



CHAPTER xxxvii

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

[27th July, 1961]

WHEREAS—

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

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

(3) It would be of public and local advantage if the 1938 works were in part constructed on a different line or on a different level from that authorised and it is accordingly expedient that the

Council should be empowered to construct the works authorised by this Act and that certain of the 1938 works should be abandoned:

(4) It is expedient to extend the time for the purchase of certain lands and easements authorised to be acquired for the purpose of the 1938 works and to empower the Council to acquire lands and easements for the purpose of the works authorised by this Act and for other purposes:

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

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

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

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

The construction of the works authorised by								
this Act	£350,000

(9) The several works included in such estimates respectively are permanent works and it is expedient that the Council should be empowered to borrow money for those purposes as provided by this Act:

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

(11) Plans and sections showing the lines and levels 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 showing also the amended limits of deviation of certain of the 1938 works and 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 respective clerks of the county councils of Middlesex and Essex which plans, sections and book of reference are in this Act respectively referred to as the deposited plans, sections and book of reference:

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

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

PART I

PRELIMINARY

1.—(1) This Act may be cited as the Middlesex County Council Citations Act, 1961.

(2) The Middlesex County Council Acts, 1944 to 1959, and this Act may be jointly cited as the Middlesex County Council Acts, 1944 to 1961.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—Sewerage.

Part IV.—Highways.

Part V.—Finance.

Part VI.—Miscellaneous.

Part VII.—General.

Division of
Act into
Parts.

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

Incorporation
of Lands
Clauses Acts.

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

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

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

Interpretation.

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

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

PART I
—cont.

- “ the Act of 1944 ” means the Middlesex County Council Act, 1944;
- “ the Act of 1956 ” means the Middlesex County Council Act, 1956;
- “ the Act of 1959 ” means the Highways Act, 1959;
- “ the appointed day ” has the meaning assigned to it by section 52 (The appointed day) of this Act;
- “ claimed county road ” has the meaning assigned to it by section 4 of the Act of 1959;
- “ the commission ” means the British Transport Commission;
- “ contravention ” includes a failure to comply and “ contravene ” shall be construed accordingly;
- “ the Council ” means the county council of the county;
- “ the county ” means the administrative county of Middlesex;
- “ daily fine ” means a fine for each day on which an offence is continued after conviction;
- “ district ” means a borough or an urban district in the county;
- “ enactment ” includes this Act and any general or local Act, order, byelaw or regulation for the time being in force within the county or within a district;
- “ highway authority ” means—
- (a) in the case of a trunk road the Minister of Transport or, with his consent, the authority who are for the time being acting as his agent under the Act of 1959 with respect to that trunk road;
- (b) in the case of a county road (except a claimed county road) the Council; and
- (c) in the case of any other highway (including a claimed county road) the local authority for the district in which the highway is situated;
- “ the Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act, 1919, by Part V of the Town and Country Planning Act, 1947, by the Lands Tribunal Act, 1949, by the Town and Country Planning Act, 1954, by the Town and Country Planning Act, 1959, and by this Act;
- “ local authority ” means the council of a district;

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

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

“statutory water undertakers” has the same meaning as in the provisions of the Water Act, 1945, other than those contained in Part II of that Act;

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

(2) Except as otherwise expressly provided in this Act or unless the subject or context otherwise requires words and expressions to which meanings are assigned by the Act of 1944 or by the Acts wholly or partly incorporated therewith have in this Act the same respective meanings.

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

(4) Except where the context otherwise requires any references 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 the Act of 1944.

PART II

LANDS

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

(2) The powers 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-one.

6.—(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 Council 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 place where the land is situated for the correction thereof. Correction of errors in deposited book of reference.

(2) If on any such application it appears to the justices that the misstatement or wrong description arose from mistake the

PART II
—cont.

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 clerk of the county council of the county in which the land therein referred to is situate and with every clerk of a local authority with whom a copy of the deposited plans (or of so much thereof as includes the land to which the certificate relates) has been deposited in accordance with the standing orders of the Houses of Parliament or who has the custody of any such copy so deposited 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 Council to take the land and execute the works in accordance with the certificate.

(4) A person with whom a copy of a certificate is deposited under this section shall keep it with the other documents to which it relates.

