sum payable by the Corporation to any person by way of salary wages pension superannuation or other allowance gratuity or annuity or by way of repayment with or without interest of contributions made to any superannuation or other fund but the amount to be paid in pursuance of this section to or in respect of any such person shall not exceed one hundred pounds in any year.

(4) Not less than fourteen days before exercising their powers under this section for the first time in relation to any person the Corporation shall give to the court of protection notice in writing of their intention in that behalf specifying the name and address of that person and the amount and nature of the sums in respect of which the Corporation intend to exercise the said powers and in relation to any person to whom subsection (2) of this section applies the Corporation shall at the same time give notice in writing to that person in a form approved by the court of protection:

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

(5) If at any time the court of protection give to the Corporation notice in writing that they object to the exercise by the Corporation of the said powers in relation to any person the said powers shall as from the date of the receipt by the Corporation of the notice cease to be exercisable by the Corporation in relation to that person unless and until the court of protection withdraw the notice.

PART IX
—cont.

(6) The Corporation shall be discharged from all liability in respect of any payment or application of money effected by them in exercise of the said powers.

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

Recovery of rates from certain owners.

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

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

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

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

Recovery of rates from persons removing.

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

Receipts in case of minors.

PART IX
—cont.
Investment
of super-
annuation
fund.

129. In its application to the Corporation subsection (3) of section 21 of the Local Government (Superannuation) Act 1937 shall have effect as if for the obligation to invest certain moneys forming part of the superannuation fund maintained by the Corporation under that Act there were substituted an obligation to invest such moneys as follows namely:—

- (1) in or upon any investments authorised by section 1 of the Trustee Act 1925 but without the limitations imposed by the proviso in subsection (1) of section 2 of the said Act or in or upon any other investments for the time being authorised by law for the investment of trust funds; or
- (2) in or upon any of the stocks funds or securities of any dominion commonwealth union dependency or colony forming part of the British Commonwealth of Nations or any province or state having a separate local legislature and forming part thereof respectively; or
- (3) in or upon any of the stocks bonds mortgages or securities of any municipality county or district council or local or public authority or board in the United Kingdom or any such dominion commonwealth union dependency colony province or state as aforesaid authorised under any general or special Act of the United Kingdom Parliament or the legislature concerned to issue the same; or
- (4) in or upon any stocks shares bonds mortgages or securities the capital whereof or a minimum rate of dividend or interest whereon is guaranteed by the United Kingdom Government or by the government of any such dominion commonwealth union dependency colony province or state as aforesaid; or
- (5) in or upon the bonds debentures debenture stock mortgages obligations or securities or the guaranteed or preference or ordinary stock or shares or ordinary preferred or deferred or other stock or shares of any company incorporated under any general Act of the United Kingdom Parliament being stock or shares which are at the time of making the investment quoted on the London Stock Exchange; or
- (6) in the purchase of freehold ground rents or freehold or leasehold land messuages tenements and hereditaments within the United Kingdom provided that as regards leaseholds the term thereof shall have at least sixty years to run; or
- (7) upon the security of freehold property freehold ground rents land charges or rentcharges by way of first mortgage up to the limit of two-thirds of the value;

with power of varying such investments from time to time by sale and reinvestment or otherwise:

PART IX
—cont.

Provided that no investment shall be made under the powers of paragraph (5) of this section—

- (a) unless the company shall have paid interest or dividends thereon (as the case may be) at the rate of at least five per centum per annum for not less than four years prior to the date of investment; and
- (b) so long as the value of all the investments made under the said paragraph (5) which form part of the superannuation fund equals or exceeds one-quarter of the total value of the assets of that fund.

PART X

MISCELLANEOUS

130.—(1) As from the appointed day no premises in the borough shall be used for carrying on the business of a hairdresser or barber unless those premises and the person carrying on the business are registered by the Corporation. Hairdressers
and barbers.

(2) For the purposes of this section premises shall not be deemed to be used for carrying on the business of a hairdresser or barber by reason only of the fact that they are visited by a person carrying on such business for the purpose only of attending to a customer who resides at or is an inmate of those premises.

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

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

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

(5) (a) If any person uses any premises for carrying on the business of a hairdresser or barber in contravention of subsection (1) of this section he shall be liable to a fine not exceeding twenty pounds and a daily fine not exceeding five pounds.

PART X
—cont.

(b) If any person contravenes any byelaw made under subsection (4) of this section he shall be liable to a fine not exceeding five pounds and the court by which he is convicted may (in lieu of or in addition to imposing a fine) order the suspension of his registration:

Provided that the court may if it thinks fit suspend the operation of the order until the time limited by subsection (1) of section 84 of the Magistrates' Courts Act 1952 for appealing to a court of quarter sessions has expired or when the appeal is lodged until the appeal is disposed of or withdrawn or fails for want of prosecution.

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

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

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

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

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

Collection
and delivery
of washing.

131.—(1) The Corporation may collect and carry to any public washhouse provided by them clothes and other articles intended to be washed there and may carry from any such washhouse and deliver clothes and other articles which have been washed there.

