

Southampton Corporation Act, 1960

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CHAPTER xlii

An Act to empower the mayor aldermen and burgesses of the borough of Southampton to construct a bridge across the river Itchen and other street works in the borough to make further provision with reference to lands and the improvement health local government and finances of the borough and for other purposes.

[29th July 1960.]

WHEREAS—

(1) The borough of Southampton (hereinafter called “the borough”) is a county of itself and 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 empower the Corporation to construct a bridge across the river Itchen and street works and to acquire lands compulsorily and to confer further powers upon the Corporation with respect to lands:

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

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

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

(6) Estimates have been prepared for the purposes hereinafter mentioned and such estimates are as follows:—

	£
The construction of the works authorised by Part III (Works) of this Act	3,125,000
	1

(7) The works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

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

(9) Plans showing the lines of the works authorised by this Act and showing the lands required or which may be taken for the purposes or under the powers of this Act and sections showing the levels of those works (except the substituted sections hereinafter referred to) and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the town clerk of the borough which plans sections and book of reference are in this Act referred to respectively as the deposited plans sections and book of reference:

(10) Substituted sections showing the levels of Work No. 5 were deposited in the month of March nineteen hundred and sixty in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the town clerk of the borough which sections are in this Act referred to as the substituted sections:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say):—

PART I

PRELIMINARY

1.—(1) This Act may be cited as the Southampton Corporation Act 1960.

(2) The Southampton Corporation Acts and Orders 1836 to 1957 and this Act may be cited together as the Southampton Corporation Acts and Orders 1836 to 1960.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—Works.

Part IV.—Streets.

Part V.—Sanitation and buildings.

Part VI.—Nuisances.

Part VII.—Public order and public safety.

Short and
collective
titles.

Division of
Act into
Parts.

Part VIII.—Finance superannuation and rating.

Part IX.—Miscellaneous.

Part X.—Protective provisions.

Part XI.—General.

3.—(1) The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

(a) the Lands Clauses Acts except sections 92 127 to 131 and 150 and 151 of the Lands Clauses Consolidation Act 1845;

(b) sections 16 and 30 to 44 of the Railways Clauses Consolidation Act 1845 and sections 78 to 85 of the same Act as the said sections were originally enacted and not as amended for certain purposes by section 15 of the Mines (Working Facilities and Support) Act 1923 and in the construction of those provisions “the railway” shall mean the works authorised by this Act and “the centre of the railway” shall mean any part of those works.

(2) In the construction of the provisions of the Lands Clauses Acts and the Railways Clauses Consolidation Act 1845 incorporated with this Act the expressions “the promoters of the undertaking” and “the Company” mean respectively the Corporation.

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

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

“the Act of 1925” means the Southampton Corporation Act 1925;

“the Act of 1931” means the Southampton Corporation Act 1931;

“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 1959” means the Highways Act 1959;

“the appointed day” has the meaning assigned to it by section 109 (The appointed day) of this Act;

“the borough” means the county borough of Southampton;

PART I
—cont.

- “ the bridge ” means the bridge (Work No. 5) authorised by this Act;
- “ 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;
- “ electricity board ” means the Southern 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;
- “ gas board ” means the Southern Gas Board;
- “ the general rate ” means the general rate of the borough;
- “ the general rate fund ” means the general rate fund of the borough;
- “ generating board ” means the Central Electricity Generating Board;
- “ the harbour board ” means the Southampton Harbour Board;
- “ 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 by the Town and Country Planning Act 1959 and by this Act;
- “ magistrates’ court ” has the same meaning as in subsection (1) of section 124 of the Magistrates’ Courts Act 1952;
- “ the Minister ” means the Minister of Housing and Local Government;
- “ open space ” has the same meaning as in the Open Spaces Act 1906;
- “ the port ” means the port of Southampton as defined in section 5 (Defining the port) of the Southampton Harbour Act 1887;
- “ private street ” and “ street works ” have the meanings assigned to those expressions by section 213 of the Act of 1959;
- “ public service vehicle ” has the meaning assigned to that expression by section 39 of the Road Traffic Act 1956;

- “ the river ” means the river Itchen;
- “ 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;
- “ telegraphic line ” has the same meaning as in the Telegraph Act 1878;
- “ the town clerk ” “ the medical officer ” “ the surveyor ” “ the treasurer ” and “ the public health inspector ” mean respectively the town clerk the medical officer of health the surveyor the treasurer and the chief public health inspector of the borough;
- “ the tribunal ” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949;
- “ the water limits ” means the limits within which the Corporation are for the time being authorised to supply water;
- “ the works ” means the works authorised by Part III (Works) of this Act.

(3) Unless the context otherwise requires any reference in this Act to a work identified by the number of such work shall be construed as a reference to the work of that number authorised by this Act.

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

PART II LANDS

5.—(1) Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of the works and for providing space for the erection of houses and buildings adjoining or near to the works and for the purposes of recoument reinstatement or exchange and for other the purposes of this Act or for any of those purposes. Power to acquire lands.

(2) The powers of the Corporation for the compulsory purchase of land under this section shall cease after the expiration of three years from the first day of December nineteen hundred and sixty:

PART II
—cont.

Provided that the Minister of Transport may by order from time to time extend the period for the exercise of the powers of the Corporation for the compulsory purchase of land under this section.

(3) An order made by the Minister of Transport under subsection (2) of this section shall be subject to special parliamentary procedure.

Powers to owners and lessees to give notice as to purchase of land.

6. If the Minister of Transport by order made under subsection (2) of the last foregoing section extends the period for the exercise of the powers of the Corporation for the compulsory purchase of land the following provisions shall apply after the coming into operation of that order:—

(1) In this section—

“the land” means any land which is for the time being authorised to be acquired compulsorily by this Act;

“lessee” means a lessee under a lease having a period of not less than twenty-one years to run at the date of his notice under paragraph (2) of this section:

(2) If any person being the owner or lessee of any of the land shall give notice in writing to the Corporation of his desire that his interest in any part of the land specified in the notice shall be acquired as soon as may be the Corporation shall within a period of three months after the receipt of such notice—

(a) enter into a contract with such person for the acquisition of his interest in the land or such part thereof as may be specified in the contract; or

(b) serve a notice to treat for the compulsory acquisition of the interest of such person in the land specified in his notice or in such part thereof as may be required by the Corporation; or

(c) serve on such person notice in writing of their intention not to proceed with the purchase of the interest of such person in the land specified in his notice:

(3) Where notice is given under the last foregoing paragraph by an owner or lessee of land specified in the notice then—

(a) if the Corporation—

(i) fail to comply with that paragraph; or

(ii) withdraw in pursuance of any statutory provision a notice to treat served on him in compliance with sub-paragraph (b) of that paragraph; or

(iii) serve notice on him in compliance with sub-paragraph (c) of that paragraph;

the powers conferred by this Act for the compulsory purchase of his interest in the land so specified shall cease;

(b) if his interest in part only of the land so specified is acquired in pursuance of such a notice to treat the powers conferred by this Act for the compulsory purchase of his interest in the remainder of the land so specified shall cease.

7.—(1) If the deposited plans or the deposited book of reference are inaccurate in their description of any land or in their statement or description of the ownership or occupation of any land the Corporation after giving ten days' notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the borough for the correction thereof. Correction of errors in deposited plans and book of reference.

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

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments and a copy thereof in the Private Bill Office of the House of Commons and with the town clerk and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Corporation to take the land and execute the works in accordance with the certificate.

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

8.—(1) For the purposes of this Act the following provisions of this section shall have effect in substitution for section 92 of the Lands Clauses Consolidation Act 1845. Acquisition of part only of certain properties.

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

- (a) in the case of a house building or factory that such part as is proposed to be taken can be taken without material detriment to the house building or factory; or
- (b) in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

(3) If the tribunal determines as aforesaid compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part and

PART II
—cont.

thereupon the person interested shall be required to sell to the Corporation that part of the house building factory park or garden.

Power to
expedite entry.

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

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

Power to
enter for
survey or
valuation.

10. Any person acting on behalf of the Corporation and duly authorised by the town clerk may at all reasonable times enter on any land which the Corporation are authorised by this Act to acquire compulsorily for the purpose of surveying or valuing the land:

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

Disregard of
recent
improvements
and interests.

11. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act the tribunal shall not take into account—

- (a) any improvement or alteration made or building erected after the fifth day of December nineteen hundred and fifty-nine; or
- (b) any interest in the land created after the said date;

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

Extinction of
private rights
of way and
rights as to
apparatus.

12.—(1) Any private right of way over and any right of laying down erecting continuing or maintaining any apparatus on under or over any land that may be acquired compulsorily under this Act shall if the Corporation so resolve and give notice of their resolution to the owner of the right be extinguished as from the

acquisition of the land whether compulsorily or by agreement or as from the expiration of one month from the service of the notice whichever is the later:

PART II
—cont.

Provided that this section shall not apply to any apparatus belonging to any statutory undertakers.

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

(3) For the removal of doubt it is hereby provided that this section shall not apply to any telegraphic line belonging to or used by the Postmaster-General.

13.—(1) In lieu of acquiring any land that may be acquired under this Act the Corporation may for the purposes of constructing using and maintaining the works and doing anything necessary in connection therewith acquire such easements and rights in that land as they may require for those purposes.

Power to
acquire
easements
only.

(2) Accordingly the Corporation may give notice to treat in respect of any such easement or right describing the nature thereof and the provisions of the Lands Clauses Acts shall apply in relation to the acquisition of such easements and rights as if they were lands within the meaning of those Acts.

(3) Where the Corporation have acquired an easement or right only in any land under this section—

- (a) they shall not be required or (except by agreement or during the execution of the works) entitled to fence off or sever that land from the adjoining land;
- (b) the owner or occupier of the land for the time being shall subject to the easement or right have the same right to use the land as if this section had not been enacted.

(4) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Corporation to acquire the land the Corporation shall not be entitled under this section to acquire the easement or right unless the tribunal determines that the easement or right can be granted without material detriment to the land or in the case of a park or garden belonging to a house without seriously affecting the amenity or convenience of the house and if the tribunal does not so determine the Corporation may

PART II
—cont.

acquire the land compulsorily after the expiration of the period mentioned in subsection (2) of section 5 (Power to acquire lands) of this Act but not later than one year after the determination of the tribunal:

Provided that nothing in this subsection shall apply to land forming part of a street.

(5) A notice to treat given under this section shall be endorsed with notice of the effect of subsection (4) of this section.

Grant of easements by persons under disability.

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

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

Power to reinstate owners or occupiers of property.

15.—(1) The Corporation may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired under this Act with respect to his reinstatement elsewhere.

(2) Any such agreement may provide for the exchange of land and for that purpose the Corporation may pay or receive money for equality of exchange.

Agreements with adjoining owners.

16.—(1) The Corporation may enter into and carry into effect agreements with any person being the owner of or interested in any land abutting on any portion either of the works or of land that may be acquired under this Act with respect to the sale by the Corporation to him of any land (including any part of a street appropriated by the Corporation under this Act and not required for the works).

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

Development of land.

17.—(1) The Corporation may—

(a) subject to the provisions of section 158 (Works below high-water mark not to be constructed without consent of Board of Trade) and section 159 (Crown rights) of the Act of 1931 lay out and develop the land referred to in section 9 (Appropriation of land) of the Act of 1931 and any lands acquired by the Corporation under the

powers of that Act for the purposes of Part III (Street improvements) of that Act (including lands acquired for the improvement and development of frontages or of any lands abutting on or adjacent to any street) and not required for the construction or improvement of a street; and

- (b) (with the consent of the Minister) lay out and develop any land acquired by them under section 30 (Further powers for the acquisition of lands) of the Act of 1925 any land reclaimed by the Corporation from Southampton Water the river or the river Test and any other land for the time being belonging to the Corporation and not required for the purpose for which it was acquired;

and may on any such land erect and maintain houses flats shops offices industrial buildings garages warehouses and other buildings and construct sewer drain pave channel and kerb streets:

Provided that—

- (a) 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;
- (b) the powers of this subsection shall not be exercised with respect to any land within an administrative county without the consent of the county council of that administrative county but such consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld shall be determined by the Minister;
- (c) the powers of this section shall not be exercised in relation to any lands reclaimed from Southampton Water the river or the river Test in such a manner as to cause obstruction or danger to navigation in the port and before exercising the powers in relation to any such lands the Corporation shall consult with the harbour board; and
- (d) nothing in this section shall be construed as authorising the Corporation to reclaim land.

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

(3) In this section “ industrial building ” means a building used or designed for use for the carrying on of any process for or incidental to any of the following purposes (that is to say):—

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

PART II
—cont.

- (b) the altering repairing ornamenting finishing cleaning washing freezing packing or canning or adapting for sale or breaking up or demolition of any article; or
- (c) without prejudice to the foregoing paragraphs the getting dressing or preparation for sale of minerals or the extraction or preparation for sale of oil or brine;

being a process carried on in the course of a trade or business and for the purposes of this definition "building" includes a part of a building and "article" means an article of any description including a ship or vessel.

Suspension of
restrictive
covenants.

18.—(1) If the Corporation—

- (a) acquire land by agreement; or
- (b) enter into an agreement to acquire land;

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 and the land is affected by any restriction arising under covenant as to the user thereof or the building thereon the council may subject to the provisions of this section by resolution suspend the operation of such restriction.

(2) The resolution shall describe by reference to a map the land to which it applies.

(3) The Corporation shall—

- (a) in two successive weeks publish in one or more local newspapers circulating in the locality in which the land referred to in the resolution is situated a notice stating that the resolution has been passed describing the land and naming a place within the locality where a copy of the resolution and map may be inspected and specifying the time (not being less than twenty-one days from the first publication of the notice) within which and the manner in which objections to the suspension of the restriction can be made;
- (b) serve on every person who appears to them after diligent inquiry to be entitled to the benefit of the restriction to which the resolution relates a notice containing the like particulars to those specified in the preceding paragraph of this subsection; and
- (c) affix to some conspicuous object or objects on the land to which the resolution relates a notice or notices containing the like particulars to those specified in paragraph (a) of this subsection.

(4) Any person claiming to be entitled to the benefit of the restriction may object to the suspension of the restriction by sending notice of his objection and of the grounds thereof to the Minister within the period specified in the notice and by sending a copy thereof to the Corporation.

(5) If any objection is duly made as aforesaid and is not withdrawn the resolution shall be of no effect unless and until it is confirmed by the Minister and before confirming the resolution the Minister shall cause a public local inquiry to be held into the proposed suspension of the restriction and after considering the report of the person who held the inquiry may confirm the resolution.

(6) (a) If no objection is duly made under subsection (4) of this section or if all objections so made are withdrawn the restriction shall be suspended on and after the date of the expiration of the period specified in the notice or the date of the withdrawal of the objection or (if more than one) the last objection or the date on which the Corporation acquire the land (whichever is the latest).

(b) If objection is duly made as aforesaid and the Minister confirms the resolution the restriction shall be suspended on and after such date as the Minister shall determine not being earlier than the date on which the Corporation acquire the land.

(7) The Corporation shall pay compensation in accordance with the provisions of section 68 of the Lands Clauses Consolidation Act 1845 to any person entitled to the benefit of a restriction suspended under the powers of this section who suffers loss in consequence thereof and the amount of such compensation shall 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.

(8) Any restriction suspended under the powers of this section shall be unenforceable so long as the Corporation are the owners of the land to which the restriction relates and if compensation is paid by the Corporation under subsection (7) of this section in respect of the suspension of a restriction relating to the building upon or use of land that restriction shall remain unenforceable in respect of such building or use notwithstanding any subsequent conveyance or disposition of the land to any other person:

Provided that if such compensation is paid on the basis that land may be used for a particular purpose the restriction shall after any subsequent conveyance or disposition of the land remain unenforceable only so long as the land is used for that purpose.

PART II
—cont.

(9) If the Corporation dispose of any land to which the restriction relates they shall in two successive weeks publish notice thereof in one or more local newspapers circulating in the locality in which the land is situated.

PART III

WORKS

Power to
construct
works.