Application
of provisions
of Acts of
1944 and
1956 relating
to lands.

7. The following provisions of the Act of 1944 and of the Act of 1956, so far as the same are applicable in that behalf, shall extend and apply to the exercise of the powers of this Part of this Act in the same manner as if those provisions were with any necessary modifications re-enacted in this Act, namely:—

The Act of 1944—

- Section 52 (Compensation in case of recently acquired interest);
- Section 54 (Power to enter upon property for survey and valuation);
- Section 55 (Further powers of entry);
- Section 56 (Extinction of private rights of way);
- Section 57 (Power to Council to make agreements with owners of property, &c.); and
- Section 58 (Persons under disability may grant easements, &c.):

The Act of 1956—

- Section 8 (Power to acquire easements only);
- Section 9 (Acquisition of part only of certain properties):

Provided that:—

(1) the provisions of the Act of 1944, as so extended and applied by this section, shall have effect subject to the following modifications:—

(a) in section 52 for the words “ first day of March nineteen hundred and thirty-eight ” there shall be

substituted the words "fifth day of December, nineteen hundred and sixty";

(b) in section 54 for the words "twenty-four hours" and "twelve hours" there shall be substituted respectively the words "seven days" and "twenty-four hours";

(c) in section 55 for the words "fourteen days" there shall be substituted the words "one month's" and the proviso to that section shall be omitted:

(2) section 8 of the Act of 1956, as so extended and applied by this section, shall have effect subject to the following modifications:—

(a) in paragraph (a) of subsection (1) for the words "the Act of 1944" there shall be substituted the words "this Act";

(b) in subsection (4) for the words "in subsection (3) of the last foregoing section" there shall be substituted the words "in subsection (2) of section 5 (Power to acquire lands) of this Act".

8. The period now limited by subsection (3) of section 7 (Power to acquire lands) of the Act of 1956 for the exercise by the Council of powers for the compulsory purchase of lands referred to in that section and mentioned in the First Schedule to this Act is hereby extended until the first day of December, nineteen hundred and sixty-four.

Extension of time for compulsory purchase of lands by Council.

9.—(1) In this section—

"the enabling Act" means the Act of 1956;

"the land" means any land which is for the time being authorised to be acquired compulsorily by the enabling Act not being land referred to in subsection (4) of this section;

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

"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 subsection (2) of this section.

(2) If any person being the owner or lessee of any of the land shall give notice to the Council 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 Council shall within a period of three months after the receipt of such notice—

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

PART II
—cont.

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

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

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

(a) if the Council—

(i) fail to comply with that subsection; or

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

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

the powers conferred by the enabling 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 the enabling Act for the compulsory purchase of his interest in the remainder of the land so specified shall cease.

(4) This section shall not apply to land which the Council are by the enabling Act authorised to acquire for the purposes of a work which is shown on the 1938 sections as intended to be constructed under the surface of such land.

Covenants
or restrictions
affecting
certain land.

10. Where land owned by the Council (being land acquired by them to provide a site for a voluntary school) is conveyed by the Council to the trustees of a voluntary school in pursuance of the provisions of the Education Act, 1946, any covenants or restrictions affecting the use of the land shall be enforceable against the trustees or governors or managers of the voluntary school only to the extent that they were enforceable against the Council prior to the conveyance referred to in this section.

Restoration
of land.

11.—(1) The Council may purchase by agreement land in the county from which sand, gravel or chalk has been worked and won and which in the opinion of the Council is land which should be restored by filling with refuse or otherwise.

(2) The Council may enter into and carry into effect agreements with the owner of any land mentioned in subsection (1) of this section for making arrangements for the restoration of such land.

(3) Where any land mentioned in subsection (1) of this section is land of which the owner cannot be found by the Council after reasonable inquiry the Council may be authorised by the Minister to acquire such land compulsorily.

(4) Where the Council are desirous of carrying out experiments to determine whether and, if so, by what method, domestic refuse can, without causing annoyance or danger to public health, be disposed of by using the same to restore land in the county from which sand, gravel or chalk has been worked and won and have been unable to acquire for the purposes of such experiments a sufficient and suitable area of such land on reasonable terms, the Council may be authorised by the Minister to acquire compulsorily a suitable and sufficient area of such land for such purposes.