(2) The Corporation shall make such charges for the service provided by them under this section as will taking one year with another produce a revenue sufficient to meet the expenses of providing it.

(3) Nothing in this section shall relieve the Corporation from the necessity of obtaining the appropriate licence under the Road and Rail Traffic Act 1933 in respect of any goods vehicle to which that Act applies.

132. The Corporation may provide prizes in connection with—

PART X

—cont.

Prizes for competitions.

(a) any competition they may hold relating to their tenants' gardens; and

(b) any competition they may hold relating to allotments provided by the Corporation;

and for that purpose may expend such sums as they may think fit not exceeding in any financial year the sum of four hundred pounds.

133.—(1) The Corporation may either alone or in co-operation with any association or body dealing with the promotion or control of any recreation organise or conduct any competition.

Competitions etc.

(2) The Corporation may in connection with any such competition charge such entrance fees as they think fit to any entrants for any competition.

(3) The Corporation may provide trophies and prizes to be awarded to participants in any such competition.

(4) For the purposes of this section "competition" means any competition tournament or contest held in connection with any physical recreation sport or game and includes any display or exhibition given in connection therewith.

134.—(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 Corporation 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 any other payment; or

(b) produces or furnishes or knowingly allows to be produced or furnished to the Corporation 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 Corporation;

(b) a rebate of the rent of any such house;

PART X
—cont.

(c) a reduction in the amount of any payment due to the Corporation 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;

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

(e) any advance from the Corporation under the Small Dwellings Acquisition Acts 1899 to 1923 or the Housing Acts 1936 to 1952 or section 6 (Loans for erection etc. of buildings) of this Act.

(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 Corporation;

(b) order the person convicted to pay to the Corporation 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 Corporation 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.

Further
powers as
to libraries.

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

(a) the power to provide and lend or permit the use of gramophone records pictures films film strips lantern slides prints engravings and photographs;

- (b) the power to charge such reasonable sum as the Corporation may prescribe for the reservation of an article;
- (c) the power to prescribe a period not being less than seven days within which any article borrowed from such library must be returned thereto;
- (d) the power to recover from any person who fails within such prescribed period to return to such library any article so borrowed such reasonable sum as the Corporation may prescribe in respect of each week or portion of a week in which he so fails to return such article together with any expenses incurred by the Corporation in sending to such person notices in respect of such article;
- (e) the power to prohibit any such person from borrowing any other article from any library provided by the Corporation under those Acts until such person has paid any such sum as is due to the Corporation under paragraph (d) of this subsection;
- (f) the power to prescribe different periods and charges for the purposes of this section in relation to different articles or kinds of articles:

PART X
—cont.

Provided that—

- (i) nothing in this subsection shall be deemed to authorise the Corporation to do any act or thing in relation to any work or other subject-matter in or in relation to which copyright may subsist except with the consent of the person in whom the sole right to do or to authorise the doing of that act or thing in relation to that work or subject-matter is for the time being vested under the law relating to copyright;
- (ii) the sums prescribed by the Corporation for the purposes of paragraph (d) of this subsection shall not exceed sixpence or such greater sum as may be approved from time to time by the Minister of Education.

(2) In this section the expression “article” includes a book gramophone record picture film film strip lantern slide map plan print engraving or photograph.

136.—(1) The Corporation may make arrangements for—

- (a) providing aged persons and persons to whom section 29 of the National Assistance Act 1948 applies with meals and for providing aged persons with other domiciliary services in their own homes;

Welfare of
aged and
handicapped
persons.

PART X
—cont.

- (b) providing aged persons with recreational facilities in their own homes or elsewhere;
- (c) providing holidays for aged persons at holiday resorts and other places within a reasonable distance from the borough.

(2) The Corporation may recover from persons availing themselves of any service provided under this section such charges (if any) as having regard to the cost of the service the Corporation may determine whether generally or in the circumstances of any particular case.

(3) This section shall apply to such aged persons and such persons to whom the said section 29 applies as are resident in the borough.

Social
rehabilitation.

137.—(1) For the purpose of rehabilitating any family (hereafter in this section referred to as “a special family”) residing in the borough which or any member of which requires special treatment to fit them or him to be useful members of the community the Corporation may—

- (a) either within or without the borough provide equip staff and maintain training centres for the accommodation and training of special families or any member thereof;
- (b) employ persons specially skilled by experience or training in the subject of social rehabilitation (hereafter in this section referred to as “special home visitors”) to give advice or training to special families in their homes;
- (c) supply to any special family such furniture fittings and conveniences as the Corporation may think fit and for that purpose buy furniture fittings and conveniences.

(2) (a) Instead of themselves providing training centres and employing special home visitors the Corporation may make arrangements with any voluntary organisation for the provision by that organisation of training centres or for the employment by them of special home visitors as aforesaid.

(b) In this subsection “voluntary” has the same meaning as in the National Health Service Act 1946.

(3) The Corporation may recover from any person to whom any furniture fittings or conveniences have been supplied under paragraph (c) of subsection (1) of this section such charges (if any) as having regard to the cost of the furniture fittings or conveniences the Corporation may determine whether generally or in the circumstances of any particular case.