19.—(1) (a) Subject to the provisions of this Act the Corporation may in the borough make and maintain the works referred to in this subsection in the lines shown on the deposited plans and—

- (i) as regards Work No. 5 according to the levels shown on the substituted sections; and
- (ii) as regards the remainder of the works hereinafter described according to the levels shown on the deposited sections;

together with all necessary and proper works and conveniences connected therewith or incidental thereto.

(b) The works referred to in this subsection are as follows:—

Work No. 1 A new street from Chapel Road to Guillaume Terrace (including widenings and improvements of Nelson Street and Royal Crescent Road and a diversion of Glebe Road) commencing at the junction of Nelson Street with Chapel Road and terminating at the junction of Royal Crescent Road and Guillaume Terrace;

Work No. 2 An access road from Royal Crescent Road near its junction with Chantry Road to Work No. 4 near the junction of Ryde Terrace and Chantry Road including a bridge over Albert Road;

Work No. 3 An access road from Royal Crescent Road near its junction with Guillaume Terrace to Work No. 4 near the junction of Albert Road with Lower Bridge Road including a bridge over Albert Road;

Work No. 4 An approach road in continuation of Central Bridge commencing near the crossing of that bridge over Royal Crescent Road and terminating near the western bank of the river at the inlet to the north of Floating Bridge Road including bridges over Albert Road and Ryde Terrace and the filling in of the said inlet;

Work No. 5 A bridge over the river having a central span with—

(a) a clear width at water level of not less than three hundred and fifty feet; and

(b) a headway above high water of ordinary spring tides of not less than eighty feet throughout the central width of not less than one hundred feet thereof;

commencing at the termination of Work No. 4 and terminating on the eastern bank of the river to the west of Hazel Road and eighty yards or thereabouts north-west of the junction of Hazel Road and Oakbank Road;

Work No. 6 An approach road commencing at the termination of Work No. 5 and terminating by a junction with Portsmouth Road at its junction with Manor Road including bridges over Hazel Road and Bridge Road;

Work No. 7 A new street from Portsmouth Road near its junction with John's Road to Work No. 6 near the junction of Upper Vicarage Road and Garton Road.

(2) The Corporation shall erect a good and sufficient balustrade on each side of the bridge.

20.—(1) The Corporation in constructing the works except Work No. 5 may deviate from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown on those plans and may deviate from the levels shown on the deposited sections to any extent not exceeding ten feet either upwards or downwards:

Power to deviate.

Provided that in constructing Works Nos. 2 3 4 and 6 the Corporation may if they think fit—

(a) construct on embankment so much of any of those works as is shown on the deposited sections as intended to be constructed on viaduct not exceeding the respective lengths described in the second column of the following table; and

(b) construct on viaduct so much of any of those works as is shown on the deposited sections as intended to be constructed on embankment not exceeding the respective lengths described in the third column of the following table:—

1	2	3
No. of Work	Length of part shown on deposited sections as intended to be constructed on viaduct which may be constructed on embankment	Length of part shown on deposited sections as intended to be constructed on embankment which may be constructed on viaduct
2	Twenty-five feet to the east of the western end of the viaduct	One hundred and fifty feet to the west of the western end of the viaduct.
3	Twenty-five feet to the east of the western end of the viaduct	One hundred and fifty feet to the west of the western end of the viaduct.
4	Twenty-five feet to the east of the western end of the viaduct	One hundred and fifty feet to the west of the western end of the viaduct.
6	Two hundred and fifty feet to the west of the eastern end of the viaduct	Seventy-five feet to the east of the eastern end of the viaduct.

PART III
—cont.

(2) If under the powers of the proviso to the foregoing subsection the Corporation construct on embankment any length of the part of Work No. 6 shown on the deposited sections as intended to be constructed on viaduct they shall construct a bridge to carry Work No. 6 over Bridge Road.

(3) In constructing Work No. 5 the Corporation may—

- (a) deviate from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown on those plans;
- (b) deviate from the levels shown on the substituted sections to any extent not exceeding five feet either upwards or downwards;
- (c) vary the position of the central span of the bridge as shown on the substituted sections to any extent not exceeding twenty-five feet to the east or twenty-five feet to the west;
- (d) construct the central span of the bridge so as to have a clear width not more than forty feet wider than that shown on the substituted sections;
- (e) construct the side span to the west of the central span so as to reduce by not more than one hundred and ten feet the clear width of that side span over the waterway as shown on the substituted sections and construct an additional side span over the waterway or partly over the waterway and partly over the land; and
- (f) construct the side span to the east of the central span so as to reduce by not more than twenty-five feet the clear width of that side span over the waterway as shown on the substituted sections:

Provided that in the exercise of the powers of this subsection the Corporation shall not reduce either the clear width at water level or the headway above high-water mark of ordinary spring tides of the central span of the bridge from those respectively shown on the substituted sections.

(4) Notwithstanding anything contained in this section no deviation either lateral or vertical below high-water mark of ordinary spring tides shall be made without the consent in writing of—

- (a) the Minister of Transport; and
- (b) the harbour board;

and in the event of any inconsistency between any requirements of the said Minister and of the harbour board or in the event of the harbour board refusing to give consent the Corporation shall be deemed to have complied with the provisions of this section if they have complied with the requirements or obtained the consent of the said Minister.

21.—(1) Within the limits of deviation shown on the deposited plans the Corporation in connection with and as part of the works may execute or do any of the following works or things:—

PART III
—cont.

Power to
make
subsidiary
works.

(a) make junctions and communications with any existing streets intersected or interfered with by or contiguous with the works and divert widen or alter the line or alter the level of any such existing street for the purpose of connecting the same with the works;

(b) execute any works for the protection of any adjoining land or buildings;

(c) execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings;

(d) alter or remove any structure erected upon any street or land; and

(e) raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit;

and shall make compensation for any damage done by them in exercise of the powers of this section.

(2) Any question of disputed compensation payable under the foregoing provisions of this section shall be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

22.—(1) The Corporation in connection with and at or near any works to be executed or constructed under the powers of this Act may within the limits of deviation shown on the deposited plans execute place and keep in the river and elsewhere either permanently or temporarily all such caissons cofferdams piles piers abutments embankments approaches ways access works pumping works wharves walls fences drains sewers tunnels fenders mooring posts bollards booms dolphins pontoons stagings stairs subways buildings and other works and conveniences as they may find necessary or expedient for or in connection with the construction maintenance or use of the works:

Subsidiary
works in
river and
elsewhere.

Provided that—

- (a) the Corporation shall ensure that any works executed or kept under the powers of this section shall not unnecessarily obstruct the navigable waterway of the river or otherwise interfere with or impede navigation or unnecessarily obstruct the flow of water or the passage of fish; and

PART III
—cont.

(b) no materials excavated or obtained or raised in carrying out any works under the powers of this section shall be deposited—

(i) in any place in the port above high-water mark of ordinary spring tides without the consent of the harbour board; or

(ii) in any place below high-water mark of ordinary spring tides except after consultation with the harbour board and in such position and under such restrictions and regulations as may be fixed by the Minister of Transport.

(2) On the completion of the bridge the Corporation shall remove all temporary works placed by them in the river under the powers of this section and shall at their own expense keep repaired any other works placed by them in the river under the powers of this section.

(3) If any works placed by the Corporation in the river under the powers of this section shall at any time become redundant the Corporation shall remove the same.

Underpinning
of houses
near works.

23. Whereas in order to avoid in the execution and maintenance of the works injury to the houses and buildings within one hundred feet of the works it may be necessary to underpin or otherwise strengthen the same therefore the Corporation at their own costs and charges may and if required by the owners or lessees of any such house or building shall subject as hereinafter provided underpin or otherwise strengthen the same and the following provisions shall have effect (that is to say):—

(1) At least fourteen days' notice shall except in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:

(2) Each such notice if given by the Corporation shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the Corporation:

(3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter-notice that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to an arbitrator (in this section referred to as "the referee"):

- (4) The referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building:
- (5) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any loss or damage which may result to them by reason of the exercise of the powers granted by this section provided that the claim for compensation in respect of such loss or damage be made within three months from the occurrence thereof:
- (6) (a) In any case in which any house or building shall have been underpinned or strengthened under the powers of this section the Corporation may from time to time after the completion of such underpinning or strengthening and during the execution of the work in connection with which such underpinning or strengthening was done or within twelve months after the completion of that work enter upon and survey such house or building and do such further underpinning or strengthening thereof as they may deem necessary or expedient or as in case of dispute between the Corporation on the one hand and the owner lessee or occupier of the house or building on the other hand shall be settled by arbitration;
- (b) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening shall at any time within twelve months from the completion of the work in connection with which such underpinning or strengthening was done prove inadequate for the support or protection of the house or building against further injury arising from the execution or maintenance of such work then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee at the requirement of the owner lessee or occupier of such house or building the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided that the claim for compensation in respect

PART III
—cont.

thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof:

(7) Nothing in this section contained nor any dealing with any property in pursuance of this section shall relieve the Corporation from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act:

(8) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions of the Lands Clauses Acts.

Stopping up
of highways.

24.—(1) The Corporation may stop up the whole or such portion or portions as they think fit of so much of the highways mentioned in the First Schedule to this Act as is shown on the deposited plans as intended to be stopped up and thereupon all rights of way over or along the same shall be extinguished and the Corporation may appropriate and use the site thereof:

Provided that the Corporation shall not under the powers of this section stop up any part of the said roads unless—

- (a) such part is bounded on both sides by lands belonging to the Corporation; or
- (b) the Corporation obtain the consent of the owners lessees and occupiers of the houses and lands on both sides thereof.

(2) Any person who suffers loss by—

- (a) the appropriation of any site of which he is the owner; or
- (b) the extinguishment of any private right;

under this section shall be entitled to be paid by the Corporation compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

Power to
prevent access
to or from
certain works.

25. For the purposes of facilitating the movement of vehicular traffic and for securing the safety of the public or otherwise the Corporation may at the points on any route marked on the deposited plans "Access to be stopped up" erect walls or barriers for the prevention or limitation of access to or from the route.

No mains or
pipes to be
laid in bridge.

26. Notwithstanding anything contained in the Public Utilities Street Works Act 1950 or in any other enactment no person shall be entitled to enter upon break up or interfere with the

PART III
—cont.

(iv) with the consent of the commission sub-let the whole or any part of the Inner Dock upon such terms and conditions as shall be approved by the commission including the entry by the sub-lessee into such covenants with the commission as the commission may require for the purpose of ensuring the observance by the sub-lessee of the terms and conditions of any lease granted under the powers of subsection (1) of this section;

(v) make such charges for the use of the Inner Dock as may be approved by the commission not exceeding the charges prescribed by the British Transport Commission (Harbours) Scheme 1958:

Provided that no materials taken up or collected by means of dredging or cleansing under this section shall be laid down or deposited—

- (a) in such manner as to affect or be likely to affect prejudicially the dock undertaking of the commission; or
- (b) in any place in the port above high-water mark of ordinary spring tides without the consent of the harbour board; or
- (c) below high-water mark of ordinary spring tides except after consultation with the harbour board and in such position and under such restrictions and regulations as may be fixed by the Minister of Transport.

(3) Section 9 of the Landlord and Tenant Act 1927 as amended by section 49 of the Landlord and Tenant Act 1954 section 19 of the said Act of 1927 and Part II of the said Act of 1954 shall have no application in relation to a tenancy created by any lease granted under the powers of subsection (1) of this section or by any underlease granted under the powers of subsection (2) (c) (iv) of this section.

(4) In this section the expression “ the Inner Dock ” means the dock in the borough known as the Inner Dock constructed under the powers of the Act 6 Will. 4 c. xxix and shown coloured blue on the plan signed in quadruplicate by The Right Honourable The Lord Hindlip the chairman of the committee of the House of Lords to whom the Bill for this Act was referred of which plan one copy has been deposited in the office of the Clerk of the Parliaments one copy in the Private Bill Office of the House of Commons one copy at the principal office of the commission and one copy with the town clerk.

29.—(1) Subject to the provisions of this Act any work authorised by this Act so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides shall only be constructed in accordance with plans and sections approved by the Minister of Transport and subject to such conditions and restrictions as the Minister of Transport may prescribe before such work is begun.

PART III
—cont.
Works below
high-water
mark to be
subject to
approval of
Minister of
Transport.

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this section the Minister of Transport may abate and remove the same and restore the site thereof to its former condition at the cost of the Corporation and the amount of such cost shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister of Transport summarily as a civil debt.

30.—(1) In case of injury to or destruction or decay of any work constructed by the Corporation under the powers of this Act or any part of such work so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Corporation shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the harbour board and shall apply to the harbour board for directions as to the means to be taken.

Provision
against
danger to
navigation.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable to a fine not exceeding ten pounds and to a daily fine not exceeding twenty shillings.

31.—(1) Where any work constructed by the Corporation under the powers of this Act and situate wholly or partially on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Minister of Transport or the harbour board may by notice in writing either require the Corporation at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Minister of Transport or the harbour board (as the case may be) may think proper.

Abatement
of work
abandoned
or decayed.

PART III
—cont.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Minister of Transport or the harbour board (as the case may be) may include any such part of such work or any portion thereof in any notice under this section.

(3) If during the period of thirty days from the date when the notice is served upon the Corporation they have failed to comply with such notice the Minister of Transport or the harbour board (as the case may be) may execute the works required to be done by the notice at the expense of the Corporation and the amount of such expense shall—

- (a) in the case of works executed by the said Minister be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister of Transport summarily as a civil debt; and
- (b) in the case of works executed by the harbour board be a debt due from the Corporation to the harbour board and shall be recoverable by the harbour board in any court of competent jurisdiction or where the amount recoverable does not exceed twenty pounds summarily as a civil debt.

Survey of
works by
Minister of
Transport
and harbour
board.

32. If at any time the Minister of Transport or the harbour board deem it expedient for the purposes of this Act to order a survey and examination of any work constructed by the Corporation under the powers of this Act which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Corporation shall defray the expense of the survey and examination and the amount thereof shall—

- (a) if carried out by the said Minister be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or where the amount does not exceed twenty pounds by the Minister of Transport summarily as a civil debt; and
- (b) if carried out by the harbour board be a debt due from the Corporation to the harbour board and shall be recoverable by the harbour board in any court of competent jurisdiction or where the amount does not exceed twenty pounds summarily as a civil debt.

33.—(1) After the completion of the works the Corporation shall on each side thereof exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the harbour board shall from time to time direct.

PART III
—cont.

Permanent
lights on
works.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding forty shillings.

34.—(1) The Corporation shall at or near such part of any work constructed by them under the powers of this Act as shall be below high-water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Minister of Transport or the harbour board shall from time to time require or as the said Minister and the harbour board shall from time to time approve.

Lights on
works during
construction.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding forty shillings.

35.—(1) If it appears to the Corporation that any requirements or order made by the harbour board under section 31 (Abatement of work abandoned or decayed) or section 32 (Survey of works by Minister of Transport and harbour board) or section 34 (Lights on works during construction) of this Act are unreasonable they may within two months after the receipt of notice of any such requirement or of any such order refer the matter to the Minister of Transport who may confirm or annul the requirement or order or make such other requirement or order as he may think fit.

Provisions
applicable to
sections 31
32 and 34.

(2) In the event of any inconsistency between any requirement or order of the Minister of Transport and the harbour board under any of the said sections of this Act or in the event of the harbour board refusing their approval under the said section 34 the Corporation shall be deemed to have complied with the provisions of the section under which the requirement or order was made or given or the approval refused if they have complied with the requirement or order or have obtained the approval (as the case may be) of the said Minister.

36. Nothing in this Part of this Act shall prejudice or derogate from the powers rights and privileges of the Corporation of Trinity House of Deptford Strond.

Saving for
Trinity
House.

PART IV

STREETS

Interpretation
of this Part
of Act.

37.—(1) In this Part of this Act the following expressions have the following meanings:—

“new street byelaws” has the meaning assigned to it by subsection (4) of section 157 of the Act of 1959;

“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.

(2) For the purposes of this Part of this Act the erection of a building shall be deemed to have begun at the time when the clearing of the site or the excavation for the foundations thereof (whichever is the earlier) began.