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

(6) The Council may fill or cause to be filled with refuse or otherwise any land which has been acquired by them whether compulsorily or by agreement under the provisions of this section.

(7) The provisions of subsections (2) and (3) of section 31 (Acquisition and development of derelict land) of the Act of 1956 shall apply to any land acquired by the Council under this section as if it were acquired under subsection (1) of the said section 31.

(8) Notwithstanding anything in the foregoing provisions of this section the Council shall not purchase or use land in the exercise of the powers of this section or enter into any agreement or arrangement with an owner of land in pursuance of this section except with the consent of the local authority of the district in which the land is situated, who may grant or withhold their consent or may make the granting of such consent subject to such terms and conditions as they think fit.

(9) Nothing in this section shall authorise the Council to undertake the removal of refuse under the provisions of Part II of the Act of 1936.

(10) (a) The Council shall not exercise the powers of this section in respect of any land without the consent of any statutory water undertakers having any source for the supply of water within a distance of two miles of that land.

(b) A consent required by this subsection shall not be unreasonably withheld but may be given subject to reasonable conditions.

PART II
—cont.

(c) Any question whether a consent required by this subsection has been unreasonably withheld, or has been given subject to unreasonable conditions, shall be determined by the Minister.

Power to
Council to
acquire land
by agreement
for
rehousing.

12.—(1) The Council may by agreement purchase or acquire or take on lease and hold any land which in their opinion it is desirable that they should acquire for the purpose of providing for the rehousing of persons from any land acquired by them by agreement under any enactment.

(2) The Council may enter into and carry into effect agreements with any local authority for the provision by that local authority of houses for the purpose mentioned in subsection (1) of this section, and such agreement may provide for the making of contributions by the Council towards the whole or any part of the expense thereby incurred by the local authority.

(3) The powers of this section shall be in addition to and not in derogation of any other powers of the Council with reference to the acquisition of land.

Loans for
erection, etc.,
of buildings.

13.—(1) The Council may advance money to—

- (a) any person for the purpose of enabling or assisting him to purchase or lease any land of the Council; or
- (b) the purchaser or lessee of any land acquired from, or leased by, them for the purpose of enabling or assisting him to build on the land or to extend or improve any existing building thereon:

Provided that any such advance shall not exceed three-quarters of the amount which in the opinion of the Council will be the market value of the interest of the borrower in the land after the purpose of the loan has been effected.

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

- (a) fix the rate of interest to be paid subject to such provision for variation as may be provided in the instrument being not less than one-quarter per centum above—
 - (i) the rate of interest for the time being fixed by the Treasury under the Public Works Loans Act, 1897, for loans to local authorities for comparable periods; or
 - (ii) the rate of interest for the time being payable in respect of advances from the consolidated loans fund maintained by the Council;

whichever is the greater;

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

(3) Any person acting on behalf of the Council and authorised in writing by their clerk shall have power at all reasonable times, after giving not less than seven days' notice, to enter any building in respect of which an advance has been made under this section for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are being complied with.

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

PART II
—cont.Acquisition
of land in
advance of
requirements.

14.—(1) The Council may acquire by agreement, whether by way of purchase, lease or exchange, any land, whether situate within or without the county, for the purposes of any of their powers or duties or for the benefit, improvement or development of the county notwithstanding that the land is not immediately required:

Provided that the Council shall not under the powers of this section acquire any land outside the county except with the consent of the Minister.

(2) Land acquired under this section may, until it is appropriated for any purpose for which the Council are authorised, apart from this section, to acquire land, be used for the purpose of any of the functions of the Council, and until it is so appropriated all expenses incurred by them in respect of the land shall be payable out of the county fund of the Council.

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

Purchase of
land by
library
authorities.

15.—(1) A local authority (other than the council of the borough of Heston and Isleworth) being a library authority within the meaning of the Public Libraries Acts, 1892 to 1919, may be authorised by the Minister of Education to purchase land compulsorily for the purposes of those Acts.

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

Application of
certain
provisions of
Part II to local
authorities.

16.—(1) A local authority (except as provided in subsection (4) of this section) may exercise the powers contained in the provisions of this Part of this Act hereinafter referred to and those provisions shall accordingly have effect with any necessary modifications, including the substitution of—

- (a) “local authority” for “Council”;
- (b) “their district” for “the county”; and
- (c) “general rate fund of the district” for “county fund of the Council”.