(4) The provisions of section 58 of the National Health Service Act 1946 shall extend and apply for the purposes of paragraph (a) of subsection (1) of this section as if those purposes were one of the purposes of the said Act of 1946.

PART X
—cont.

138. The Corporation may undertake investigations and research into matters affecting the borough relating to—

Research into matters concerning social conditions etc.

- (a) social or economic conditions; or
- (b) health or hygiene;

and may contribute by grants or otherwise towards the cost of similar investigations and research undertaken by other bodies or persons.

139. The Corporation may pay reasonable subscriptions (whether annually or otherwise) to the funds of any association formed for the purpose of consultation as to matters affecting the Corporation or of interest to them as a corporation or of discussion of such matters or to the funds of any scientific or other society or body (not carrying on business for profit) which is or the members of which are engaged in investigations or the keeping of records of use or value to the Corporation and any reasonable expenses of the attendance of any members or officers of the Corporation at or of persons nominated by the Corporation to attend conferences or meetings of any such association society or body and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings:

Subscriptions to local government and scientific bodies and other expenses.

Provided that the payments to be made by the Corporation under this section shall not in any financial year exceed the equivalent of one-half of the product of a penny rate as ascertained or estimated for the purpose of subsection (2) of section 9 of the Act of 1925.

140. The Corporation (subject as hereinafter provided) may subscribe to any philanthropic association or society or other associations institutions or societies rendering national or public service such sum or sums as they may from time to time think fit and may charge the amount of any such subscription to or apportion the same among all or any of their funds and revenues:

Subscriptions to certain institutions.

Provided that the payments to be made by the Corporation under this section shall not in any financial year exceed the equivalent of one-half of the product of a penny rate as ascertained or estimated for the purpose of subsection (2) of section 9 of the Act of 1925.

141. The Corporation may on a conspicuous external part of any house building or place in the borough 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

Commemorative plaques.

PART X
—cont.Removal etc.
of dangerous
trees.

connection with such house building or place or the site thereof and may thereafter with the like consent maintain any such plaque.

142.—(1) If it appears to the Corporation that for the prevention of danger to persons generally or to property any tree in the borough should be removed cut or felled the Corporation may serve a notice on the owner or occupier 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 Corporation may consider necessary to prevent the danger.

(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 timber.

(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:

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

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

Disposal of
lost and
uncollected
property.

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

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

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

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

(5) In this section the expression “lost property” means any property coming into the custody of the Corporation after being accidentally left in any premises occupied by the Corporation to which the public have access and the expression “uncollected

property" means any property deposited in any cloakroom or parcels store provided by the Corporation for the use of the public in which there is exhibited a notice containing a statement to the effect of subsection (2) of this section.

PART X
—cont.

144.—(1) If any vehicle is left on any land belonging to or under the control of the Corporation or on any grass verge or open space provided or laid out by the Corporation in pursuance of the Housing Acts 1936 to 1956 the Corporation may after giving notice to the owner of the vehicle unless it is not practicable after reasonable inquiry to ascertain the name and address of the owner remove the vehicle for safe custody and may recover from such owner the expenses incurred in such removal and safe custody: Removal of vehicles.

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

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

145. The Corporation may provide and maintain robes of office and head-dresses for the use of the mayor aldermen and councillors for the time being of the borough: Robes of office.

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

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

(2) For the purposes aforesaid the Corporation may—

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

147. The Corporation may publish or contribute to the publication of— Publication of records etc.

- (a) such charters deeds records and other documents as are referred to in subsection (2) of section 279 of the Act of 1933;
- (b) such other documents of historic or other public interest as are in the possession or under the management or control of the Corporation;

PART X
—cont.

- (c) bulletins, journals and leaflets prepared or adapted in the exercise of or in connection with the powers of the Corporation under the Public Libraries Acts 1892 to 1919 or section 134 of the Local Government Act 1948;
- (d) any work of scholarship having reference to the borough or its neighbourhood or to any museum specimen work of art or document in the possession or under the management or control of the Corporation;
- (e) any illustration of any museum specimen or work of art in the possession or under the management or control of the Corporation:

Provided that nothing in this section shall be deemed to authorise the Corporation to do any act or thing in relation to any work or other subject-matter in or in relation to which copyright may subsist except with the consent of the person in whom the sole right to do or to authorise the doing of that act or thing in relation to that work or subject-matter is for the time being vested under the law relating to copyright.

Information centres.

148. The powers of the Corporation under section 134 of the Local Government Act 1948 shall extend to any information concerning the borough and its neighbourhood.

Provision of gymnastic apparatus.

149.—(1) The Corporation may in any buildings in which they have provided swimming baths or a community centre provide and maintain a gymnasium and gymnastic apparatus and may demand and take such reasonable charges for the use thereof or admission to the gymnasium as they think fit.

(2) The Corporation may employ and pay instructors in connection with any gymnasium or gymnastic apparatus provided by them under the powers of this section.