Prohibition
of building
until street
defined.

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

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

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

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

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

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

Prohibition
of building
until street
formed and
sewered.

39.—(1) Where a plan and sections of a new street deposited with the Corporation in pursuance of new street byelaws are approved by them they may by notice prohibit the erection of any building on land abutting on the street until the carriageway of the street has been constructed and the street has been sewerred in accordance with the said byelaws:

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

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

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

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

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

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

Provided that no such notice shall affect any structure existing at the time of the deposit until both the new street and that other street have become highways maintainable at the public expense.

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

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

PART IV
—cont.

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

Rounding or
splaying off
corners at
street
junctions.

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

(2) Any such notice—

(a) shall be given to the person by whom or on whose behalf the plan and sections were deposited ; and

(b) shall be binding on successive owners of the land to which it relates.

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

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

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

Adjustment
of boundaries
of estates in
connection
with streets.

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

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

(b) for the removal modification or imposition of covenants restrictions and conditions attaching to the land comprised in the estate or any such other estate; as may be necessary or desirable having regard to the line and lay-out of the new street.

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

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

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

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

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

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

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

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

(10) The Corporation may purchase land by agreement for the purposes of this section and until they dispose of the land or appropriate it for any other purpose may manage the land in such manner as they think fit.

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

PART IV
—cont.
Trees grass
verges and
gardens.

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

- (a) to plant trees or shrubs or place tubs in which to grow trees or shrubs;
- (b) 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;
- (c) to lay out grass verges or gardens;
- (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 grass verge which is laid out under the powers of this section and is maintained in an ornamental condition or mown or any garden which is laid out under those powers.

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

(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 82 of the Act of 1959 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 or under section 1 of the Roads Improvement Act 1925 with respect to such highways or land 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 a footway or grass or other margins under section 67 or section 70 of the Act of 1959.

(6) (a) Where the Corporation carry out works under any enactment relating to private street works they may with the

consent of the owners of premises fronting adjoining or abutting on the part of the street in which the works are carried out exercise the powers conferred by this section in that part and the expenses incurred in so doing shall be deemed part of the expenses of carrying out the works.

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

44.—(1) In this section the expression “retaining wall” means a wall which— Retaining walls.

(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.

PART IV
—cont.

(5) The provisions of this section shall not apply to a retaining wall erected on land belonging to any railway or dock undertakers so long as that land is used by those undertakers primarily for the purpose of their railway or dock undertaking or to a retaining wall which is erected on land belonging to the gas board the generating board or the electricity 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 electricity (as the case may be).

Forecourts
injurious to
amenities of
street.

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

- (a) apparatus belonging to the gas board or the electricity board;
- (b) an advertisement to which regulations made under section 31 of the Act of 1947 for the time being apply; or
- (c) a permanent erection constructed on a forecourt before the passing of this Act.

Awnings over
footways.

46.—(1) (a) If a person erects or permits to be erected over the footway of a street in the borough being a highway maintainable at the public expense an awning which—

- (i) projects over any part of the footway which is less than two feet from the carriageway; or
- (ii) obscures a traffic sign from the view of persons driving or riding vehicles on the carriageway;

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

(b) An awning that can be folded up or rolled up without being dismantled shall be treated for the purposes of this subsection as being in its extended position.

(2) 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.

(3) 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 IV
—cont.

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

47.—(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 they think fit 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) 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.

PART V

SANITATION AND BUILDINGS

Sewers drains and sanitary conveniences

48. 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:— Recovery of cost of maintaining public sewers.

“ 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.”

49. For the purpose of facilitating the disposal of sewage the powers of the Corporation under section 157 of the Act of 1959 shall extend to the making of byelaws requiring any person constructing a new street in the borough to provide separate sewers for foul water drainage and surface water drainage respectively. Separate sewers for foul water and surface water.

50.—(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 Delegation of power to examine and test drains etc.

PART V
—cont.

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 or cause to be examined 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 or on behalf of the medical officer or the public health inspector and make good any damage done by or on behalf of him.

Power to
repair drains
and private
sewers.

51.—(1) If a drain or private sewer in the borough—

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

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

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

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

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

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

Provided that the court shall not revise an 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" means in relation to a drain or private sewer any person owning any premises drained by means of the drain or sewer and also in the case of a sewer the owner thereof.

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

Sanitary conveniences for persons employed on construction work.

(a) to provide sufficient and satisfactory sanitary conveniences for the workpeople employed thereon; and

(b) where the workpeople employed thereon comprise both men and women to provide as aforesaid for men and women separately;

if it is reasonably practicable so to do:

Provided that this section shall not apply to building operations or works—

(i) to which section 107 or section 108 of the Factories Act 1937 applies; or

(ii) at any mine or quarry within the meaning of the Mines and Quarries Act 1954.

(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.

Buildings and structures

53.—(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.

PART V
—cont.

(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 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 a structure and a fence (other than a hedge).

Demolition
of buildings.

54.—(1) A person shall not demolish a building wholly or in part unless he has given notice to the Corporation of his intention to do so:

Provided that this subsection shall not require notice of—

- (a) demolition undertaken to comply with a demolition order or a clearance order; or
- (b) demolition of an internal part of a building incidental to alteration of an internal part of the building where the building is occupied and intended to be occupied; or
- (c) demolition of a poultry-house greenhouse coal-shed tool-shed bicycle-shed or similar structure; or
- (d) demolition of any building or part of a building which is situate within the curtilage of or used solely in connection with a factory and does not adjoin a street if the building or part (as the case may be) either—
 - (i) is at a distance from the nearest street not less than the maximum height thereof above the level of the ground; or

- (ii) being at a less distance from the nearest street than as aforesaid is throughout its length or width on the side nearest to that street separated from the street by another building not proposed to be demolished or taken down of which no part opposite to that side is of a less height than the maximum height above the level of the ground of the building or part proposed to be demolished or taken down; or
- (e) demolition of a prefabricated garage within the curtilage of land used for residential purposes; or
- (f) demolition of any building belonging to the commission and held and used by them for the purposes of their undertaking:

Provided also that the exemption conferred by paragraph (f) 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.

(2) A notice under the preceding subsection shall describe the building and specify the intended works.

(3) The Corporation may by counter-notice served within six weeks from the date of service of the notice referred to in subsection (1) of this section or such longer period as the person proposing to demolish may in writing allow require him—

- (a) to shore up adjacent buildings; and
- (b) to remove material or rubbish resulting from the demolition and clearance of the site.

(4) A counter-notice served under this section may require the person proposing to demolish—

- (a) to disconnect and seal at such points on or within the boundaries of the premises served thereby as the surveyor may reasonably prescribe any sewer drain or water pipe in or under the building to be demolished; or
- (b) to remove any such sewer drain or water pipe and seal any sewer drain or water pipe with which the sewer drain or pipe to be removed is connected; and
- (c) in either case to make good to the satisfaction of the Corporation the surface of the ground thereby disturbed after giving the Corporation at least twenty-four hours' notice of the making good.

(5) 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.

PART V
—cont.

(6) A sewer drain or pipe shall not be sealed or removed in pursuance of the requirements of a counter-notice under subsection (4) of this section unless at least forty-eight hours' notice thereof has been given to the Corporation.

(7) Where the owner of a building required by a counter-notice under subsection (3) of this section to be shored up is not entitled to the support of the building by the building to be demolished the person demolishing or if the Corporation execute the works under subsection (6) of section 290 of the Act of 1936 the Corporation may recover the expense of shoring up the first-mentioned building from the owner thereof.

(8) Notwithstanding subsection (3) of section 276 of the Act of 1936 that section shall apply to materials and rubbish removed by the Corporation under section 290 of that Act as applied by this section.

(9) If a person carries out works without having served notice as required by subsections (1) and (2) of this section he shall be liable to a fine not exceeding five pounds and the Corporation may serve a counter-notice under this section as if that person had served notice as required by the said subsections.

(10) Where a demolition order or clearance order requires a building to be demolished the Corporation may by notice served on the owner within seven days after serving on him a copy of the order under section 19 or subsection (2) of section 72 of the Housing Act 1957 or paragraph 5 of the Fourth Schedule to that Act require him to take such steps as a counter-notice might under subsection (3) or subsection (4) of this section require him to take and this section (except subsections (1) and (2) thereof) shall apply to a notice served under this subsection as it applies to a counter-notice.

In this subsection "owner" has the same meaning as in the Housing Act 1957.

(11) In this section—

"demolition order" means a demolition order made under section 17 section 28 or section 72 of the Housing Act 1957;

"clearance order" means a clearance order made under section 44 or section 50 of that Act.

(12) This section shall come into force on the appointed day and shall not apply to the demolition of any part of a building the demolition of which building has been begun before that day.

Filthy or verminous premises or articles

Cleansing of
filthy or
verminous
premises.

55. 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:—

"(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 or a mine or quarry within the meaning of the Mines and Quarries Act 1954—

- (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”.

56.—(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 the Corporation 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.

Prohibition
of sale of
verminous
articles.

PART V
—cont.

(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) references to “preparation for sale” do not include references to disinfection.

PART VI

NUISANCES

Tipping of
spoil and
refuse.

57.—(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 purposes of Part III of the Act of 1936.

(3) No byelaw under this section shall extend to regulating or controlling the tipping of spoil or refuse by railway or dock undertakers for the purpose of constructing widening altering or maintaining any railway or dock works or by the harbour board in exercise of their statutory powers.

(4) (a) No byelaw under this section shall extend to regulate or control the tipping of hardcore by or on behalf of any person on land during building works thereon or in the course of preparation for such works.

(b) In this subsection—

- the expression “hardcore” means bricks stone or other hard material free from dust and dirt to such an extent as not to cause a nuisance;
- the expression “building works” includes engineering works road making and other constructional works.

Noise or
vibration
nuisance.

58.—(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 or dock undertakers of statutory powers conferred in relation to their railway or dock undertaking.

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

PART VII

PUBLIC ORDER AND PUBLIC SAFETY

59.—(1) Where plans for the erection or extension of a building are in accordance with building byelaws deposited with the Corporation and the plans show that the building—

Means of access for fire brigade to certain buildings.

(a) will not be provided with such means of access for fire brigade appliances and personnel; or

(b) will not leave or make provision for such means of access for fire brigade appliances and personnel to an existing building or to a proposed building the plans of which have been passed by the Corporation;

as the Corporation may consider necessary to enable effective action to be taken by them in case of fire at such building or existing building or proposed building (as the case may be) the Corporation shall reject the plans.

(2) If the Corporation reject the plans under the authority of this section the notice given in pursuance of subsection (2) of section 64 of the Act of 1936 shall specify that 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 or as the case may be will leave or make provision for the necessary access for fire brigade appliances and personnel may on the application of that person be determined by a magistrates' court.

PART VII
—cont.

Precautions
against fire
in certain
buildings
and cubical
extent of
buildings.

60.—(1) Within the borough unless the Corporation otherwise consent—

- (a) no building shall be erected with a storey or part of a storey at a greater height than—
 - (i) one hundred feet; or
 - (ii) eighty feet if the area of the building exceeds ten thousand square feet;
- (b) no building or part of a building of a cubical extent exceeding two hundred and fifty thousand cubic feet shall be used for purposes of trade or manufacture unless it is divided by fire division walls in such manner that no division of the building or part of the building as the case may be is of a cubical extent exceeding two hundred and fifty thousand cubic feet:

Provided that—

- (i) the Corporation shall not withhold consent under paragraph (a) or paragraph (b) of this subsection if they are satisfied that having regard to the proposed use to which the building is to be put proper arrangements will be made and maintained for preventing or reducing danger from fire in the building;
- (ii) paragraph (b) of this subsection shall not apply to a building erected before the passing of this Act unless and until after the passing of this Act any structural alteration or extension is made in or to the building or any material change (as defined in subsection (2) of section 62 of the Act of 1936) takes place in the purposes for which the building is used.

(2) In giving their consent under this section the Corporation may attach thereto conditions restricting the user of the building or part of the building or relating to the provision and maintenance of proper arrangements for preventing or reducing danger from fire in the building or part of the building.

(3) Any person who is aggrieved by a decision of the Corporation under this section—

- (a) to withhold consent; or
- (b) to attach conditions to a consent;

may within twenty-one days from the receipt of notification of the decision appeal to a magistrates' court.

(4) If any person contravenes the provisions of subsection (1) of this section or any condition attached to a consent given under this section he shall be liable to a fine not exceeding fifty pounds and if—

- (a) that person after conviction of the contravention; or

(b) any other person after notice of the conviction has been served on him by the Corporation;

uses the building without the consent of the Corporation or in contravention of any condition attached to a consent given under this section he shall be liable to a fine not exceeding ten pounds for each day on which he so uses it.

(5) (a) The measurement of the height of any such storey or part of a storey as is mentioned in this section shall be taken at the centre of that face of the building where the measurement is greatest from the level of the footway immediately in front of that face or where there is no such footway from the level of the ground before excavation to the level of the highest part of the interior of the storey.

(b) In this section the expression "cubical extent" in relation to the measurement of a building means the space contained within the external surfaces of its walls and roof and the upper surface of the floor of its lowest storey but excluding any space within any enclosure on the roof of the building used exclusively for accommodating a water tank or lift gear or any like apparatus:

Provided that where a building on one or more of its sides is not enclosed by a wall or walls the building where unenclosed shall be deemed to be enclosed by walls with the external surface thereof in a vertical plane extending downwards from the outer edge of the roof.

(6) Nothing in this section shall apply to any building erected on land belonging to the commission and used for the purposes of their undertaking.

61.—(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

(B) that part of the building is also used as a habitable room or a place in which any person works or any other part of the 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

Parts of buildings used for storage of inflammable substances.

PART VII
—cont.

(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 as amended by the Law of Property (Amendment) Act 1926.

(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—

(a) 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;

(b) 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

(c) 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 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

PART VII
—cont.

- (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;
- (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; or
- (c) any stain or polish which does not when tested as aforesaid give off an inflammable vapour at a temperature of less than eighty degrees Fahrenheit and which is stored in reasonably closed metal or glass containers in good condition each containing in the case of a metal container not more than five gallons and in the case of a glass container not more than one pint.

(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 apply to a part of a building which is subject to the Factories Acts 1937 to 1959 or regulations made under those Acts.

62.—(1) Section 59 of the Act of 1936 shall have effect in its application to the borough as if paragraph (b) of subsection (5) thereof were deleted and the following paragraph were substituted therefor:—

Amendment
of sections 59
and 60 of Act
of 1936.

“ (b) any restaurant shop store office or warehouse in which more than ten persons are employed.”

(2) Section 60 of the Act of 1936 shall have effect in its application to the borough as if—

(a) in subsections (1) and (4) thereof the words “eighteen feet” were substituted for the words “twenty feet”;

(b) paragraph (c) of subsection (4) thereof were deleted and the following paragraph were substituted therefor:—

“ (c) is used as a restaurant shop store office or warehouse ”;

PART VII
—cont.

(c) the following paragraph were inserted in the said sub-section (4):—

“(d) is used for the holding of dances or dancing classes other than—

(i) any premises in respect of which a licence has been granted under section 132 (Music and dancing licences) of the Act of 1931;

(ii) any building or part of a building in respect of which a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force; or

(iii) a private house used for the holding of dances (but not dancing classes) to which the public are not admitted.”

Firemen's
switches for
luminous
tube signs.

63.—(1) This section applies to apparatus consisting of luminous tube signs designed to work at a voltage normally exceeding six hundred and fifty volts or other equipment so designed and of the transformers required to raise the voltage so as to operate the signs or equipment not being apparatus which—

(a) is inside a building and is attended while in operation; or

(b) is used for lighting only and is before the appointed day fitted with a readily accessible switch on the low-voltage side of the transformer.

(2) As from the appointed day apparatus in the borough to which this section applies shall be provided with a cut-off switch on the low-voltage side of the transformer and the switch shall be so placed and coloured or otherwise marked as to satisfy such reasonable requirements as the Corporation may impose to ensure that it shall be readily accessible to and recognisable by firemen.

(3) Not less than fourteen days before work is begun to instal apparatus to which this section applies the consumer shall give notice to the Corporation showing where the cut-off switch is to be placed and how it is to be coloured or otherwise marked.