(2) The provisions hereinbefore referred to are—

Section 13 (Loans for erection, etc., of buildings);

Section 14 (Acquisition of land in advance of requirements).

(3) In its application to a local authority which do not maintain a consolidated loans fund, for sub-paragraph (ii) of

paragraph (a) of subsection (2) of the said section 13 of this Act there shall be substituted the following sub-paragraph:—

PART II
—cont.

“ (ii) the average rate of interest for the time being payable by the local authority in respect of their current borrowings;”.

(4) (a) The provisions of the said section 13 of this Act shall not apply to the mayor, aldermen and burgesses of the borough of Southgate or the urban district council of Potters Bar; and

(b) The provisions of the said section 14 of this Act shall not apply to the mayor, aldermen and burgesses of the borough of Brentford and Chiswick, or the mayor, aldermen and burgesses of the borough of Southgate or the urban district councils of Potters Bar and Ruislip-Northwood.

17.—Unless otherwise agreed in writing between the Council and the mayor, aldermen and burgesses of the borough of Edmonton, the mayor, aldermen and burgesses of the borough of Enfield and the mayor, aldermen and burgesses of the borough of Finchley (each of which are in this section referred to as “ the corporation ”) the Council shall not under the powers of this Part of this Act acquire compulsorily any lands belonging to the corporation but they may in accordance with the provisions of section 8 (Power to acquire easements only) of the Act of 1956 acquire such easements and rights in relation to such lands as they may require.

For protection
of Edmonton,
Enfield and
Finchley
Corporations.

18. For the protection of the Central Electricity Generating Board and the Eastern Electricity Board the following provisions shall, unless otherwise agreed in writing between the Council and the said boards apply and have effect:—

For protection
of Central
Electricity
Generating
Board and
Eastern
Electricity
Board.

(1) Notwithstanding anything in this Act or shown on the deposited plans, the Council shall not acquire, otherwise than by agreement, any apparatus (as defined in section 58 (For protection of certain statutory undertakers) of this Act):

(2) The Council shall not acquire compulsorily any part of the lands belonging to the Central Electricity Generating Board in the borough of Enfield numbered 37, 51, 51A and 69 on the deposited plans but the Council may acquire such easements and rights in those lands as they may require subject to and in accordance with the provisions of section 8 (Power to acquire easements only) of the Act of 1956 as applied by section 7 (Application of provisions of Acts of 1944 and 1956 relating to lands) of this Act.

PART II
—cont.For protection
of Eastern and
North Thames
Gas Boards.

19. Unless otherwise agreed in writing between the Council and the Eastern Gas Board and the North Thames Gas Board, the Council shall not under the powers of this Act acquire, otherwise than by agreement, any apparatus (as defined in section 58 (For protection of certain statutory undertakers) of this Act).

PART III

SEWERAGE

Power to
construct
works.

20.—(1) Subject to the provisions of this Part of this Act the Council may make, maintain, renew, enlarge, work, and use in and according to the lines, situations and levels shown on the deposited plans and sections the works hereinafter described together with all necessary and proper works and conveniences connected therewith, that is to say:—

Work A A sewer in the borough of Finchley (being a deviation of a portion of Work No. 2) commencing in Woodhouse Road by a junction with Work No. 2 and terminating near Summers Lane by a junction with Work No. 2;

Work B A sewer in the boroughs of Wood Green, Tottenham and Edmonton (being a deviation of a portion of Work No. 2B) commencing in Lordship Lane and terminating in Great Cambridge Road by a junction with Work No. 2B;

Work C A pumping main in the boroughs of Enfield and Edmonton (being a deviation of a portion of Work No. 5) commencing at Work No. 6 near Warwick Road and terminating by a junction with Work No. 5 at the southern boundary of the sewage disposal works of the Enfield Borough Council.

(2) The works authorised by this Part of this Act shall for all purposes form part of the East Middlesex undertaking.

(3) In this section the expression “the East Middlesex undertaking” has the meaning assigned thereto by section 41 (Definitions &c. in Part IV) of the Act of 1944.

Period for
completion
of works.