(3) The Corporation may make byelaws with respect to the management control and use of any gymnasium or gymnastic apparatus provided under this section and any such byelaws may in addition to providing for the imposition of penalties empower any officer of the Corporation to exclude or remove from any gymnasium or exclude from the use of any gymnastic apparatus provided under this section any person contravening any such byelaws.

Summary recovery of damages for negligence.

150. Any compensation recoverable by the Corporation for damage caused by negligence to any lamp, lamp-post, notice-board, fence, rail or post or any other apparatus or equipment provided by them in any street or public place shall if the amount thereof does not exceed twenty pounds be recoverable summarily as a civil debt.

Powers to use ladders etc. for entry or inspection.

151.—(1) Any power conferred on an officer of the Corporation by any enactment to enter upon and inspect any building or works in course of construction shall include a power to use

free of expense for the purpose of the entry or inspection any ladders scaffolding and plant in or about the building or works.

PART X
—cont.

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

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

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

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

152.—(1) A committee lawfully authorised by the Corporation to exercise any of their powers under any enactment may subject to any direction of the council appoint such sub-committees consisting either wholly or partly of members of the committee as the committee think fit and subject as aforesaid may delegate with or without restrictions or conditions any of their functions to a sub-committee so appointed.

Delegation of powers to sub-committees.

(2) Except in pursuance of powers conferred by any enactment a majority of the members of any such sub-committee shall be members of the council.

(3) The powers of this section shall be in addition to the powers of any committee of the council to appoint sub-committees under any other enactment.

153.—(1) Where by virtue of any enactment in force in the borough any power or duty is required or authorised to be conferred or imposed by the Corporation on any officer any resolution of the council or a committee thereof under any such enactment conferring or imposing the power or duty may describe the officer by his name or by the designation of the office held by him.

Authorities to officers.

(2) Where any such resolution whether passed before or after the passing of this Act describes an officer by the designation of the office held by him the resolution shall unless the contrary intention appears confer the power or impose the duty (as the case may be) on the holder or holders for the time being of the office.

154.—(1) Any notice order consent demand or other document which the Corporation are authorised or required by or under any enactment to give make or issue may be signed on their behalf—

Authentication of documents.

(a) by the town clerk;

(b) by the surveyor the medical officer the treasurer or the public health inspector as respects documents relating to matters within their respective provinces;

PART X
—cont.

(c) by any officer of the Corporation authorised by them in writing to sign documents of the particular kind or (as the case may be) the particular document.

(2) (a) Any document purporting to bear the signature of an officer expressed to hold an office by virtue of which he is under this section empowered to sign such a document or expressed to be duly authorised by the Corporation to sign such a document or the particular document shall be deemed until the contrary is proved to have been duly given made or issued by authority of the Corporation.

(b) In this subsection the expression “signature” includes a facsimile of a signature by whatever process reproduced.

Service of
documents.

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

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

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

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

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

Provided that—

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

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

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

PART X
—cont.

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

(a) it is—

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

"IMPORTANT This communication affects YOUR PROPERTY"; and

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

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

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

Provided that this subsection shall not apply to the service of a notice on the owner or lessee of any premises unless the town clerk is satisfied in relation to those premises that reasonable inquiry has been made and that it is not practicable to ascertain whether there is or is not or what is the name or address of any person who is an owner or lessee of the premises.

156. The provisions of section 265 of the Public Health Act 1875 affording protection to local authorities and their members and officers from personal liability shall enure for the benefit of any member of the council or of a committee of the council and any officer of the Corporation or other person acting under their direction in relation to the execution by the Corporation or such officer or person of the provisions of any local enactment as if any reference in that section included a reference to that enactment.

Protection of
members of
council and
officers from
personal
liability.

PART XI

GENERAL

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

Confirming
authority
for byelaws.

PART XI
—cont.

sections mentioned in the first column of the following table the confirming authority shall be the authority respectively mentioned in the second column of that table:—

1	2
93 (Byelaws as to pleasure fairs and roller-skating rinks)	The Secretary of State.
101 (Byelaws relating to wood fuel)	The Board of Trade.
113 (Personal weighing-machines)	The Board of Trade.

Local
inquiries.

158.—(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.

Arbitration.

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

1	2
Provision of Act	Person appointing arbitrator
Subsection (1) of section 32 (Recovery of cost of providing lighting equipment in private streets)	The Minister.
Paragraph (b) of subsection (3) of section 38 (Separate drains for foul water and surface water)	The President of the Institution of Civil Engineers.
Paragraph (5) of section 167 (For protection of certain statutory undertakers)	The President of the Institution of Civil Engineers.
Paragraph (5) of section 168 (For protection of Port of London Authority)	The Minister.
Paragraph (7) of section 169 (For further protection of gas board)	The President of the Institution of Civil Engineers.

160.—(1) (a) For the purposes of this Act the expression “the appointed day” means in reference to the sections of this Act hereinafter mentioned such day as may be fixed by resolution of the council subject to and in accordance with the provisions of this section. PART XI
—cont.
The appointed day.