(4) Where apparatus to which this section applies has been installed before the appointed day the consumer shall not less than fourteen days before the appointed day give notice to the Corporation—

(a) in the case of apparatus already provided with a cut-off switch on the low-voltage side of the transformer showing where the switch is placed and how it is coloured or otherwise marked;

(b) in the case of apparatus not already provided with such a cut-off switch as aforesaid showing where the switch is to be placed and how it is to be coloured or otherwise marked.

(5) Where notice has been given to the Corporation as required by subsection (3) or subsection (4) of this section the proposed or as the case may be actual position colouring or marking of the switch shall be deemed to satisfy the requirements of the Corporation unless within ten days from the date of service of the notice the Corporation have served on the consumer a counter-notice stating that their requirements are not satisfied.

(6) A cut-off switch which complies with the regulations of the Institution of Electrical Engineers shall for the purposes of this section be deemed to satisfy the requirements of the Corporation.

(7) A person aggrieved by a counter-notice served by the Corporation under subsection (5) of this section may appeal to a magistrates' court and the court if it allows the appeal shall order the cancellation of the counter-notice.

(8) The owner or the occupier of premises where apparatus is installed which does not comply with subsection (2) of this section shall be guilty of an offence.

(9) A person who fails to give notice as required by subsection (3) or subsection (4) of this section shall be guilty of an offence.

(10) A person guilty of an offence under this section shall be liable to a fine not exceeding five pounds and in the case of an offence under subsection (8) of this section to a daily fine not exceeding two pounds.

(11) The provisions of this section shall not affect the requirements of the Electricity Supply Regulations 1937 or any regulations that may be made under section 60 of the Electricity Act 1947.

(12) 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.

PART VII
—cont.
Oil-fired
boilers.

64.—(1) As from the appointed day any person intending to instal or place oil-burning equipment in any building in the borough whether erected before or after the passing of this Act or on any land in the borough shall give not less than fourteen days' notice to the Corporation of his intention so to do.

(2) (a) The Corporation may make byelaws for securing that in relation to any oil-burning equipment so installed or placed after the appointed day or the coming into force of the byelaws (whichever shall be the later) proper arrangements will be made for preventing or reducing danger from fire.

(b) Such byelaws may include provisions—

(i) prescribing in connection with the installation or placing of oil-burning equipment in any such building or on any such land the works apparatus and fittings and fire-fighting appliances to be provided and the mode of arrangement of any such works apparatus fittings and appliances; and

(ii) empowering the Corporation if they are satisfied that proper arrangements will be made for preventing or reducing danger from fire to approve the installation or placing of any equipment notwithstanding that it does not comply with the appropriate specification for such equipment contained in the byelaws.

(c) (i) Any person aggrieved by the refusal of the Corporation to approve the installation or placing of any equipment under sub-paragraph (ii) of paragraph (b) of this subsection may within twenty-one days from the receipt of notification of the refusal appeal to the Secretary of State.

(ii) Where an appeal is brought under this subsection the Secretary of State may dismiss or allow the appeal or may vary the decision of the Corporation against which the appeal is made.

(iii) The decision of the Secretary of State on any such appeal shall have effect as if it were a decision of the Corporation given under the byelaws or under this subsection.

(3) (a) If any person instal oil-burning equipment in any building or on any land in the borough without giving notice to the Corporation in accordance with subsection (1) of this section he shall be liable to a fine not exceeding fifty pounds.

(b) If any person contravenes any byelaw made under subsection (2) of this section he shall be liable to a fine not exceeding fifty pounds and if—

(i) that person after conviction of the contravention; or

(ii) any other person after notice of the conviction has been served on him by the Corporation;
uses the oil-burning equipment in contravention of such byelaw he shall be liable to a fine not exceeding ten pounds for each day on which he so uses it.

(4) In this section—

the expression “oil-burning equipment” means a boiler designed or adapted for the combustion of oil and includes the burner storage tanks and the apparatus fittings devices and catch-pits and any other equipment used for or in connection with the heating of such boiler;

the expression “boiler” means a boiler furnace heater oven or similar plant;

the expression “storage tank” means a tank container or device designed or adapted for the purpose of supplying oil to a boiler;

the expression “apparatus and fittings” includes pipes and pipe fittings taps valves pumps gauges vessels fans and filters.

(5) Nothing in this section shall apply to—

(a) any oil-burning equipment if the storage tank or tanks supplying or designed or adapted to supply oil to the boiler has or have a total capacity not exceeding seven hundred and fifty gallons; or

(b) the installation of any oil-burning equipment by the gas board the generating board or the electricity board for the purposes of their respective undertakings:

Provided that the exemption conferred by this paragraph shall not extend to houses or buildings used as offices or showrooms.

(6) Section 250 of the Act of 1933 (which relates to the procedure for making byelaws) shall in its application to byelaws made under this section be construed as if it had been amended by the insertion of the words “or confirm with modifications” after the word “confirm” in the second place where that word occurs in subsection (6) thereof.

(7) Nothing in this section shall apply to the installation of any oil-burning equipment by the commission for the purposes of their undertaking:

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

(8) The provisions of any byelaw made under this section shall cease to apply in relation to any premises to which the Factories Acts 1937 to 1959 apply on the coming into force in relation to those premises of special regulations made under those Acts and relating to the same subject-matter as this section.

PART VII
—cont.Disposal of
dangerous
containers.

65.—(1) No person shall within the borough dispose of or deposit any container (including a container attached to a vehicle or machine) which has been used for the storage of inflammable or explosive substance and is no longer used for that purpose unless he takes all such steps as may be reasonably necessary to prevent danger from such container.

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

Underground
car parks.

66.—(1) Where plans of any proposed work deposited with the Corporation in pursuance of building byelaws include proposals for the construction alteration or extension of an underground car park or the alteration of a building for use as an underground car park the Corporation may notwithstanding anything in section 64 of the Act of 1936 reject the plans unless there are put before them such proposals as appear to them to be satisfactory for preventing or reducing danger from fire being proposals relating to all or any of the following matters:—

- (a) the construction of the underground car park and the approaches thereto and the materials to be used in such construction;
- (b) the provision of adequate means of ventilation to the underground car park;
- (c) the provision of electrical and mechanical and heating equipment in the underground car park;
- (d) the provision of fire-fighting equipment and appliances in connection with the underground car park;
- (e) the provision of safe and adequate means of ingress to and egress from the underground car park;
- (f) the provision of adequate means of access to the underground car park for fire brigade appliances and personnel.

(2) Subsection (2) of section 64 and subsections (2) to (5) of section 65 of the Act of 1936 shall have effect as if this section were a section of that Act.

(3) If any question arises between the Corporation and a person who has executed or proposes to execute any work—

- (a) whether the work is such as is mentioned in subsection (1) of this section; or
- (b) whether the Corporation ought to have treated as satisfactory any proposal put before them in pursuance of the said subsection;

that question may on the application of that person be referred to the Secretary of State for determination and the Secretary of State (after holding an inquiry if he thinks fit) shall determine any question submitted to him under paragraph (a) of this subsection or (as the case may be) may direct the Corporation to treat as satisfactory the said proposal or the said proposal as modified by him.

(4) If after plans of any underground car park have been passed by the Corporation in consequence of any proposals made under subsection (1) of this section it appears to the Corporation that any such proposal has not been carried into effect or is not being observed the Corporation may by notice to the owner or occupier of the underground car park prohibit its use as an underground car park until the proposal has been carried into effect or is being observed.

(5) If any person on whom a notice has been served under subsection (4) of this section uses the underground car park or permits it to be used as an underground car park without giving effect to or securing the observance of any proposal specified in the notice he shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings.

67.—(1) Without prejudice to the provisions of section 66 (Underground car parks) of this Act the Corporation may by notice to the owner or occupier of any underground car park in the borough which is first brought into use after the passing of this Act require compliance with such conditions as to the use of the underground car park as may be specified in the notice for the purpose of preventing or reducing danger from fire therein and in the case of any underground car park as aforesaid in respect of which plans are not deposited with the Corporation in pursuance of building byelaws the Corporation may by notice to the owner or occupier thereof require him to comply with such conditions as aforesaid and with such other conditions with regard to the matters specified in paragraphs (b) to (f) of subsection (1) of the said section 66 as the Corporation think fit.

Further provision as to underground car parks.

(2) If any person on whom a notice under this section has been served fails to comply with any requirements specified in the notice he shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings.

(3) A person on whom a notice under this section has been served may within twenty-one days of the service of the notice appeal to the Secretary of State on the ground that any requirement specified in the notice is not justified by this section or is unreasonable in character or extent or is unnecessary.

PART VII
—cont.

(4) If so required by any such person the Corporation shall deliver to him a certificate signed by the town clerk stating the grounds on which the Corporation have made any requirement under this section and where such person appeals to the Secretary of State against such requirement the certificate shall be submitted by him to the Secretary of State at the same time that notice of appeal is given or as soon as possible after the receipt by such person of the certificate.

(5) On consideration of any such appeal the Secretary of State may if he thinks it necessary or desirable cause an inquiry to be held and a report to be made to him by a person appointed by him for the purpose and may if he thinks fit confirm modify alter or annul any requirement made by the Corporation under this section.

Interpretation
and powers of
entry for
purposes of
last two
foregoing
sections.

68.—(1) In the last two foregoing sections the expression “underground car park” means a building or part of a building (other than a building or part of a building in respect of which a licence issued by a local authority or the Secretary of State under section 2 or section 3 of the Petroleum (Consolidation) Act 1928 is in force or a building or part of a building to which regulations made by the Secretary of State under section 10 of that Act apply) which provides waiting space or storage space (either alone or in addition to any other facility or service) for cars or other vehicles and of which any part of the floor is situated more than four feet below the surface of the ground adjoining or nearest to such building or part of a building.

(2) 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 the last two foregoing sections shall be provisions which it is the duty of the Corporation to enforce.

Prescription
of signs etc.
to be used on
certain
buildings.

69.—(1) The Corporation may in relation to any substance to which this section applies—

- (a) prescribe standard uniform signs or symbols or warning notices in a form approved by the Secretary of State clearly indicating the nature of the substance and the existence of danger from fire;
- (b) by notice require the occupier of any part of a building used for the manufacture or storage of the substance to affix within such reasonable time as is specified in the notice and thereafter keep fixed in a conspicuous position or positions in or on the part of the building used for such manufacture or storage the appropriate sign symbol or notice.

(2) 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; and
- (c) any other substance likely to involve special hazard to persons engaged in normal duties of fire fighting.

(3) Any person who fails to comply with the requirements of the Corporation under this section shall be liable to a fine not exceeding ten pounds and to a daily fine not exceeding five pounds.

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

Offences in respect of telephone boxes fire hydrants etc.

- (a) obstructs the access to a police telephone call box provided by the Corporation or to a shelter or box so provided for the use of police constables or to a fire alarm so provided; or
- (b) interferes with equipment in such a call box or in such a shelter or box or in such a fire alarm; or
- (c) removes obliterates alters defaces or obscures a mark provided by the Corporation for indicating the position of such a call box or of such a shelter or box or of a fire alarm or fire hydrant;

he shall be liable to a fine not exceeding ten pounds and the Corporation may recover from him the expenses of removing the obstruction or of making good or replacing the mark.

(2) If any person telephones or causes to be telephoned—

- (a) from a police telephone call box provided by the Corporation any statement which he knows to be false; or
- (b) from a telephone call box provided in the borough by the Postmaster-General a statement which he knows to be false made for the purpose of instigating police fire brigade or ambulance action;

he shall be liable to a fine not exceeding ten pounds.

(3) In this section the expression “call box” includes any installation.

71.—(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

Safety of stands.

PART VII
—cont.

intention so to do accompanied by a plan and section of the stand and such further particulars as the Corporation may reasonably require and the Corporation have approved the erection of the stand under this section.

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

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

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

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

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

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

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

(6) If any person—

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

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

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

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

he shall be liable to a 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 a 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.

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

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

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

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

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

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

PART VIII

FINANCE SUPERANNUATION AND RATING

Power to
borrow.

73.—(1) The Corporation may borrow—

- (a) such sums as may be necessary for any of the purposes of this Act;
- (b) without the consent of any sanctioning authority for any of the purposes specified in the first column of the following table the sums specified in relation thereto in the second column of that table.

(2) The period for the repayment of a sum borrowed under paragraph (b) of the preceding subsection shall not exceed the period specified in relation thereto in the third column of the said table.

(3) Subject to the provisions of this section Part IX of the Act of 1933 shall have effect as if money borrowed under this section were borrowed under that Part and as if the following table were in the Eighth Schedule to that Act.

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

1	2	3
Purpose	Amount	Period for repayment calculated from the date or dates of borrowing
(a) The purchase of lands and easements and rights under the powers of this Act	The sum requisite	Sixty years.
(b) The construction of the works	£3,125,000	Fifty years.
(c) The payment of the costs charges and expenses of this Act	The sum requisite	Five years.

Scheme for
equated
periods.

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

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

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

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

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

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

Payments for additional employment as instructor excluded for superannuation.

76.—(1) If a contributory employee of the Corporation is dismissed or resigns or otherwise ceases to hold employment in consequence of an offence of a fraudulent character or grave misconduct the Corporation may transfer from the superannuation fund maintained by them to the general rate fund an amount not exceeding the whole or any part of any contributions not returned to him or paid to his wife or family under subsection (4) of section 10 of the Local Government Superannuation Act 1937 or the amount of loss suffered by the Corporation in consequence of the contributory employee's offence or misconduct whichever is the less.

Transfer of certain sums from superannuation fund.

PART VIII
—cont.

(2) In this section the expression “contributory employee” has the same meaning as in the Local Government Superannuation Act 1937.

Investment
of super-
annuation
fund.

77.—(1) 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 as mentioned in that subsection moneys forming part of but not for the time being required to meet payments to be made out of the superannuation fund maintained by the Corporation under that Act there were substituted an obligation to invest such moneys as follows (namely):—

- (a) 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 that Act or in or upon any other investments for the time being authorised by law for the investment of trust funds; or
- (b) 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 of any such dominion commonwealth union dependency or colony; or
- (c) in or upon any of the stocks bonds mortgages or securities of any municipality or county or district council or local or public authority or board in the United Kingdom or in 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 of the legislature concerned to issue the same; or
- (d) 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
- (e) 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 or registered in the United Kingdom being stock or shares which are at the time of making the investment quoted on any recognised stock exchange; or

- (f) 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
- (g) 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 thereof;

with power of varying such investments from time to time by sale and reinvestment or otherwise:

Provided that the investment of such moneys as aforesaid in any investment of the nature specified in paragraph (e) of this subsection shall be subject to the following qualifications:—

- (i) no investment shall be made in any company which has not paid a dividend of at least five per centum on the ordinary stock or shares of the company for each of the four years immediately preceding the date of investment or if the company has been incorporated or has been trading for less than four years before that date unless—

(A) the company has paid such dividend for each of the years since incorporation or commencement of trading as the case may be; or

(B) in the case of a company which has not been incorporated or trading for at least one year before the date of investment but which has been formed by the amalgamation of other companies each of such other companies has paid a dividend of at least five per centum on its ordinary stock or shares for each of the four years immediately preceding the date of the amalgamation;

- (ii) no investment shall be made at any time when the value of all the investments made under the said paragraph (e) which form part of the superannuation fund equals or exceeds one-half of the total value of the assets of that fund;
- (iii) no investment shall be made in securities transferable by delivery.

(2) For the purposes of subsection (1) of this section the value of any investment of moneys forming part of the superannuation fund shall be treated as being the value of the investment at the time at which it was made.

(3) In this section the expression “ recognised stock exchange ” means any body of persons which is for the time being a recognised stock exchange for the purposes of the Prevention of Fraud (Investments) Act 1939.

PART VIII
—cont.Payment of
pensions etc.
of mentally
disordered
persons.