21. If the works authorised by this Part of this Act are not completed on the first day of December, nineteen hundred and seventy-one the powers granted by this Part of this Act for constructing the same or otherwise in relation thereto shall cease except as to so much of such works as shall then be completed:

Provided that the Council may extend, enlarge, alter, reconstruct, renew and remove any of the said works and construct additional sewers as and when occasion may require.

22. In the construction of any of the works authorised by section 44 (Power to make authorised works) of the Act of 1944 which are shown between the points marked S and T, U and V, W and X and Y and Z on the deposited plans and of which the limits of deviation shown thereon differ from the limits of deviation thereof shown on the plans deposited in respect of the Bill for the Middlesex County Council (Sewerage) Act, 1938, section 45 (Power to deviate) of the Act of 1944 shall have effect as if the limits of deviation shown between those points on the deposited plans were referred to in the said section 45.

PART III
—cont.Amendment
of limits of
deviation.

23.—(1) The provisions of the Act of 1944 which are specified in the first column of the Second Schedule to this Act so far as the same are applicable in that behalf shall extend and apply to the exercise of the powers of this Part of this Act in the same manner as if those provisions were with any necessary modifications re-enacted in this Act:

Application of
provisions of
Act of 1944
relating to
works.

Provided that the provisions of the Act of 1944, as so extended and applied by this section, shall have effect subject to the modifications set out in the second column of the said schedule.

(2) The exercise of the powers conferred by section 63 of the Act of 1944 (as incorporated with this Act), in relation to any street, road, footpath, way, place or bridge, shall not prejudice or affect the right of the Postmaster-General—

- (a) to place, maintain, inspect, repair, renew or remove any telegraphic line belonging to or used by him under, in, upon, over, along or across that street, road, footpath, way, place or bridge; or
- (b) for the purpose of such placing, maintenance, inspection, repair, renewal or removal to enter upon or break open that street, road, footpath, way, place or bridge.

(3) Section 76 (Vesting of sewers and prohibition of communications) of the Act of 1944 shall have effect as if after the words "this Act", where those words first occur, there were inserted the words "or Part III of the Middlesex County Council Act, 1961".

24. The Council shall abandon the construction of—

- (1) so much of Work No. 2 as lies between the commencement and termination of Work A authorised by this Act;
- (2) so much of Work No. 2B as lies between its commencement and the termination of Work B authorised by this Act;

Abandonment of
certain
works
authorised
by Act of
1944.

- (3) so much of Work No. 5 as lies between its commencement and the termination of Work C authorised by this Act.

PART IV

HIGHWAYS

Mixing, etc., of
mortar in
streets.

25.—(1) No person shall mix or deposit mortar or any like substance in any street in the county maintainable at the public expense except upon such board or in such receptacle as will protect such street from such mortar or substance and will prevent the same from being washed into any gully, drain or sewer:

Provided that this section shall not apply to the mixing or depositing in any such street of mortar or like substance for the purposes of making up, repairing, reinstating, altering or improving such street or any bridge over or under the same.

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

(3) This section shall not apply to any street maintainable by the mayor, aldermen and burgesses of the borough of Southgate.

Removal of
furniture,
etc., from
highways.

26.—(1) The Council 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 county road (not being a claimed county road) and which—

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

(b) are likely to cause an obstruction;

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

(2) If the Council 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) the furniture, articles, goods or materials shall be deemed to be materials within the meaning of section 276 of the Act of 1936, but the Council shall not exercise any power to sell any such furniture, articles, goods or materials whether under that section 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 IV
—cont.

(3) Nothing in this section shall apply to any articles, goods or materials placed in or upon any highway in connection with or for the purposes of undertakers' works within the meaning of section 1 of the Public Utilities Street Works Act, 1950, or to any building materials, rubbish or other things deposited in a street in accordance with the terms of a consent of the highway authority under section 146 of the Act of 1959.

(4) In this section the expression "article" includes a derelict vehicle or part of a vehicle.

(5) (a) A local authority (other than the mayor, aldermen and burgesses of the borough of Heston and Isleworth and the mayor, aldermen and burgesses of the borough of Southgate) may exercise the powers contained in the provisions of this section and those provisions shall accordingly have effect with any necessary modifications including the substitution of "local authority" for "council".