(b) The sections of this Act hereinbefore referred to are—

Section 57 (Demolition of buildings);

Section 58 (Dealing with drains and sewers before demolition of buildings);

Section 91 (Safety of stands);

Section 92 (Boxing and wrestling entertainments);

Section 130 (Hairdressers and barbers).

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

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

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

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

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

(4) Either—

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

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

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

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

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

(b) had before that day duly applied for the registration required by that provision;

PART XI
—cont.

to continue to carry on that business and to use those premises for that purpose until he is informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (2) of section 162 (Appeals) of this Act.

Restriction
on right to
prosecute.

161. Proceedings in respect of an offence created by or under this Act (except Part VIII (Weights and measures) thereof) shall not without the written consent of the Attorney-General be taken by any person other than a party aggrieved or the Corporation.

Appeals.

162.—(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.

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

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

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

- (i) no proceedings shall be taken in respect of any failure to execute the work or take the action nor shall the Corporation themselves execute the work or take the action; and
- (ii) that person may carry on that business and use those premises for that purpose.

Application
of general
provisions of
Act of 1936.

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

Provided that in the case of section 288 of the Act of 1936 such reference shall not include a reference to section 113 (Personal weighing-machines) of 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 XI
—cont.

- Part III (Streets);
- Part IV (Public health);
- Part V (Infectious diseases);
- Part VI (Movable dwellings);

and to the following sections of this Act:—

- Section 94 (Derelict petrol tanks);
- Section 142 (Removal etc. of dangerous trees).

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

- Section 91 (Safety of stands);
- Section 93 (Byelaws as to pleasure fairs and roller-skating rinks);
- Section 113 (Personal weighing-machines);
- Section 130 (Hairdressers and barbers).

164. The enactments mentioned in the Fourth Schedule to this Repeal Act are hereby repealed.

165. The following provisions of this Act namely:—

- Section 39 (Delegation of power to examine and test drains etc.);
- Section 40 (Summary power to remedy stopped-up drains etc.);
- Section 41 (Power to repair drains and private sewers); and
- Section 46 (Sanitary conveniences for persons employed on construction work);

Application
of certain
sections within
port of
London.

in their application within such part of the borough as lies within the Port of London as defined by subsection (1) of section 304 of the Public Health (London) Act 1936 shall have effect as if for references to the Corporation and to the borough there were substituted references to the mayor and commonalty and citizens of the city of London as the port health authority and to the Port of London as so defined respectively and as if the expressions “the medical officer” and “the public health inspector” meant respectively the medical officer of health and any public health inspector appointed by the said port health authority and as if the expression “the surveyor” meant the medical officer of health appointed by the said port health authority.

PART XI
—cont.
For
protection
of Essex
River Board.

166. The following provisions for the protection of the Essex River Board shall unless otherwise agreed in writing between the Corporation and the Essex River Board apply and have effect:—

- (1) The power to sewer or drain streets conferred upon the Corporation by section 5 (Development of land) of this Act shall not be taken to exempt them from any duties obligations or liabilities imposed upon them by the Rivers (Prevention of Pollution) Act 1951:
- (2) Subsections (2) and (3) of section 15 section 16 and section 334 of the Act of 1936 shall apply in relation to any sewers and drains constructed by the Corporation under the said section 5 as if such sewers and drains were works authorised by that Act.

For
protection
of certain
statutory
undertakers.

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

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

“ apparatus ” means—

(a) in relation to the electricity authority and the electricity board electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by that authority or board;

(b) in relation to the gas board mains pipes or other apparatus belonging to or maintained by that board;

(c) in relation to the Metropolitan Water Board mains pipes or other apparatus belonging to or maintained by that board;

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

“ in ” in a context referring to apparatus includes under over across along or upon;

“ undertakers ” means the electricity authority the electricity board the gas board the Metropolitan Water Board or any of them:

- (2) Nothing in the following sections of this Act shall relieve the Corporation from liability for damage caused by them to any apparatus in the exercise of the powers of the said sections and the Corporation shall so exercise

those powers as not to obstruct or render less convenient (so far as is reasonably practicable) the access to any apparatus:—

PART XI
—cont.

Section 15 (Trees grass verges and gardens);

Section 18 (Guard rails in private streets);

Section 22 (Fencing of forecourts);

Section 29 (Fencing and lighting of obstructions in highways);

Section 36 (Decorations in streets);

Section 89 (Barriers in streets):

- (3) Nothing in section 15 (Trees grass verges and gardens) of this Act shall affect the rights of the undertakers with respect to any apparatus (including the placing of apparatus) in any grass verge or garden:

Provided that in exercising such rights the undertakers shall not cause or permit except in case of necessity horses or vehicles to enter upon any verge which is maintained in an ornamental condition or mown or any garden:

- (4) In the exercise of the powers of subsection (3) of section 70 (Silencers for internal combustion engines) of this Act in relation to any premises occupied or used by the electricity authority or the electricity board in connection with the generation or supply of electricity (as the case may be) an authorised officer of the Corporation shall observe any precautions reasonably required by that authority or board in the interests of safety and for preventing interference with the supply of electricity:
- (5) (a) Any difference which may arise between the Corporation and the undertakers under this section shall be referred to arbitration;
- (b) In settling any difference under this section the arbitrator shall if he thinks fit require the Corporation to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

168. The following provisions for the protection of the port authority shall unless otherwise agreed in writing between the Corporation and the port authority apply and have effect:—

For
protection of
Port of
London
Authority.