78.—(1) Subject to the provisions of this section where any sum to which this section applies is payable to a person by the Corporation and the Corporation are satisfied after considering evidence by a registered medical practitioner that the said person (hereinafter referred to as “the patient”) is incapable by reason of mental disorder within the meaning of the Mental Health Act 1959 of managing and administering his property and affairs the Corporation may pay the said sum or such part thereof as they think fit to the institution or person having the care of the patient to be applied for his benefit and may pay the remainder (if any) or such part thereof as they think fit—

- (a) to or for the benefit of persons who appear to the Corporation to be members of the patient’s family or other persons for whom the patient might be expected to provide if he were not mentally disordered; or
- (b) in reimbursement with or without interest of money applied by any person either in payment of the patient’s debts (whether legally enforceable or not) or for the maintenance or other benefit of the patient or such persons as are mentioned in the foregoing paragraph.

(2) 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.

(3) 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 authority having jurisdiction under Part VIII of the Mental Health Act 1959 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 (1) of this section applies the Corporation shall at the same time give notice in writing to that person in a form approved by the said authority:

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

(4) If at any time the authority having jurisdiction under Part VIII of the Mental Health Act 1959 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 said authority withdraw the notice.

(5) 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.

79. 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.

As to proof of continued existence of pensioners.

80.—(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 Rating and Valuation Act 1925 applies by virtue of a resolution of the council.

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

Recovery of rates from tenants and lodgers.

82.—(1) Any water rate payable to the Corporation in respect of a supply of water to any premises in the borough may be demanded and collected together with the general rate and the same books may be used for the water rate and the general rate.

Collection and recovery of water rates and charges.

PART VIII
—cont.

(2) Notwithstanding the provisions of any other enactment any water rate recoverable by the Corporation in a magistrates' court may (without prejudice to any other right or remedy of the Corporation) be recoverable in the same manner and subject to the same provisions in respect of such recovery as the general rate.

(3) The following sections of this Act:—

Section 80 (Recovery of rates from certain owners); and

Section 81 (Recovery of rates from tenants and lodgers);

and section 144 (Recovery of rate from persons removing) of the Act of 1931 shall apply within the water limits to water rates payable to the Corporation to the same extent as they apply within the borough to the general rate.

(4) There may be included in one and the same complaint information or warrant or in any schedule thereto two or more sums payable to the Corporation by any one person in respect of the water rate and general rate payable by him.

PART IX

MISCELLANEOUS

Notice of
variation of
rent etc.

83. The rent for the time being recoverable by the Corporation under a tenancy of any premises forming part of any housing accommodation belonging to the Corporation may be increased or reduced or the terms and conditions of that tenancy may be varied amended or added to by the service by the Corporation on the tenant of a notice specifying the amount of the increase or reduction of rent or the variation or amendment of or addition to the terms and conditions whether or not such notice is accompanied by a notice to quit but such increase reduction variation amendment or addition shall not take effect until such date as may be specified in the notice not being earlier than four weeks after the service thereof:

Provided that if before the date specified in the notice the tenant upon whom such notice has been served serves a counter-notice upon the Corporation requiring them to treat the notice as a notice to quit the notice shall be deemed to be a notice to quit the premises on that date.

Service of
demand
notes.

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

Effect on
water rates
of alteration of
valuation list.

85.—(1) Where an alteration is made in the valuation list for the time being in force in any rating area within the water limits in relation to any premises supplied with water by the Corporation the alteration shall for the purpose of calculating any amount

due in respect of water rate have effect as from the date from which it has effect for the purpose of calculating the amount due in respect of any general rate and notwithstanding the provisions with respect to the equality of instalments of a water rate of section 55 (Making and dates for payment of water rates) of the Third Schedule to the Water Act 1945 as applied to the undertaking and incorporated by the Southampton Corporation Water Order 1957 any necessary adjustments shall be made in the then current instalments of the water rate and any subsequent instalments thereof.

(2) If it is found that by reason of the foregoing provisions or the provisions of section 56 (Effect on water rates of alteration in valuation list) of the Third Schedule to the Water Act 1945 as applying to the undertaking immediately before the date of the passing of this Act and incorporated by the Southampton Corporation Water Order 1957 too much or too little has been paid in respect of any water rate the difference shall be repaid or allowed or (as the case may be) shall be paid and may be recovered in the manner in which water rates are recoverable.

(3) In this section—

the expression “rating area” has the same meaning as in the Rating and Valuation Act 1925; and

“the undertaking” means the water undertaking for the time being of the Corporation.

(4) The said section 56 shall cease to apply to the undertaking.

86. At any time after the Corporation have provided any electronic or mechanical accounting equipment for the purposes of all or any of their accounting work they may by agreement with any other person use or permit that other person to use the said equipment for the purposes of that other person and they may make such charges as may be agreed for the use of the said equipment. Electronic or mechanical accounting equipment.

87.—(1) Notwithstanding anything contained in section 134 (Prohibition of vehicles on the Common) of the Act of 1931 a person may with the consent of the Corporation and upon such terms and conditions as the Corporation may from time to time prescribe drive an invalid carriage on to or upon a roadway or footpath in a park recreation ground or common within the borough vested in the Corporation or under their control. Driving of invalid carriages in parks etc.

(2) In this section “invalid carriage” has the meaning assigned to that expression by section 2 of the Road Traffic Act 1930.

88. For the purpose of providing an underground parking place under section 68 of the Public Health Act 1925 as amended by section 16 of the Restriction of Ribbon Development Act 1935 the Underground parking places in parks etc.

PART IX
—cont.

Corporation may with the consent of the Minister utilise any part of a park pleasure ground or open space provided by them or under their management and control:

Provided that the part of any park pleasure ground or open space utilised under this section shall not exceed one-eighth of the total area thereof or one acre whichever is the less.

Removal of
vehicles.

89.—(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 Act 1957 or any Act repealed by that Act the Corporation may after giving not less than forty-eight hours 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 reasonably incurred in such removal and safe custody:

Provided that this section shall not apply to a vehicle left—

- (a) on a road (as defined in section 121 of the Road Traffic Act 1930); or
- (b) in a parking place provided by the Corporation under section 68 of the Public Health Act 1925 unless the vehicle has been left in the parking place for a period beyond that prescribed by any byelaws relating to the parking place.

(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.

Removal of
furniture from
streets.

90.—(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—

- (a) shall have remained there for more than forty-eight hours; and
- (b) 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.

PART IX
—cont.

(3) Nothing in this section shall apply to any articles goods or materials placed in or upon any street in connection with or for the purposes of undertakers' works within the meaning of section 1 of the Public Utilities Street Works Act 1950.

91. The provisions of the Town Police Clauses Act 1847 and of section 171 of the Public Health Act 1875 shall extend to empower the Corporation to make byelaws for declaring that to the extent determined by such byelaws those provisions and the byelaws of the Corporation in force with respect to hackney carriages shall apply to every motor vehicle standing or plying for hire notwithstanding that such vehicle stands or plies for hire on private premises only: Provisions as to motor vehicles let for hire.

Provided that this section shall not apply to—

- (a) any such vehicle which is kept by any person in connection with any business carried on by such person as funeral directors or owners of funeral vehicles available for hire and used wholly or mainly in connection with such business or is kept and used ordinarily for the purpose of being let on hire by the day or for longer periods of hire; or
- (b) a public service vehicle; or
- (c) any vehicle belonging to or used by the commission for the purpose of carrying passengers and their luggage to or from any of their railway stations railway or dock premises;

or to the drivers or conductors of such vehicles:

Provided also that nothing in this section shall empower the Corporation to fix the site of the stand or starting place of any motor vehicle standing or plying for hire in any railway station railway or dock premises or in any yard belonging to the commission except with the consent of the commission.

92. The Corporation may enter into and carry into effect agreements with the owners of documents books or papers of historic or other interest for the custody and exhibition by the Corporation of such documents books or papers. Custody of ancient documents.

93. The Corporation may receive on deposit or acquire and may preserve arrange index classify exhibit and publish such records deeds archives and other documents of the borough and of the Corporation or such extracts from them or reference to their contents as the Corporation may consider to be of public interest: Acquisition preservation and publication of records.

Provided that nothing in this section shall affect the rights of any person under the law relating to copyright.

PART IX
—cont.Power to
publish
bulletins etc.

94. In connection with their powers under the Public Libraries Acts 1892 to 1919 and under section 134 of the Local Government Act 1948 the Corporation may publish and sell or dispose of bulletins journals periodicals and leaflets and documents of historical or literary interest having a local connection or relating to the functions of the Corporation:

Provided that nothing in this section shall affect the rights of any person under the law relating to copyright.

As to sheriff's
expenses.

95. The Corporation may pay to the sheriff of the borough and such sheriff may receive from the Corporation—

- (a) on account of so much of the expenses of his office as are legal expenses the actual amount of such expenses incurred by him during his year of office; and
- (b) such remuneration as the Corporation may determine to be reasonable in order to defray expenses on entertainment and social occasions devolving upon him during his year of office.

Provision of
boating
facilities.

96.—(1) The Corporation may provide boating facilities and for that purpose may by agreement acquire whether by way of purchase lease or exchange land whether situated within or without the borough.

(2) For the purpose of providing or maintaining boating facilities the Corporation may—

- (a) provide and maintain such buildings slipways jetties moorings and other works as may be necessary or expedient for the purpose thereof or in connection therewith; and
- (b) deepen dredge scour and excavate any portion of the foreshore or bed of Southampton Water the river the river Test or the river Eling and use sell or otherwise dispose of or remove or deposit the materials taken up or collected by means of such deepening dredging scouring or excavating as they think fit;
- (c) reclaim parts of Southampton Water the river the river Test or the river Eling:

Provided that—

- (i) the Corporation shall not under the powers of this section carry out any dredging deepening scouring or excavating below high-water mark of ordinary spring tides without the previous consent of the Minister of Transport and subject to such conditions and restrictions as he may prescribe before such work is begun;
- (ii) the Corporation shall not execute or carry out any works or operations under paragraphs (a) (b) or (c) of this subsection in the port except with the consent of the harbour board;

(iii) no materials taken up or collected by means of deepening dredging scouring or excavating under this section shall be laid down or deposited—

(A) in any place in the port above high-water mark of ordinary spring tides without the consent of the harbour board; and

(B) in any place below high-water mark of ordinary spring tides except after consultation with the harbour board and in such position and under such restrictions and regulations as may be fixed by the Minister of Transport;

(iv) nothing in this subsection shall relieve the Corporation from the necessity for compliance with any byelaws made by the Hampshire River Board under section 47 of the Land Drainage Act 1930 in providing or maintaining any works under paragraph (a) of this subsection in the main river as defined in section 100 (For protection of Hampshire River Board) of this Act and the Corporation shall not exercise the powers of paragraph (b) or paragraph (c) of this subsection in the said main river without the consent of the said river board which consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld shall be determined by the Minister of Agriculture Fisheries and Food;

(v) the Corporation shall not without the consent of the commission—

(A) execute any works on or deepen dredge scour excavate reclaim or deposit materials on any property belonging to the commission below high-water mark of ordinary spring tides; or

(B) in the exercise of the powers of this section execute any works on or deepen dredge scour excavate reclaim or deposit materials on any portion of the foreshore or bed of Southampton Water the river or the river Test so as to interfere with the navigation thereof or with the entrances and approaches to the Southampton docks or other property of the commission.

Any such consent shall not be unreasonably withheld and any question whether the consent is or is not unreasonably withheld shall be determined by the Minister of Transport.

(3) The Corporation may either—

(a) themselves manage any buildings and works provided under this section making such reasonable charges for the use thereof as they think fit; or

PART IX
—cont.

(b) let them or any part thereof for such consideration and on such terms and conditions as they think fit.

(4) The Corporation and the council of any county borough or county district which includes or abuts upon any part of Southampton Water the Solent Spithead the river the river Test or the river Eling may enter into and carry into effect agreements for the purpose of the exercise by any of them of any of the powers conferred by this section subject to the like restrictions and obligations as the Corporation are subject to in respect of the exercise of those powers.

(5) So much of any works provided under the powers of this section as will not be within the area of any petty sessional division shall be deemed to be within the area of the petty sessional division to which it is nearest.

(6) In this section “boating facilities” means facilities for sailing rowing or sculling.

PART X

PROTECTIVE PROVISIONS

Crown rights.

97. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing herein contained authorises the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those Commissioners on behalf of Her Majesty first had and obtained for that purpose.

For protection
of British
Transport
Commission.

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

(1) In this section—

“the Central Bridge” means so much of the bridge known as the Central Bridge and the approaches thereto as is the property of and maintainable by the commission under an agreement dated the twenty-seventh day of November eighteen hundred and seventy-nine and made between the London and South Western Railway Company of the one part and the Corporation of the other part;

“ railway property ” means any lands railways and railway works of the commission and includes the Central Bridge;

“ the authorised works ” means so much of the works as may be situated upon across under or over railway property or may in any way affect the same and includes the construction maintenance and renewal of such works;

“ the engineer ” means an engineer to be appointed by the commission;

“ plans ” includes sections drawings and specifications:

- (2) If the Corporation shall compulsorily any railway property upon which dwelling-houses are erected the Corporation shall to the satisfaction of the commission rehouse the occupants of such dwelling-houses:
- (3) The Corporation shall before commencing the authorised works (other than works of maintenance and repair) furnish to the commission plans thereof for the reasonable approval of the engineer and shall not commence the authorised works until such plans have been approved in writing by the engineer or if he shall not approve the plans until the same shall have been settled by arbitration:

Provided that if within twenty-eight days after such plans have been furnished to the commission the engineer shall not have intimated his disapproval thereof and the grounds of his disapproval he shall be deemed to have approved the same:

- (4) Upon signifying his approval or disapproval of the said plans the engineer may specify any temporary or permanent protective works which in his opinion should be carried out before the commencement of the authorised works to ensure the stability of any railway property or to protect the same from injury and such temporary or permanent protective works as may be reasonably necessary for those purposes may be constructed by the commission and the Corporation shall not commence the construction of the authorised works until such temporary or permanent protective works have been completed:

Provided that any temporary or permanent protective works to be constructed by the commission in pursuance of this paragraph shall be constructed with all reasonable dispatch:

PART X
—cont.

- (5) The Corporation shall give to the engineer twenty-eight days' notice in writing of their intention to commence any of the authorised works except in cases of emergency when they shall give notice thereof as may be reasonably practicable:
- (6) The authorised works shall when commenced be carried out with all reasonable dispatch in accordance with the plans approved or deemed to be approved or settled as aforesaid and under the supervision (if given) and to the reasonable satisfaction of the engineer and in such manner as to cause as little damage to railway property as may be and so as not to interfere with delay or interrupt the traffic on the railway and if any damage to railway property or any such interference delay or interruption shall be caused or take place by reason of the authorised works the Corporation shall notwithstanding any such approval as aforesaid forthwith make good such damage and pay to the commission all reasonable costs and expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of any such damage interference delay or interruption other than damage interference delay or interruption caused by the neglect or default of the commission their servants or agents:
- (7) The Corporation shall at all times afford reasonable facilities to the engineer for access to the authorised works and shall supply him with all such information as he may reasonably require with regard to the authorised works or the method of construction thereof:
- (8) As from the commencement of the authorised works the commission shall cease to be liable for the maintenance repair and renewal of so much of the Central Bridge as it shall be necessary to demolish and reconstruct to enable the authorised works to be carried out:
- (9) In the event of the Corporation requiring the remaining portion of the Central Bridge to be widened or reconstructed either at the time of the construction of the authorised works or thereafter such widening or reconstruction shall be carried out at the expense of the Corporation and subject to such conditions as the commission may reasonably impose and the said portion of the bridge after such widening or reconstruction shall vest in and become the responsibility of the Corporation on payment by the commission of a sum equivalent to the commuted liability of the commission for the maintenance repair and renewal thereof:

(10) Before commencing so much of the authorised works as will interfere with or affect the access to Woolston Station the Corporation will if the commission grant to them such facilities as may be reasonably necessary for the purpose construct to the reasonable satisfaction of the engineer—

(a) a pedestrian access way connecting the station with Work No. 6; and

(b) a pedestrian access way connecting the station with Bridge Road at a point immediately south of the bridge carrying the commission's railway over Bridge Road;

and shall not acquire from the commission so much of the lands shown on the deposited plans as may be necessary for the provision of such access ways:

(11) If any alterations or additions either permanent or temporary to any railway property shall be reasonably necessary in consequence of the authorised works such alterations and additions may be effected by the commission after notice has been given to the Corporation and the Corporation shall repay to the commission the reasonable cost thereof including a capitalised sum representing the increased or additional cost of maintaining working and when necessary renewing any such alterations or additions:

(12) The Corporation shall repay to the commission all costs charges and expenses reasonably incurred by the commission by reason of the authorised works—

(a) in respect of the construction by the commission of any temporary or permanent protective works under the provisions of paragraph (4) of this section;

(b) in respect of the employment of any inspectors signalmen watchmen and other persons whom it shall be reasonably necessary to appoint for inspecting watching lighting and signalling railway property and for preventing as far as may be all interference obstruction danger or accident arising from the authorised works;

(c) in respect of any special traffic working resulting from any speed restriction which may in the opinion of the engineer require to be imposed and which may be due to the construction of the authorised works or from the substitution or diversion of services; and

(d) in additional lighting of railway property in the vicinity of the authorised works:

PART X
—cont.