(b) In its application to a local authority subsection (1) of this section shall have effect as if for the words "county road (not being a claimed road)" there were substituted the words "highway in their district or in or upon any parking place for vehicles provided by the local authority".

27.—(1) As from the appointed day in any district (other than the borough of Southgate and the urban district of Potters Bar) it shall not be lawful for any person in connection with any building operations or work of demolition or in connection with the alteration, repair, maintenance or cleansing of the exterior of any building to erect or place or cause to be erected or placed any scaffolding, obstruction or projection (each of which is hereinafter in this section referred to as "scaffolding") in, upon or over any highway in that district unless he has previously obtained a licence from the highway authority or to do any such act as aforesaid except in accordance with such terms and conditions as may be laid down in the licence granted to him:

Provided that the highway authority shall only be entitled to refuse a licence on the grounds that the scaffolding would cause an avoidable or unreasonable obstruction of such highway.

(2) No licence shall be required under this section in respect of any scaffolding erected or placed by the commission for the purpose of constructing, reconstructing or maintaining any works in pursuance of statutory powers.

PART IV
—cont.

(3) Any scaffolding erected under a licence granted under this section shall be sufficiently lighted between half an hour after sunset and half an hour before sunrise:

Provided that this subsection shall not apply to a scaffolding projecting over the footway of a highway but not over the carriageway if no part thereof is less than eight feet above the level of the footway measured vertically.

(4) Any person offending against the provisions of this section or contravening the terms or conditions of any licence granted to him shall be liable for every such offence to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings.

(5) Any person aggrieved by the refusal of a highway authority to grant a licence under this section or by the terms or conditions laid down in any such licence may appeal to a magistrates' court.

Provision of
flowers,
plants and
trees.

28. Except in its application to the urban districts of Staines and Sunbury-on-Thames subsection (1) of section 26 (Trees verges and gardens) of the Middlesex County Council Act, 1950, shall have effect as if—

(1) in paragraph (a) for the word "tubs" there were substituted the word "containers";

(2) the following paragraphs were added thereto:—

"(aa) to attach containers for plants to posts or standards provided by the highway authority in any such street or with the consent of the owner thereof to any other posts or standards;

(aaa) to plant flowers and other vegetation on or between any pillars or walls provided by the highway authority in any such street";

(3) in paragraph (c) for the word "tubs" there were substituted the words "containers, flowers, vegetation"; and

(4) in paragraph (d) for the word "tub" there were substituted the words "container, flower or vegetation".

Prevention or
restriction of
vehicular
access to and
from county
roads.

29.—(1) The Minister of Transport on the application of the highway authority may for the purpose of facilitating the movement of vehicular traffic along or the safety of the public on any county road authorise the highway authority to construct and maintain works in and at the junction of any other highway in a district for which the local authority are the highway authority

(not being a claimed county road) for the prevention or limitation of access by vehicular traffic to or from such county road from or to any such highway.

PART IV
—cont.

(2) Where the highway authority propose to make an application to the Minister of Transport under subsection (1) of this section they shall cause notice of the proposal to be published in at least one newspaper circulating within their area and every such notice shall specify the nature of the proposal and state that a copy of the proposed application is open to inspection at a specified place in such area and specify the period, which shall not be less than twenty-eight days, within which any persons affected thereby may send to the Minister and to the highway authority objections in writing and the Minister shall consider any such objections and if he thinks fit cause a public inquiry to be held with respect to the proposal.

(3) Before making any application under subsection (1) of this section, the highway authority (if the highway authority are not the local authority for the district in which the road is situate) shall consult with the local authority; and the Minister of Transport, before exercising his powers under subsection (1) of this section, shall consider any representations made by the local authority.

(4) The powers conferred by subsection (1) of this section shall include the powers mentioned in subsection (2) of section 65 of the Act of 1959.

(5) The highway authority may alter or (with the consent of the Minister of Transport) remove any works constructed by them under this section.

(6) For the purposes of section 7 of the Telegraph Act, 1878, any works constructed or maintained by the highway authority pursuant to an authorisation under subsection (1) of this section shall be deemed to be work done in the execution of an undertaking authorised by an Act of Parliament and the highway authority, when acting under such an authorisation, shall be deemed to be the undertakers.