- (1) In this section—

“the port authority” means the Port of London Authority;

“Port of London” means the port within the limits described in the First Schedule to the Port of London

PART XI
—cont.

(Consolidation) Act 1920 as amended by section 22 of the Port of London (Various Powers) Act 1932 and section 23 of the Port of London Act 1950:

- (2) Except with the previous consent in writing of the port authority neither the Corporation nor any other person under or by virtue of any provision in Part II (Lands) of this Act shall erect or use or cause or allow to be erected or used any building as a warehouse for the purpose of the business of a public wharfinger or warehouse-keeper if the building is or if erected would be within the limits of the Port of London and either has or would have a frontage on the river Thames within those limits or is or would be connected or operated in conjunction with any wharf or quay fronting the river Thames within those limits:
- (3) Section 11 (Purchase of land for certain purposes) of this Act shall not extend or apply to or with respect to any lands for the time being held by the port authority so long as such lands are held by the port authority primarily for port harbour or dock purposes:
- (4) The following provisions of this Act shall not extend or apply to or with respect to—
- (a) any building premises structure or forecourt constructed by or belonging to the port authority in the exercise of their statutory powers so long as such building premises structure or forecourt is or are situate within the Port of London and is or are used or held by the port authority primarily for port harbour or dock purposes; or
- (b) any street or highway constructed and repairable by the port authority on any lands situate within the Port of London and for the time being held by the port authority primarily for port harbour or dock purposes:—
- Section 22 (Fencing of forecourts);
- Section 23 (Forecourts injurious to amenities of street);
- Section 24 (Maintenance of forecourts to which the public have access);
- Section 25 (Removal of trees etc. from streets);
- Section 28 (Urgent repairs of private streets);
- Section 33 (Maintenance of footways etc.);
- Section 34 (Pavement lights and ventilators);
- Section 36 (Decorations in streets);

- Section 48 (Ruinous and dilapidated buildings and neglected sites);
- Section 49 (Dangerous structures);
- Section 50 (Recovery of expenses of watching etc. dangerous and dilapidated buildings);
- Section 55 (New building overreaching adjoining chimneys);
- Section 57 (Demolition of buildings);
- Section 60 (Defective premises);
- Section 64 (Parts of buildings used for storage of inflammable substances);
- Section 94 (Derelict petrol tanks);
- Section 95 (Restrictions on use of loudspeakers in streets):

PART XI
—cont.

- (5) The Corporation shall not exercise in such part of the borough as lies within the Port of London or in relation to any street forming the immediate approach to any dock wharf quay pier jetty depot or other work of the port authority the powers conferred upon them by section 16 (Variation of width of carriageways and footways) and section 18 (Guard rails in private streets) of this Act except with the consent of the port authority which consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld shall be referred to arbitration:
- (6) Nothing in section 17 (Enforcement of improvement line) of this Act shall apply to or affect any property vested in the port authority and used for the purposes of their undertaking unless the consent of the port authority is obtained by the Corporation:
- Provided that such consent shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister:
- (7) Nothing in section 51 (Cellars and rooms below subsoil water level) of this Act shall apply to the construction of any cellar or room which forms part of a warehouse belonging to the port authority and is situate within and is used in connection with any of the purposes of the Port of London:
- (8) Subsection (3) of section 70 (Silencers for internal combustion engines) of this Act shall not apply to any premises belonging to the port authority which are situate within the Port of London and used by them primarily for port harbour or dock purposes:

PART XI
—cont.

- (9) Nothing in section 71 (Noise or vibration nuisance) of this Act shall apply to a noise or vibration occasioned by the exercise by the port authority of statutory powers conferred in relation to their undertaking:
- (10) Section 91 (Safety of stands) of this Act shall not extend or apply to any stand erected by the port authority in such part of the borough as lies within the Port of London.

For further
protection of
gas board.

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

- (1) In this section “ apparatus ” means mains pipes or other apparatus belonging to or maintained by the gas board and includes any works constructed for lodging therein of apparatus:
- (2) Nothing in section 17 (Enforcement of improvement line) of this Act shall apply to any building used for the manufacture distribution or storage of gas except with the consent of the gas board which consent shall not be unreasonably withheld:
- (3) Before the Corporation give any consent pursuant to section 34 (Pavement lights and ventilators) of this Act they shall give at least fourteen days’ notice to the gas board of their intention to do so:
- (4) Nothing in section 41 (Power to repair drains and private sewers) of this Act shall authorise the Corporation to execute any works in under over across along or upon any operational lands within the meaning of the Act of 1947 of the gas board without the consent of that board but such consent shall not be unreasonably withheld:
- (5) No byelaws under section 68 (Tipping of spoil and refuse) of this Act shall extend to prohibit the use of any spoil or refuse tip by the gas board on any such operational land of that board as aforesaid:
- (6) Before entering in exercise of the powers of subsection (3) of section 70 (Silencers for internal combustion engines) of this Act upon any premises occupied or used by the gas board in connection with the manufacture or storage or supply of gas an authorised officer of the Corporation shall give reasonable notice of his intended entry and in the exercise of such powers in relation to such premises shall observe any precautions reasonably required by the gas board in the interests of safety and for preventing interference with the supply of gas:

(7) (a) Any difference which may arise between the Corporation and the gas board under this section shall be referred to arbitration;

PART XI
—cont.