(13) If at any time after the completion of the construction of the authorised works the commission shall give notice to the Corporation informing them that the state of repair of the authorised works appears to be such as to affect prejudicially the property of the commission the Corporation shall within twenty-eight days of the receipt of any such notice commence to take and thereafter complete taking such steps (if any) as may be reasonably necessary to put the authorised works into such a state of repair as not to affect prejudicially the property of the commission and if and whenever the Corporation fail to do so the commission may make and do in and upon the lands of the commission or of the Corporation all such works and things as shall be requisite to put the authorised works into such state of repair as aforesaid and the costs and expenses reasonably incurred by the commission in so doing shall be repaid to them by the Corporation:

(14) The Corporation shall be responsible for and make good to the commission all costs charges damage and expenses not otherwise provided for in this section which may be occasioned to the commission by reason of the authorised works or the failure thereof or by reason of any act or omission of the Corporation or of any persons in their employ or of their contractors or others whilst engaged upon the authorised works and the Corporation shall effectively indemnify and hold harmless the commission from and against all claims or demands arising out of or in connection with the authorised works or any such failure or act or omission as aforesaid and the fact that any work or thing may have been done in accordance with any plan approved by the engineer or in accordance with any requirement of the engineer or under his supervision shall not excuse the Corporation from any liability under the provisions of this section unless such costs damage or expenses shall be occasioned or such claims and demands shall arise by reason of the neglect or default of the commission their servants or agents:

Provided that the Commission shall give to the Corporation reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the consent of the Corporation:

(15) Any additional expense which the commission may reasonably incur after giving one month's notice thereof to the Corporation in widening altering reconstructing or maintaining any railway of the commission in

pursuance of any powers existing at the passing of this Act by reason of the existence of the authorised works shall be repaid by the Corporation to the commission:

PART X
—cont.

- (16) If it shall be necessary for the protection and safety of the commission's railway and railway works for the commission to purchase any minerals for the support of the railway and railway works or to pay compensation for any minerals to be left unworked for the support of the railway and railway works and the works of the Corporation also derive support from such minerals the Corporation shall repay to the commission a reasonable proportion of the amount paid by the commission for or in respect of such minerals and the costs and expenses incurred by the commission in relation to any such purchase or payment of compensation:
- (17) Any difference arising between the Corporation and the commission under this section (other than a difference as to the meaning or construction of this section) shall be settled by arbitration.

99. For the protection of the commission the provisions of this section shall unless otherwise agreed in writing between the Corporation and the commission apply and have effect:—

For further
protection of
British
Transport
Commission.

- (1) In this section—

“ the Southampton docks ” means the docks quays piers and jetties of the commission in the borough:

- (2) The amount of any expenditure reasonably incurred by the commission—

(a) in removing obstructions from and rectifying injury to or interference with the river the river Test or Southampton Water or the navigation thereof in the exercise of their statutory powers in that behalf; or

(b) in removing obstructions from and rectifying injury to or interference with the Southampton docks or the entrances or approaches thereto in the exercise of their statutory powers in that behalf;

which shall have been caused by the construction or existence of the bridge or the construction or existence of subsidiary or temporary works connected with the bridge or by the collapse of or damage to the bridge or any such works shall be repaid to the commission by the Corporation on demand:

PART X
—cont.

Provided that if at any time after the opening of the bridge for public traffic there shall be an unbroken period of twenty consecutive years during which no injury or interference materially detrimental to the part of the river the river Test or Southampton Water or the docks specified in the first column of the following table has been caused by the construction or the existence of the bridge or the construction or existence of subsidiary or temporary works connected with the bridge then the obligations of the Corporation under the sub-paragraph of this paragraph mentioned in relation thereto in the second column of the said table shall cease:—

1	2
(a) so much of the river the river Test or Southampton Water as the commission have statutory powers to dredge	sub-paragraph (a)
(b) the Southampton docks or the entrances or approaches thereto	sub-paragraph (b)

- (3) For the purposes of this section the Corporation and any person duly authorised by them shall be entitled at any time after giving reasonable notice to the commission to inspect and take copies of or extracts from all records (whether made before or after the passing of this Act) and other documents and information relating to the river the river Test Southampton Water and the Southampton docks:
- (4) Any difference arising between the Corporation and the commission under this section (other than a difference as to the meaning or construction of this section) shall be settled by arbitration.

For protection
of Hampshire
River Board.

100. For the protection of the Hampshire River Board (in this section referred to as "the river board") the following provisions shall unless otherwise agreed in writing between the Corporation and the river board apply and have effect:—

- (1) In this section—

"authorised work" means so much of Work No. 5 or any subsidiary work (whether temporary or permanent) forming part of or constructed in connection with the said work under the powers of this Act as may be constructed on over or under or in any other way affect the river or either of the banks thereof;

"banks" has the meaning assigned to it by the Land Drainage Act 1930;

“ construction ” includes execution placing and altering and “ construct ” and “ constructed ” have corresponding meanings;

“ engineer ” means the engineer to the river board;

“ the main river ” means the main river of the river board as for the time being shown upon the map of the Hampshire River Board Area in force under section 5 of the Land Drainage Act 1930 or upon any map approved or varied in accordance with the provisions of section 6 of the River Boards Act 1948;

“ plans ” in relation to permanent works includes sections particulars and working drawings and in relation to temporary works includes sections:

- (2) (a) Before commencing the construction of an authorised work the Corporation shall submit plans of such work to the river board for their reasonable approval and shall not commence the authorised work until such plans have been approved by the river board or in the case of difference until they shall have been settled by the Minister of Transport:

Provided that unless the river board within twenty-eight days after the receipt of any such plans signify to the Corporation their disapproval thereof and the grounds of their disapproval they shall be deemed to have approved thereof;

- (b) Not less than fourteen days before commencing any work of maintenance repair or renewal of an authorised work the Corporation shall except in the case of emergency submit to the river board for their information a notice of intention to commence the work and a description of the work:

- (3) (a) An authorised work shall not be constructed except in accordance with such plans as may be approved or deemed to be approved by the river board as aforesaid or settled by the Minister of Transport and shall be constructed to the reasonable satisfaction of the engineer who shall be given reasonable notice of the date and time on and at which the authorised work is to be commenced:

Provided that if there shall be any inconsistency between any plans approved or deemed to be approved by the river board under the provisions of this section and the plans approved by the Minister of Transport under section 29 (Works below high-water mark to be subject to approval of Minister of Transport) of this

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—cont.

Act the authorised work shall be constructed in accordance with the plans approved by the Minister of Transport;

- (b) The Corporation shall at all reasonable times afford to the engineer and his duly authorised representatives access to the authorised work for the purpose of inspection:
- (4) If by reason of the construction maintenance or repair of any authorised work or of the failure thereof or of the failure to maintain or repair the same injury or damage is caused to the main river or the banks thereof or to any property of the river board lying or situate therein such injury or damage shall be forthwith made good by the Corporation to the reasonable satisfaction of the engineer and if the Corporation fail so to do the river board may make good the same and recover from the Corporation the costs and expenses reasonably incurred by them in so doing:
- (5) Any difference arising between the Corporation and the river board under this section (other than a difference as to the construction of this section or as to the approval of plans under sub-paragraph (a) of paragraph (2) of this section) shall be settled by arbitration.

For protection
of
Southampton
Harbour
Board.

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

- (1) The Corporation shall effectively indemnify and hold harmless the harbour board from and against all claims or demands in respect of any damage which may be occasioned to the bridge—
- (a) by the carrying out by the harbour board of any operations for the improvement or maintenance of the port in the exercise of their statutory powers if before carrying out such operations which might affect the bridge the harbour board have given to the Corporation not less than two months' notice of their intention to do so or in case of emergency the longest practicable notice thereof; or
- (b) by the omission by the harbour board to carry out any such operations in the exercise of their statutory powers in respect of which no statutory duty is imposed upon them:
- (2) The amount of any expenditure reasonably incurred by the harbour board in rectifying injury to or interference with navigation or the river which shall have been

caused by the construction or the existence of the bridge or the construction or the existence of any works or conveniences connected therewith or incidental thereto including any subsidiary works connected with the bridge or by the collapse of or damage to the bridge or of any such works or conveniences shall be repaid to the harbour board by the Corporation and the amount thereof shall be a debt due from the Corporation to the harbour board and shall be recoverable by the harbour board in any court of competent jurisdiction:

Provided that if at any time after the opening of the bridge for public traffic there shall be an unbroken period of twenty consecutive years during which no injury or interference materially detrimental to navigation or the river has been caused by the construction or the existence of the bridge or the construction or the existence of works or conveniences connected with or incidental to the bridge then the obligation of the Corporation to make any payment to the harbour board under this paragraph shall cease:

- (3) (a) Before commencing the construction of any work authorised by this Act so far as the same shall be on under or over any land below high-water mark of ordinary spring tides (including the filling in of the inlet in connection with the approach road (Work No. 4)) plans sections and particulars of the work to be constructed shall be delivered by the Corporation to the harbour board for their reasonable approval and such work shall not be constructed otherwise than in accordance with such plans sections and particulars as may be approved by the harbour board or in the case of difference until they have been settled by arbitration and in accordance with such conditions and restrictions as the harbour board may reasonably require (including in the case of the said filling in of the inlet conditions as to the extent of the filling and the level thereof and the provision of retaining walls);
- (b) Any such work shall be executed to the reasonable satisfaction of the harbour board:
- (4) If within two months after the receipt by the harbour board of any plans sections or particulars they shall not have intimated their disapproval thereof and the reasons for their disapproval they shall be deemed to have approved the same:
- (5) After the purpose for which any temporary structure has been placed in the river in connection with the construction of any work has been accomplished the

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—cont.

Corporation shall with all reasonable dispatch and in any case after reasonable notice from the harbour board requiring them to do so remove any such temporary structure or any materials for the same which may have been placed in the river by the Corporation and on their failing to do so within thirty days after receipt of such notice the harbour board may remove the same at the expense of the Corporation and the amount of any expense reasonably so incurred shall be a debt due from the Corporation to the harbour board and shall be recoverable by the harbour board in any court of competent jurisdiction:

- (6) From the time when the construction of the bridge is commenced the Corporation shall proceed with such work with all reasonable diligence and without unreasonable delay until the bridge is completed and all temporary works removed from the river but if the work of constructing the bridge is at any time suspended the Corporation shall ensure that the work and all works and conveniences connected therewith or incidental thereto are left in such a state that the interference with the flow of water and with the navigation is no greater than would have been occasioned by the completed bridge:
- (7) (a) During the construction and after the completion of the bridge the Corporation shall (if so required by the harbour board) provide and maintain such effective fog-signalling apparatus in such positions as the harbour board may direct and shall duly and properly work such apparatus in foggy weather for the purpose of warning vessels of the existence of the bridge or of any works being carried out in connection with the construction of the same;
- (b) If the Corporation fail to comply with the provisions of this paragraph they shall be liable to a fine not exceeding twenty pounds and in the case of a continuing offence to a daily fine not exceeding forty shillings:
- (8) The Corporation shall allow at such times as may be necessary access by water and by land to the harbour board their officers and servants on to and over any part of the bridge without hindrance whilst in the execution of their duties in relation to the bridge:
- (9) The reasonable costs incurred by the harbour board in making any alterations to the marking and lighting of the navigable channel of the river in consequence

of the construction or the existence of the bridge shall be repaid to the harbour board by the Corporation and the amount thereof shall be a debt due from the Corporation to the harbour board and shall be recoverable by the harbour board in any competent court of jurisdiction:

- (10) The Corporation shall provide and maintain around any pier of the bridge which is in the river such timber fendering or other protective works as the harbour board may from time to time reasonably require:
- (11) The Corporation shall afford all reasonable facilities to the harbour board to place and maintain on the bridge all such signals tide-boards tide-gauges or other apparatus for the benefit of navigation as the harbour board may from time to time reasonably require:
- (12) All street lamps or other lights used on the bridge not being lights required in connection with the navigation of the river shall be effectually screened to the reasonable satisfaction of the harbour board:
- (13) The Corporation shall not carry out any repairs to or alteration of the bridge involving any restriction whether permanent or temporary in the width of the clear opening between piers or of the horizontal clearance at the head of any span of the completed bridge over the river or any reduction of the headway above high-water mark of ordinary spring tides afforded by any such span or involving any obstruction in the river or on the foreshore thereof except with the prior consent in writing of the harbour board (which consent shall not be unreasonably withheld) and subject to such reasonable conditions as the harbour board may impose:
- (14) If there shall be any inconsistency between any plans or sections approved by the harbour board or settled by arbitration under this section and the plans and sections approved by the Minister of Transport under section 29 (Works below high-water mark to be subject to approval of Minister of Transport) of this Act the works shall be executed in accordance with the plans and sections so approved by the said Minister:
- (15) Except as provided in paragraph (14) of this section any difference arising between the Corporation and the harbour board under this section shall be settled by arbitration.

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—cont.

For protection
of Camper &
Nicholsons
Limited and
Whites
Shipyard
(Southampton)
Limited.

102. For the protection of Camper & Nicholsons Limited and Whites Shipyard (Southampton) Limited (each of which is in this section referred to as “the company”) the provisions of this section shall have effect unless otherwise agreed in writing between the Corporation and the company:—

The provisions of the Lands Clauses Acts with respect to compensation for lands injuriously affected shall in their application to the company extend so as to require the Corporation to make compensation to the company for injury to so much of their business as is occasioned by reason of the construction of the bridge or other works authorised by this Act notwithstanding that no part of the company’s lands is taken by the Corporation:

Provided that—

- (1) the company shall take all reasonable steps to reduce any such injury; and
- (2) in the assessment of compensation regard shall be had to any facilities which are or may be reasonably available to the company for the reduction of any such injury.

For protection
of certain
statutory
undertakers.

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

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

“adequate alternative apparatus” means alternative apparatus adequate to enable the undertakers to fulfil their statutory functions in a manner not less efficient than previously;

“apparatus” means—

(a) in relation to the electricity board or the generating board electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by either of such undertakers;

(b) in relation to the gas board mains pipes or other apparatus belonging to or maintained by that board;

(not being in any case apparatus in respect of which the relations between the Corporation and the undertakers are regulated by the provisions of Part II of the Public Utilities Street Works Act 1950) and includes any works constructed for the lodging therein of apparatus;

“ authorised work ” means any work carried out or thing done under the powers of section 19 (Power to construct works) section 21 (Power to make subsidiary works) section 22 (Subsidiary works in river and elsewhere) or section 23 (Underpinning of houses near works) of this Act;

“ in ” in a context referring to apparatus includes under over across along or upon;

“ operational land ” has the same meaning as in section 119 of the Act of 1947;

“ position ” includes depth;

“ the undertakers ” means the electricity board the generating board and the gas board or any of them:

- (2) Notwithstanding anything in this Act or shown on the deposited plans the Corporation shall not under the powers of this Act acquire any apparatus otherwise than by agreement:
- (3) (a) The Corporation for the purpose of the construction of any authorised work may require the undertakers to remove any apparatus. If the Corporation require the undertakers to remove such apparatus they shall give to the undertakers written notice of such requirement with a plan and section of the proposed work and of the proposed position of the alternative apparatus to be constructed so as to provide adequate alternative apparatus in lieu of the apparatus to be removed;
- (b) If the Corporation require the undertakers to remove any apparatus or if in consequence of the construction or carrying out of an authorised work the undertakers shall reasonably require to remove any apparatus the Corporation shall if practicable afford to the undertakers the necessary facilities and rights for the construction of such alternative apparatus in other lands of the Corporation and thereafter for the maintenance repair renewal and inspection of such apparatus:

Provided that if the alternative apparatus or any part thereof is to be constructed elsewhere than in other lands of the Corporation and the Corporation are unable to afford such facilities and rights as aforesaid in the lands in which the alternative apparatus or such part thereof is to be constructed the undertakers shall on receipt of a written notice to that effect from the Corporation forthwith use their best endeavours to obtain the necessary facilities and rights in such last-mentioned lands:

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—cont.