(7) The powers of making an application to the Minister of Transport under this section shall not apply to the mayor, aldermen and burgesses of the borough of Southgate or to the urban district council of Sunbury-on-Thames.

30. The Council may exercise the powers of section 144 of the Act of 1959 in relation to any land adjoining a county road (not being a claimed county road) in the county as if they were the local authority in whose area the road is situated.

Application
of section 144
of Act of
1959 to
Council.

PART V

FINANCE

Power to
borrow.

31.—(1) The Council 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 sum specified in relation thereto in the second column of that table.

(2) The period from the date of borrowing for the repayment of a sum borrowed under paragraph (b) of the foregoing 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 for which money may be borrowed	Amount	Maximum period for repayment of loan
The purchase of lands and easements under the powers of this Act	The sum requisite	Sixty years.
The construction of the works authorised by Part III (Sewerage) of this Act	£350,000	Forty years.
The costs, charges and expenses of this Act	The sum requisite	Five years.

Capital
fund.

32. Section 73 (Council's capital fund) of the Act of 1956 shall have effect as if—

- (1) in subsection (2) after the words " shall be formed by " there were inserted the words " paying into the fund (if the Council think fit) any moneys of a capital nature received by the Council whether from the sale of capital assets or otherwise and by ";
- (2) the following proviso were added to subsection (4):—
" Provided that the Council may from time to time vary any determination made under this subsection.";

(3) the following subsection were added:—

“ (5A) All moneys derived from the sale of any land of the Council which are applied from the fund under the provisions of this section shall and all other moneys which are applied from the fund may if the Council think fit be repaid from the account to which such moneys were advanced by such annual instalments with or without interest and within such period as may be determined by the Council.”

PART V
—cont.

33.—(1) Section 74 (Local authorities' capital fund) of the Act of 1956 shall have effect as if— Local authorities' capital fund.

(a) in subsection (2) after the words “ shall be formed by ” there were inserted the words “ paying into the fund (if the local authority think fit) any moneys of a capital nature received by the local authority whether from the sale of capital assets or otherwise and by ”;

(b) the following proviso were added to subsection (4):—

“ Provided that the local authority may from time to time vary any determination made under this subsection ”;

(c) the following subsection were added:—

“ (5A) All moneys derived from the sale of any land of the local authority which are applied from the fund under the provisions of this section shall and all other moneys which are applied from the fund may if the local authority think fit be repaid from the account to which such moneys were advanced by such annual instalments with or without interest and within such period as may be determined by the local authority.”

(2) This section shall not apply to the mayor, aldermen and burgesses of the borough of Southgate or the urban district councils of Friern Barnet and Staines.

34.—(1) In its application to the Council 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 Council under that Act, there were substituted an obligation to invest such moneys as follows, namely:— Investment of superannuation fund.

(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

PART V
—cont.

- (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 registered or incorporated in the United Kingdom or in any such dominion, commonwealth, union, dependency, colony, province or state as aforesaid 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 has at the time of making the investment 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 those 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) All costs, charges and expenses incurred by the Council in investing moneys forming part of the superannuation fund maintained by the Council or otherwise in relation thereto shall be paid by the Council out of that fund.

(3) 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.

(4) 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, 1958.

35.—(1) Section 34 (Investment of superannuation fund) of this Act shall apply to the Middlesex Local Authorities Superannuation Joint Committee as from time to time constituted under section 2 of the Local Government Superannuation Act, 1937 and to each of the local authorities hereinafter mentioned as if such joint committee or local authority were therein referred to in substitution for the Council.

Application
of section 34
to certain
local
authorities.

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

the mayor, aldermen and burgesses of the borough of Acton;
the mayor, aldermen and burgesses of the borough of Ealing;

PART V
—cont.

the mayor, aldermen and burgesses of the borough of Edmonton;

the mayor, aldermen and burgesses of the borough of Enfield;

the mayor, aldermen and burgesses of the borough of Finchley;

the mayor, aldermen and burgesses of the borough of Harrow;

the mayor, aldermen and burgesses of the borough of Hendon;

the mayor, aldermen and burgesses of the borough of Heston and Isleworth;

the mayor, aldermen and burgesses of the borough of Hornsey;

the mayor, aldermen and burgesses of the borough of Southall;

the mayor, aldermen and burgesses of the borough of Tottenham;

the mayor, aldermen and burgesses of the borough of Wembley;

the mayor, aldermen and burgesses of the borough of Willesden;

the mayor, aldermen and burgesses of the borough of Wood Green;

the Ruislip-Northwood Urban District Council.