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

170. No power conferred upon the Corporation by the following sections of this Act namely:— Saving for trusts etc.

Section 5 (Development of land);

Section 9 (Parking places in buildings);

Section 10 (Provision of garages);

Section 114 (Power to erect weighbridges etc.);

Section 137 (Social rehabilitation);

Section 146 (Recreational and other facilities for employees);

Section 149 (Provision of gymnastic apparatus);

shall be exercised in such a manner—

(a) as to be at variance with any trust subject to which any land or building is held managed or controlled by the Corporation without an order of the High Court or of the Charity Commissioners or of the Minister of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of the donor or that other person; or

(b) as to contravene any covenant or condition (other than a covenant or condition which was subsisting immediately before the date of the gift or lease to the Corporation) subject to which a gift or lease of any land or building has been accepted by or granted to the Corporation without the consent of the donor grantor lessor or other person entitled in law to the benefit of the covenant or condition.

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

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

SCHEDULES

FIRST SCHEDULE

PART I

LOCAL ACTS

Session and chapter	Short title
61 & 62 Vict. c. cxxiv ...	East Ham Improvement Act 1898.
3 Edw. 7 c. ccxxiii ...	East Ham Improvement Act 1903.
4 Geo. 5 c. iii ...	East Ham Corporation Act 1914.
9 & 10 Geo. 5 c. lii ...	East Ham Corporation Act 1919.

PART II

CONFIRMATION ACTS AND ORDERS

Session and chapter	Short title	Order
49 & 50 Vict. c.lxii	Local Government Board's Provisional Orders Confirmation (No. 4) Act 1886	The order relating to East Ham dated 20th May 1886.
4 Edw. 7 c. clx	Local Government Board's Provisional Orders Confirmation (No. 10) Act 1904	East Ham Order 1904.
7 Edw. 7 c. clxii	Local Government Board's Provisional Orders Confirmation (No. 12) Act 1907	East Ham Barking Town and Ilford Order 1907.
8 Edw. 7 c. cxlvi	Local Government Board's Provisional Orders Confirmation (No. 6) Act 1908	East Ham Order 1908.

SECOND SCHEDULE

PROVISIONS AS TO BONDS

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

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

2ND SCH.
—cont.

Provided that bonds shall not be issued at a price lower than par except with the consent of the Minister.

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

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

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

4.—(1) The treasurer shall keep a register of all persons who are holders for the time being of bonds.

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

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

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

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

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

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

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

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

2ND SCH.
—cont.

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

No.
Date

BOROUGH OF EAST HAM
EAST HAM CORPORATION BONDS

.....per centum East Ham Corporation Bond repayable at par on the.....19..... at the.....

This is to certify that.....
of
is the registered holder of a bond for
pounds (£.....) issued by the mayor aldermen and burgesses of the borough of East Ham under the East Ham Corporation Act 1957 at.....

The common seal of the mayor
aldermen and burgesses of the
borough of East Ham was
hereunto affixed in the presence
of

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

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

FORM OF DEED OF TRANSFER
EAST HAM CORPORATION BONDS

I
in consideration of the sum of.....
paid by
(hereinafter called "the transferee") do hereby assign and transfer to the transferee.....

To hold unto the transferee his executors administrators and assigns subject to the several conditions on which I held the same immediately before the execution hereof

And I the transferee do hereby agree to accept and take the saidsubject to the conditions aforesaid.

As witness our hands and seals this.....day of.....
nineteen hundred and.....

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

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

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

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

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

8. The Corporation may close the register for a period not exceeding thirty days immediately before the date for the payment of any interest on the bonds and notwithstanding the receipt by the Corporation during those periods of any deed of transfer the payment of interest next falling due may be made to the persons registered as holders of the bonds on the date of the closing of the register.

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

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

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

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

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

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

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

THIRD SCHEDULE

SECTIONS OF PUBLIC HEALTH ACT 1936 APPLIED

PART I

SECTIONS APPLIED GENERALLY

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

PART II

SECTIONS APPLIED TO PARTS III IV V AND VI
AND SECTIONS 94 AND 142 OF THIS ACT

Section	Marginal note
275	Power of local authority to execute certain work on behalf of owners or occupiers.
276	Power of local authority to sell certain materials.
277	Power of councils to require information as to ownership of premises.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises: Power to order payment by instalments.
293	Recovery of expenses &c.
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.

PART III

SECTION APPLIED TO PARTS III IV V AND VI
AND SECTIONS 91 93 113 AND 130 OF THIS ACT

Section	Marginal note
287	Power to enter premises.