- (4) (a) Any alternative apparatus to be constructed in lands of the Corporation in pursuance of paragraph (3) of this section shall be constructed in such manner and in such line or situation as may be agreed between the undertakers and the Corporation or in default of agreement settled by arbitration;
- (b) The undertakers shall after the alternative apparatus to be constructed shall have been agreed or settled by arbitration as aforesaid and after the grant to the undertakers of any such facilities and rights as are referred to in paragraph (3) of this section proceed with all reasonable dispatch to construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the Corporation to be removed under the provisions of this section and in default the Corporation may remove the apparatus:
- (5) Notwithstanding anything in the immediately preceding paragraph if the Corporation give notice in writing to the undertakers that they desire themselves to execute any part of so much of the work necessary in connection with the construction of the alternative apparatus or the removal of the apparatus required to be removed as will be situate in any lands of the Corporation such work in lieu of being executed by the undertakers shall be executed by the Corporation with all reasonable dispatch under the superintendence (if given) and to the reasonable satisfaction of the undertakers:

Provided that nothing in this paragraph shall authorise the Corporation to execute the actual placing erection installation bedding packing removal connection or disconnection of any apparatus or any filling around the apparatus extending (where the apparatus is laid in a trench) to not less than twelve inches above the apparatus:

- (6) Where in accordance with the provisions of this section the Corporation afford to the undertakers facilities and rights for the construction maintenance repair renewal and inspection in lands of the Corporation of alternative apparatus in substitution for apparatus to be removed as aforesaid those facilities and rights shall be granted upon such terms and conditions as may be agreed between the Corporation and the undertakers or in default of agreement determined by arbitration:

Provided that in determining such terms and conditions as aforesaid in respect of alternative apparatus to be constructed across or through an authorised work the arbitrator shall—

- (a) give effect to all reasonable requirements of the Corporation for ensuring the safety and efficient

operation of the authorised work and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any such work; and

(b) so far as it may be reasonable and practicable to do so in the circumstances of the particular case give effect to the terms and conditions applicable to the apparatus (if any) constructed through the lands of the Corporation for which the alternative apparatus is to be substituted:

Provided also that if the facilities and rights to be afforded by the Corporation in respect of any alternative apparatus and the terms and conditions subject to which the same are to be granted are in the opinion of the arbitrator less favourable on the whole to the undertakers than the facilities and rights enjoyed by them in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject the arbitrator shall make such provision for the payment of compensation by the Corporation to the undertakers in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case:

- (7) (a) Not less than twenty-eight days before commencing to execute an authorised work which is near to or is likely to affect any apparatus the removal of which has not been required by the Corporation under paragraph (3) of this section the Corporation shall submit to the undertakers a plan section and description of the work to be executed;
- (b) Such work shall be executed substantially in accordance with the plan section and description submitted as aforesaid and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection of the apparatus or for securing access thereto and the undertakers shall be entitled by their officer to watch and inspect the execution of such work:

Provided that if the undertakers within fourteen days after the submission to them of any such plan section and description shall in consequence of the work proposed by the Corporation reasonably require the removal of any apparatus and give written notice to the Corporation of such requirement the foregoing provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the Corporation under paragraph (3) thereof:

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—cont.

Provided also that nothing in this sub-paragraph shall preclude the Corporation from submitting at any time or from time to time but in no case less than twenty-eight days before commencing the execution of any such work a new plan section and description in lieu of the plan section and description previously submitted and thereupon the provisions of this paragraph shall apply to and in respect of such new plan section and description;

(c) The Corporation shall not be required to comply with sub-paragraph (a) of this paragraph in a case of emergency but in such a case they shall give to the undertakers notice as soon as reasonably practicable and a plan section and description of the work as soon as reasonably practicable thereafter and shall comply with sub-paragraph (b) of this paragraph so far as reasonably practicable in the circumstances:

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

(a) the removal and relaying or replacing of any apparatus and the provision and construction of any new apparatus under the provisions of paragraph (3) of this section; and

(b) the subsequent alteration or adaptation of apparatus required under the provisions of proviso (a) to paragraph (6) of this section;

and the reasonable costs of and incidental to—

(i) the cutting off of any apparatus from any other apparatus; and

(ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this paragraph:

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act 1950 (which imposes limitations on undertakers' rights to payment) shall so far as applicable extend and apply to any payment to be made by the Corporation under this paragraph as if the works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed

or settled by arbitration under section 103 (For protection of certain statutory undertakers) of the Southampton Corporation Act 1960 ”:

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—cont.

- (9) Notwithstanding the stopping up temporarily or permanently of any road or street or part of a road or street under the powers of section 24 (Stopping up of highways) or section 25 (Power to prevent access to or from certain works) of this Act the undertakers their engineers or workmen and others in their employ shall at all times have such powers and rights (including rights of access) in respect of any apparatus situate in any such road or street or part thereof as they had immediately before such stopping up and shall be at liberty to execute or do all such works and things in upon or under such road or street or part thereof as may be necessary for inspecting repairing maintaining renewing or removing such apparatus:

Provided that this paragraph shall not apply in any case in which any road or street or part of a road or street is permanently stopped up and the apparatus therein is replaced by adequate alternative apparatus by or at the cost of the Corporation:

- (10) (a) In the exercise of the powers of dredging and cleansing under section 28 (As to Inner Dock) of this Act and of deepening dredging scouring and excavating under section 96 (Provision of boating facilities) of this Act the Corporation shall not interfere with damage or injuriously affect any apparatus;
- (b) Before exercising the said powers within a distance of fifty yards of any submarine apparatus the Corporation shall give in writing to the undertakers as long notice as possible and in any case not less than twenty-eight days' notice of their intention so to do;
- (c) Any material dredged up or removed shall not be laid down or deposited in such a place or manner as to cover any apparatus or in any way obstruct or impede any work of or connected with the inspection or repair of such apparatus:
- (11) For the purposes of section 38 (Prohibition of building until street defined) of this Act land shall not be deemed to be occupied in connection with a building by reason only of the existence of apparatus in such land:
- (12) Nothing in section 39 (Prohibition of building until street formed and sewered) of this Act shall prevent the undertakers from beginning to erect or proceeding with

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—cont.

the erection for the purposes of their undertaking of apparatus (including an electricity sub-station a feeder pillar and a pressure governor or meter house) on land abutting on any new street before such new street is constructed or sewered in accordance with street byelaws:

- (13) Nothing in section 43 (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 such verge which is maintained in an ornamental condition or mown or any garden:

- (14) Nothing in the following sections of this Act shall relieve the Corporation or any person acting with the consent of the Corporation from liability for damage caused by them or him to any apparatus in the exercise of the powers of the said sections and the Corporation or such person shall so exercise those powers as not to render unreasonably inconvenient the access to any apparatus:—

Section 43 (Trees grass verges and gardens);

Section 47 (Pavement lights and ventilators):

- (15) Before the Corporation give any consent pursuant to section 47 (Pavement lights and ventilators) of this Act they shall give not less than fourteen days' notice to the undertakers of their intention to do so and any such consent shall contain a condition that the owner or occupier of the premises shall comply with the reasonable requirements of the undertakers for the protection of their apparatus:

- (16) Nothing in the following sections of this Act shall authorise the Corporation to enter on or to execute any works or do anything in any operational land of the undertakers without the consent of the undertakers which consent shall not be unreasonably withheld or relieve the Corporation from liability for damage caused by them to any apparatus in the exercise of the powers of the said sections and so far as is reasonably practicable the Corporation shall so exercise those powers

as not to obstruct or render less convenient the access to any apparatus on such operational land:—

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—cont.

Section 50 (Delegation of power to examine and test drains etc.);

Section 51 (Power to repair drains and private sewers);

Section 53 (Ruinous and dilapidated buildings and neglected sites):

Provided that the undertakers shall notify the Corporation within ten days of the service of a notice by the Corporation whether or not they consent and if they fail to give such notification within the said period their consent shall be deemed to have been given:

- (17) Nothing in section 54 (Demolition of buildings) of this Act shall apply to any operational lands of the undertakers:

Provided that the exemption conferred by this paragraph shall not extend to buildings used as showrooms:

- (18) No byelaw under section 57 (Tipping of spoil and refuse) of this Act shall extend to regulate or control the tipping by the gas board on operational land of spoil or refuse arising in the manufacture of gas:
- (19) Nothing in section 69 (Prescription of signs etc. to be used on certain buildings) of this Act shall authorise the Corporation to require the undertakers to affix on any building or part of a building on operational land of those undertakers any sign symbol or notice:
- (20) The provisions of section 71 (Safety of stands) of this Act shall not apply to a stand used in connection with any works used by the gas board for the manufacture of gas:
- (21) Where by reason or in consequence of the stopping up of any street under the powers of this Act any apparatus belonging to the undertakers is rendered derelict useless or unnecessary the Corporation shall pay to the undertakers the then value of such apparatus (which shall thereupon become the property of the Corporation) and the reasonable cost of and incidental to the cutting off of such apparatus from any other apparatus and of and incidental to the execution or doing of any works

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—cont.

or things rendered necessary or expedient by reason of or in consequence of such apparatus being so rendered derelict useless or unnecessary:

Provided that—

(a) the Corporation shall not under the provisions of this paragraph be required to pay to the undertakers the value of any apparatus rendered derelict useless or unnecessary if to the reasonable satisfaction of the undertakers other apparatus shall at the expense of the Corporation have been provided and laid and made ready for use in substitution for the apparatus so rendered derelict useless or unnecessary ;

(b) an amount which apart from this sub-paragraph of this proviso would be payable to the undertakers in respect of works of theirs under this paragraph shall if the works include the placing of apparatus by way of renewal of apparatus placed more than seven and a half years earlier so as to confer on the undertakers any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course be reduced by the amount which represents that benefit:

- (22) (a) Any difference which may arise between the Corporation and the undertakers under this section shall be referred to and determined by arbitration;
- (b) In settling any difference under this section the arbitrator may if he thinks fit require the Corporation to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

For further protection of certain statutory undertakers.

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

- (1) In this section unless the subject or context otherwise requires “undertakers” means the gas board and the electricity board or either of them:
- (2) In constructing the bridge the Corporation shall provide therein accommodation and support for—
- (a) two steel gas mains of the gas board each having an internal diameter not exceeding twelve inches and an external diameter not exceeding twelve

and one-half inches and each having a weight of not less than thirty pounds per foot run nor more than forty pounds per foot run; and

(b) ten electric cables of the electricity board four of these having an overall diameter of three decimal point one inches each four having an overall diameter of two decimal point six inches each and two having an overall diameter of one decimal point six five inches each and together having a weight of ninety-seven decimal point six pounds per foot run;

and shall also provide a means by which the undertakers may have access to such mains and cables after the same are laid without breaking up or interfering with the surface of the road and footway of the bridge:

- (3) Such accommodation and support and means of access shall be of such nature and in such position as may be agreed between the Corporation and the undertakers or in default of agreement settled by arbitration:
- (4) (a) The additional cost reasonably incurred by the Corporation in providing such accommodation and support and means of access shall be repaid to the Corporation by the undertakers in a single payment or in such other manner as may be agreed between the Corporation and the undertakers or in default of agreement settled by arbitration;
- (b) For the purpose of this paragraph the additional cost of providing accommodation and support and means of access shall be the difference between the cost of constructing the bridge with such accommodation support and means of access and the cost of constructing the bridge without such accommodation support and means of access:
- (5) (a) The undertakers shall before the Corporation complete the construction of the bridge lay down in the accommodation provided either the said mains and cables or an equivalent weight of other material as the Corporation may reasonably approve;
- (b) The work to be done by the undertakers under this paragraph shall be carried out within three months of a notice from the Corporation that the work may be commenced and in default the Corporation may at the expense of the undertakers provide and lay in the said accommodation or otherwise such weight of material as the Corporation may reasonably decide to be required;

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—cont.

- (c) The undertakers shall conform with the reasonable requirements of the Corporation as to the time or times at which and the manner in which the undertakers are to carry out work under this section and the Corporation shall be entitled to superintend such work. The costs reasonably incurred by the Corporation in such superintendence shall be repaid to them by the undertakers;
- (6) The undertakers shall be entitled at all times to use free of charge the accommodation and means of access provided pursuant to the foregoing provisions of this section for the purposes of laying and placing therein the said gas mains and electric cables with any necessary apparatus ancillary thereto and for the purpose of inspecting repairing maintaining removing or renewing such mains cables and apparatus;

Provided that—

(a) nothing in this section contained shall entitle the undertakers to break up interfere with or obstruct the surface of the road and footway of the bridge or to fix in on or to the bridge anything other than the said mains cables and ancillary apparatus in the accommodation so provided;

(b) the said mains cables and apparatus shall at all times conform in their design construction and use with the reasonable requirements of the Corporation;

(c) except in case of emergency the undertakers shall give to the Corporation not less than ten days' notice in writing of their intention to execute works on the bridge and shall conform with the reasonable requirements of the Corporation as to the time or times at which the undertakers may exercise the right of entering upon and executing works on the bridge and as to the manner in which such works are executed and the Corporation shall be entitled to superintend the execution of such works. The costs reasonably incurred by the Corporation in such superintendence shall be repaid to them by the undertakers;

(d) the undertakers shall not in the exercise of their rights under this paragraph be entitled to increase the burden to be borne by the bridge structure above the maximum weights for which the Corporation are to provide under paragraph (2) of this section nor to distribute such burden unequally nor to alter the position of such burden and if the undertakers shall desire to reduce the burden below the minimum for

which provision is to be made as aforesaid they shall provide and maintain an equivalent weight of material as the Corporation may reasonably require:

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—cont.

- (7) (a) The undertakers shall maintain in good repair and to the reasonable satisfaction of the Corporation all mains cables apparatus and material placed on the bridge by the undertakers and shall from time to time carry out and maintain such works as the Corporation may reasonably require to be done or provided for ensuring the safety and stability of the bridge and the safety and convenience of those using the bridge being works reasonably required to be done in consequence of the exercise by the undertakers of the rights conferred upon them by this section and in default the Corporation may at the expense of the undertakers carry out and maintain such works and the undertakers shall repay to the Corporation any expenses reasonably incurred by the Corporation in carrying out any such works;
- (b) The undertakers shall repay to the Corporation any loss damage or expenses suffered or incurred by the Corporation by reason of the failure of the undertakers to comply with the provisions of this section or by reason of any fault in or accident occurring in relation to any mains cables apparatus or material placed on the bridge by the undertakers and shall indemnify the Corporation against any actions proceedings costs claims or demands arising out of or in any way attributable to the exercise by the undertakers of the rights conferred upon them by this section unless such actions proceedings costs claims or demands shall arise by reason of the neglect or default of the Corporation their servants or agents:

Provided that whenever any loss or damage occurs which might give rise to a claim against the undertakers under this section the Corporation shall as soon as possible give notice thereof to the undertakers and shall not concede or compromise any claim made upon the Corporation without the concurrence of the undertakers:

- (8) The Corporation shall afford to the undertakers all such facilities as the undertakers may reasonably require for the purpose of connecting the said mains cables and apparatus with any other mains cables or apparatus of the undertakers:
- (9) Any question or difference which may arise between the Corporation and the undertakers under this section

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—cont.