FOURTH SCHEDULE

ENACTMENTS REPEALED

Session and chapter	Short title	Extent of repeal
61 & 62 Vict. c. cxxiv	East Ham Improvement Act 1898	Sections 23 32 and 33.
3 Edw. 7 c. ccxxiii ...	East Ham Improvement Act 1903	Section 22.
4 Geo. 5 c. iii ...	East Ham Corporation Act 1914	Part III.

Table of Statutes referred to in this Act other than those included in the First Schedule

Short title	Session and chapter
Theatres Act 1843	6 & 7 Vict. c. 68.
Lands Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 18.
Towns Improvement Clauses Act 1847 ...	10 & 11 Vict. c. 34.
Larceny Act 1861	24 & 25 Vict. c. 96.
Malicious Damage Act 1861	24 & 25 Vict. c. 97.
Public Health Act 1875	38 & 39 Vict. c. 55.
Local Loans Act 1875	38 & 39 Vict. c. 83.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Electric Lighting Act 1882	45 & 46 Vict. c. 56.
Bills of Exchange Act 1882	45 & 46 Vict. c. 61.
Weights and Measures Act 1889	52 & 53 Vict. c. 21.
Lunacy Act 1890	53 Vict. c. 5.
Private Street Works Act 1892	55 & 56 Vict. c. 57.
Merchant Shipping Act 1894	57 & 58 Vict. c. 60.
Finance Act 1899	62 & 63 Vict. c. 9.
Stamp Act 1891	54 & 55 Vict. c. 39.
Open Spaces Act 1906	6 Edw. 7 c. 25.
Public Health Acts Amendment Act 1907	7 Edw. 7 c. 53.
Cinematograph Act 1909	9 Edw. 7 c. 30.
Registration of Business Names Act 1916	6 & 7 Geo. 5 c. 58.
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5 c. 57.
Port of London (Consolidation) Act 1920	10 & 11 Geo. 5 c. clxxiii.
Trustee Act 1925	15 Geo. 5 c. 19.
Land Charges Act 1925	15 & 16 Geo. 5 c. 22.
Roads Improvement Act 1925	15 & 16 Geo. 5 c. 68.
Public Health Act 1925	15 & 16 Geo. 5 c. 71.
Rating and Valuation Act 1925	15 & 16 Geo. 5 c. 90.
Law of Property (Amendment) Act 1926	16 & 17 Geo. 5 c. 11.
Home Counties (Music and Dancing) Licensing Act 1926	16 & 17 Geo. 5 c. 31.
Sale of Food (Weights and Measures) Act 1926	16 & 17 Geo. 5 c. 21.
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.
Port of London (Various Powers) Act 1932	22 & 23 Geo. 5 c. xxxviii.
Children and Young Persons Act 1933 ...	23 & 24 Geo. 5 c. 12.

Short title	Session and chapter
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Road and Rail Traffic Act 1933	23 & 24 Geo. 5 c. 53.
London Passenger Transport Act 1934	24 & 25 Geo. 5 c. xcvi.
Housing Act 1935	25 & 26 Geo. 5 c. 40.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Public Health (London) Act 1936	26 Geo. 5 & 1 Edw. 8 c. 50.
Housing Act 1936	26 Geo. 5 & 1 Edw. 8 c. 51.
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.
Education Act 1944	7 & 8 Geo. 6 c. 31.
Water Act 1945	8 & 9 Geo. 6 c. 42.
Ministers of the Crown (Transfer of Functions) Act 1946	9 & 10 Geo. 6 c. 31.
Acquisition of Land (Authorisation Procedure) Act 1946	9 & 10 Geo. 6 c. 49.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.
National Health Service Act 1946	9 & 10 Geo. 6 c. 81.
Fire Services Act 1947	10 & 11 Geo. 6 c. 41.
Town and Country Planning Act 1947	10 & 11 Geo. 6 c. 51.
Local Government Act 1948	11 & 12 Geo. 6 c. 26.
National Assistance Act 1948	11 & 12 Geo. 6 c. 29.
Children Act 1948	11 & 12 Geo. 6 c. 43.
Lands Tribunal Act 1949	12 & 13 Geo. 6 c. 42.
Civil Aviation Act 1949	12 & 13 Geo. 6 c. 67.
Port of London Act 1950	14 Geo. 6 c. xxiii.
Public Utilities Street Works Act 1950	14 Geo. 6 c. 39.
Rivers (Prevention of Pollution) Act 1951	14 & 15 Geo. 6 c. 64.
Magistrates' Courts Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 55.
Cinematograph Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 68.
Local Government (Miscellaneous Provisions) Act 1953	1 & 2 Eliz. 2 c. 26.
Protection of Birds Act 1954	2 & 3 Eliz. 2 c. 30.
British Transport Commission Act 1954	2 & 3 Eliz. 2 c. lv.
Town and Country Planning Act 1954	2 & 3 Eliz. 2 c. 72.
Food and Drugs Act 1955	4 Eliz. 2 c. 16.
Road Traffic Act 1956	4 & 5 Eliz. 2 c. 67.

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