(other than any question or difference as to the meaning or construction of this section) shall be settled by arbitration.

For protection
of Postmaster-
General.

105.—(1) Where in pursuance of section 21 (Power to make subsidiary works) or section 24 (Stopping up of highways) of this Act the Corporation stop up or divert the whole or any portion of a highway other than Floating Bridge Road the following provisions of this subsection shall unless otherwise agreed in writing between the Corporation and the Postmaster-General have effect in relation to so much of any telegraphic line belonging to or used by the Postmaster-General as is under in upon over along or across the land which by reason of the stopping up or diversion ceases to be a highway or portion of a highway (in this subsection referred to as “the affected line”) that is to say:—

- (a) The power of the Postmaster-General to remove the affected line shall be exercisable notwithstanding the stopping up or diversion so however that the said power shall not be exercisable as respects the whole or any part of the affected line after the expiration of a period of three months from the date of the sending of the notice referred to in subsection (3) of this section unless before the expiration of that period the Postmaster-General has given notice to the Corporation of his intention to remove the affected line or that part thereof as the case may be;
- (b) The Postmaster-General may by notice in that behalf to the Corporation abandon the affected line or any part thereof and shall be deemed as respects the affected line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;
- (c) The Postmaster-General shall be entitled to recover from the Corporation the expense of providing in substitution for the affected line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line a telegraphic line in such other place as he may require;
- (d) Where under paragraph (b) of this subsection the Postmaster-General has abandoned the whole or any part of the affected line it shall vest in the Corporation and the provisions of the Telegraph Acts 1863 to 1954 shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

(2) (a) Where in pursuance of section 24 (Stopping up of highways) of this Act the Corporation stop up the whole or any

portion of Floating Bridge Road the Postmaster-General shall subject as hereinafter provided have the same powers in respect of so much of any telegraphic line belonging to or used by him as was under in upon over along or across that road or portion thereof immediately before such stopping up as if that road or portion thereof had not been stopped up.

(b) On the acquisition by the Corporation of the lands delineated on the deposited plans and described in the deposited book of reference or so much of those lands as may be necessary for that purpose the Corporation shall grant to the Postmaster-General free of any rent or other payment a perpetual wayleave or right to place and maintain and from time to time to inspect repair alter renew and remove in under along and across the lands within the limit of the lands to be acquired as shown on the deposited plans and in and at such position course and depth as may be agreed between the Postmaster-General and the Corporation or determined in manner hereinafter provided the telegraphic lines described in the next following paragraph.

(c) The telegraphic lines mentioned in the last preceding paragraph (in this section referred to as "the substitute lines") shall consist of a line of two-way multiple ducts placed underground (with all necessary jointing chambers manholes and apparatus) containing two cables connected at one end thereof with a telegraphic line or lines to be laid by the Postmaster-General in under along and across Albert Road and extending from such connection to a convenient point on the foreshore or bank of the river there to be connected with the two underwater cables maintained by the Postmaster-General in under and across the river.

(d) The Postmaster-General shall be entitled to recover from the Corporation the cost of the substitute lines and the expense of laying and connecting the same incurred by him.

(e) The Postmaster-General shall have the right at any time (at his own expense) to use the said two-way multiple ducts to their full capacity by inserting therein additional cables and from time to time replacing the same or the original cables with cables of a different description.

(f) The Postmaster-General shall have the right from time to time and at all times for himself his servants agents and contractors with or without vehicles apparatus and equipment to enter upon the said lands of the Corporation for the purpose of placing inspecting maintaining repairing altering renewing or removing the substitute lines (including cables inserted by way of replacement) and any such additional cables and the Corporation shall provide and maintain in good repair a suitable means of access from a highway for the Postmaster-General his servants

PART X
—cont.

agents and contractors with all necessary or convenient vehicles apparatus and equipment to all parts of the substitute lines and additional cables.

(g) As soon as practicable after the substitute lines and also all such underground telegraphic lines in Albert Road and Chapel Road as may be necessary or convenient to connect the same with the existing telegraphic lines of the Postmaster-General have been laid and full telegraphic communication between the said underwater cables and the Southampton Telephone Exchange has been thereby established to the satisfaction of the Postmaster-General the Postmaster-General shall give to the Corporation notice in writing to this effect and thereupon the powers conferred upon the Postmaster-General by paragraph (a) of this subsection shall cease (but without prejudice to any right or power which the Postmaster-General may have otherwise than by virtue of that paragraph):

Provided that notwithstanding the stopping up referred to in that paragraph the Postmaster-General shall be entitled before the expiration of a period of six months from the date of service of such notice to remove from Floating Bridge Road the whole or any part of any such telegraphic line as is in that paragraph mentioned.

(h) If at the expiration of the period of six months mentioned in the last preceding paragraph or at the time of the stopping up mentioned in paragraph (a) of this subsection (whichever shall last occur) the whole or any part of any telegraphic line of the Postmaster-General shall remain under in upon over along or across Floating Bridge Road or such portion thereof as shall have been stopped up the same shall vest in the Corporation and the provisions of the Telegraph Acts 1863 to 1954 shall not apply in relation to it as respects anything done or omitted thereafter.

(i) Any question which may arise between the Postmaster-General and the Corporation under this subsection shall be determined in manner provided by section 4 of the Telegraph Act 1878.

(3) As soon as practicable after any such stopping up or diversion referred to in subsection (1) or subsection (2) of this section the Corporation shall send by post to the Postmaster-General a notice informing him of such stopping up or diversion.

(4) The Corporation shall not under the powers conferred by section 21 (Power to make subsidiary works) of this Act alter any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of paragraphs (1) to (8) of section 7 of the Telegraph Act 1878.

(5) Nothing in section 26 (No mains or pipes to be laid in bridge) of this Act shall alter prejudice or affect any of the rights and powers of the Postmaster-General under the provisions of the Telegraph Acts 1863 to 1954.

(6) (a) The Corporation shall in constructing the bridges and viaducts forming Work No. 5 and parts of Works Nos. 2 4 and 6 (in this subsection referred to as "the said bridges") provide therein for the telegraphic lines of the Postmaster-General accommodation of the dimensions stated in paragraph (b) of this subsection and shall provide also a means whereby the Postmaster-General may have access to such telegraphic lines after the same have been laid.

(b) The accommodation to be provided in each of the said bridges shall be of such dimensions not less than five and one-half inches deep and affording a cross-sectional area of not less than two square feet thirty-six square inches as may be agreed or failing agreement determined in manner provided by this subsection.

(c) The said accommodation and means of access shall in the case of each of the said bridges be provided in accordance with plans sections and particulars previously submitted to and reasonably approved by the Postmaster-General:

Provided that if within one month of the receipt of the said plans sections and particulars the Postmaster-General shall not have intimated to the Corporation his disapproval thereof with the reasons for his disapproval or made any requirement with respect thereto he shall be deemed to have approved the same.

(d) The additional cost reasonably incurred by the Corporation in providing such accommodation and means of access shall be paid to the Corporation by the Postmaster-General in a single payment or in such other manner as may be agreed between the Corporation and the Postmaster-General.

(e) The Postmaster-General shall before the Corporation complete the construction of any of the said bridges lay down in that bridge all such ducting cables and supports as may be required for the purposes of the telegraphic lines therein.

(f) The work to be done by the Postmaster-General under paragraph (e) of this subsection shall as regards each of the said bridges be carried out within three months of a notice from the Corporation that the accommodation provided in that bridge for the said telegraphic lines is ready and in default the Corporation may at the expense of the Postmaster-General provide and lay temporarily in the said accommodation or otherwise such weight of material as the Corporation may reasonably decide to be required.

PART X
—cont.

(g) The Postmaster-General shall conform with the reasonable requirements of the Corporation as to the time or times at which and the manner in which the Postmaster-General is to carry out work under paragraph (e) of this subsection and the Corporation shall be entitled to superintend such work. The costs reasonably incurred by the Corporation in such superintendence shall be repaid to them by the Postmaster-General.

(h) Any question which may arise between the Postmaster-General and the Corporation under this subsection shall be determined by arbitration.

(7) In the exercise of the powers conferred by section 22 (Subsidiary works in river and elsewhere) or section 96 (Provision of boating facilities) of this Act—

(a) the Corporation shall not interfere with damage or injuriously affect any submarine or subaqueous cable placed or maintained by the Postmaster-General;

(b) before executing or placing any works or carrying out any deepening dredging scouring or excavating within a distance of fifty yards of any such submarine or subaqueous cable the Corporation shall give in writing to the Postmaster-General as long notice as possible and in any case not less than twenty-eight days' notice of their intention so to do;

(c) any material dredged up excavated or removed shall not be laid down or deposited nor shall any works be executed or placed in such a place or manner as to cover any such submarine or subaqueous cable or in any way obstruct or impede any work of or connected with the inspection or repair of any such cable.

(8) In this section the expression "alter" has the same meaning as in the Telegraph Act 1878.

PART XI

GENERAL

Confirming
authority for
byelaws.

106. 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 section 64 (Oil-fired boilers) of this Act the confirming authority shall be the Secretary of State.

Local
inquiries.

107.—(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.

PART XI
—cont.

(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.

108. 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
Section 23 (Underpinning of houses near works)	The President of the Institution of Civil Engineers.
Section 42 (Adjustment of boundaries of estates in connection with streets)	The Minister.
Section 98 (For protection of British Transport Commission)	The President of the Institution of Civil Engineers.
Section 99 (For further protection of British Transport Commission)	The President of the Institution of Civil Engineers.
Section 100 (For protection of Hampshire River Board)	The President of the Institution of Civil Engineers.
Section 101 (For protection of Southampton Harbour Board)	The Minister of Transport.
Section 103 (For protection of certain statutory undertakers)	The Minister of Transport.
Paragraph (4) of section 104 (For further protection of certain statutory undertakers)	The President of the Institution of Civil Engineers.
Section 104 (For further protection of certain statutory undertakers) (except paragraph (4))	The Minister of Transport.
Subsection (6) of section 105 (For protection of Postmaster-General)	The Minister of Transport.

109.—(1) For the purposes of this Act the expression "the appointed day" means such day as may be fixed by resolution of the council subject to and in accordance with the provisions of this section.

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

PART XI
—cont.

(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.

Restriction
on right to
prosecute.

110. The written consent of the Attorney-General shall be required for the taking of proceedings in respect of an offence created by or under this Act except the following sections thereof (namely):—

Section 70 (Offences in respect of telephone boxes fire hydrants etc.);

Section 91 (Provisions as to motor vehicles let for hire);

by any person other than a party aggrieved or the Corporation.

Appeals.

111.—(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 such appeals 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—

PART XI
—cont.

- (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.

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

Protection of members and officers of Corporation from personal liability.

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

Application of general provisions of Act of 1936.

(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 IV (Streets);
- Part V (Sanitation and buildings);
- Part VI (Nuisances);
- Part VII (Public order and public safety).

114. The following enactments are hereby repealed:—

Repeal.

The Southampton (Extension) Order 1920 confirmed by the Ministry of Health Provisional Order Confirmation (Southampton Extension) Act 1920—

Subdivision (4) (Saving rights of burial) of article XXIV.

The Act of 1931—

- Section 16 (Power to develop lands);
- Section 106 (As to erection of retaining walls);
- Section 107 (As to pavement lights);
- Section 120 (As to repair of drains).

PART XI
—cont.

Southampton Corporation Act 1937—

Section 32 (No buildings to be erected until street formed).

Saving for trusts etc.

115. No power conferred upon the Corporation by the following sections of this Act (namely):—

Section 17 (Development of land); and

Section 88 (Underground parking places in parks etc.);

shall be exercised in such a manner—

(a) as to be at variance with any trust subject to which any land or building is held managed or controlled by the Corporation without an order of the High Court or of the Charity Commissioners or of the Minister of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of the donor or that other person; or

(b) as to contravene any covenant or condition subject to which a gift or lease of any land or building has been accepted by or granted to the Corporation without the consent of the donor grantor lessor or other person entitled in law to the benefit of the covenant or condition.

Saving for town and country planning.

116. 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.

Costs of Act.

117. 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.

SCHEDULES

FIRST SCHEDULE

HIGHWAYS TO BE STOPPED UP WHOLLY OR IN PART

Chantry Road.
Floating Bridge Road.
Glebe Road.
Laurel Road.
Lower Bridge Road.
Lower Vicarage Road.
Oakbank Road.
Portsmouth Road.
Upper Vicarage Road.

SECOND SCHEDULE

SECTIONS OF ACT OF 1936 APPLIED

PART I

SECTIONS APPLIED GENERALLY

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

PART II

SECTIONS APPLIED TO PARTS IV V VI AND VII 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.
287	Power to enter premises.
289	Power to require occupier to permit works to be executed by owner.
291	Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments.
292	Power to make a charge in respect of establishment expenses.
293	Recovery of expenses &c.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
229	Inclusion of several sums in one complaint &c.
329	Saving for certain provisions of the Land Charges Act 1925.

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act 1845	8 & 9 Vict. c. 18.
Railways Clauses Consolidation Act 1845	8 & 9 Vict. c. 20.
Harbours Docks and Piers Clauses Act 1847	10 & 11 Vict. c. 27.
Town Police Clauses Act 1847	10 & 11 Vict. c. 89.
Public Health Act 1875	38 & 39 Vict. c. 55.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Electric Lighting Act 1882	45 & 46 Vict. c. 12.
Southampton Harbour Act 1887	50 & 51 Vict. c. lii.
Open Spaces Act 1906	6 Edw. 7 c. 30.
Cinematograph Act 1909	9 Edw. 7 c. 30.
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5 c. 57.
Ministry of Health Provisional Order Confirmation (Southampton Extension) Act 1920	10 & 11 Geo. 5 c. cxvi.
Mines (Working Facilities and Support) Act 1923	13 & 14 Geo. 5 c. 20.
Trustee Act 1925	15 Geo. 5 c. 12.
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.
Southampton Corporation Act 1925	15 & 16 Geo. 5 c. lviii.
Law of Property (Amendment) Act 1926	16 & 17 Geo. 5 c. 11.
Landlord and Tenant Act 1927	17 & 18 Geo. 5 c. 36.
Petroleum (Consolidation) Act 1928	18 & 19 Geo. 5 c. 32.
Road Traffic Act 1930	20 & 21 Geo. 5 c. 43.
Land Drainage Act 1930	20 & 21 Geo. 5 c. 44.
Southampton Corporation Act 1931	21 & 22 Geo. 5 c. xcix.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Restriction of Ribbon Development Act 1935	25 & 26 Geo. 5 c. 47.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 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.
Southampton Corporation Act 1937	1 Edw. 8 & 1 Geo. 6 c. cxxii.
Prevention of Fraud (Investments) Act 1939	2 & 3 Geo. 6 c. 16.
Water Act 1945	8 & 9 Geo. 6 c. 42.
Ministers of the Crown (Transfer of Functions) Act 1946	9 & 10 Geo. 6 c. 31.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.
Town and Country Planning Act 1947	10 & 11 Geo. 6 c. 51.
Electricity Act 1947	10 & 11 Geo. 6 c. 54.
Local Government Act 1948	11 & 12 Geo. 6 c. 26.
River Boards Act 1948	11 & 12 Geo. 6 c. 32.
Lands Tribunal Act 1949	12 & 13 Geo. 6 c. 42.
Public Utilities Street Works Act 1950	14 Geo. 6 c. 39.
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 Superannuation Act 1953	1 & 2 Eliz. 2 c. 25.
Landlord and Tenant Act 1954	2 & 3 Eliz. 2 c. 56.

Short title	Session and chapter
Mines and Quarries Act 1954	2 & 3 Eliz. 2 c. 70.
Town and Country Planning Act 1954	2 & 3 Eliz. 2 c. 72.
Road Traffic Act 1956	4 & 5 Eliz. 2 c. 67.
Housing Act 1957	5 & 6 Eliz. 2 c. 56.
Highways Act 1959	7 & 8 Eliz. 2 c. 25.
Town and Country Planning Act 1959	7 & 8 Eliz. 2. c. 53.
Mental Health Act 1959	7 & 8 Eliz. 2 c. 72.

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