Mementoes to employees with long service.

36. The Council may present to any employee who has completed not less than thirty years in their employment a token or memento not exceeding twenty-five pounds in value.

Gratuities to non-teaching staff in voluntary schools.

37. For the purposes of section 18 of the Local Government Superannuation Act, 1953, as applied to the Council, a person employed otherwise than as a teacher in a voluntary school in the county shall be deemed to be employed by the Council and the Council may grant to any such person a gratuity in accordance with the provisions of the said section 18.

As to proof of continued existence of pensioners.

38. Notwithstanding anything in the Local Government Superannuation Acts, 1937 to 1953, the Council shall not be required to make any payment by way of superannuation allowance or pension under those Acts or under the Pensions (Increase) Acts, 1944, 1947, 1952, 1956 and 1959, or any other superannuation, 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 Council in such manner and at such times as they may from time to time require of the continued existence of such person.

39.—(1) The Council may pay to any of their officers who acts in any of the following capacities:—

PART V
—cont.

- (a) as the receiver appointed by an order made under Part VIII of the Mental Health Act, 1959;
- (b) as the administrator of the estate of a deceased person acting by virtue of a grant made to him as the nominee of the Council;
- (c) as a surety to a bond required by law from an officer acting in accordance with paragraph (a) of this subsection;

Officers of
Council
acting as
receivers,
etc.

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

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

(3) Any payments which the Council have power to make under the provisions of subsection (1) of this section and any of the risks referred to in subsection (2) of this section may be specified by the Council as specified risks in accordance with section 433 (General insurance fund) of the Act of 1944 and that section shall be construed accordingly.

40.—(1) A local authority (except as provided in subsection (4) of this section) may exercise the powers contained in the provisions of this Part of this Act hereinafter referred to and those provisions shall accordingly have effect with any necessary modifications, including the substitution of "local authority" for "Council".

Application
of certain
provisions
of Part V
to local
authorities.

- (2) The provisions hereinbefore referred to are the following:—
- section 36 (Mementoes to employees with long service);
- section 38 (As to proof of continued existence of pensioners);
- section 39 (Officers of Council acting as receivers, etc.).

(3) In its application to a local authority section 39 (Officers of Council acting as receivers, etc.) shall have effect as if in subsection (3) thereof for the words "section 433 (General insurance fund)" there were substituted the words "section 434 (Local insurance funds)".

(4) (a) The provisions of the said section 36 of this Act shall not apply to the urban district council of Potters Bar.

(b) The provisions of the said section 38 of this Act shall not apply to the urban district council of Sunbury-on-Thames.

PART V
—cont.

(c) The provisions of the said section 39 of this Act shall not apply to the mayor, aldermen and burgesses of the borough of Southgate or the urban district councils of Friern Barnet and Sunbury-on-Thames.

PART VI

MISCELLANEOUS

Power to
erect weigh-
bridges.

41.—(1) The Council may erect and maintain on any land held, managed or controlled by them or on any open space or public place on or adjoining any highway in the county such weighbridges or weighing-machines and offices in connection therewith as they may consider necessary or desirable for the use of the public:

Provided that the Council shall not make any such erection on any open space or public place adjoining any highway without the consent of the owner thereof.

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

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

(4) The Council shall not exercise the powers of this section in relation to a trunk road without the consent of the Minister of Transport or in such a manner as to obstruct or interfere with the access to or exit from any station, wharf or depot of any railway, dock, canal, inland navigation or passenger road transport undertakers without the consent of those undertakers.

(5) No power conferred upon the Council by the provisions of this section shall be exercised in such a manner—

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

(b) as to contravene any covenant or condition (other than a covenant or condition which was subsisting immediately before the date of the gift, conveyance or lease to the Council) subject to which a gift, conveyance or lease of any land has been accepted by or granted to the

Council without the consent of the donor, grantor, vendor, lessor or other person entitled in law to the benefit of the covenant or condition.

PART VI
—cont.

42. The rent for the time being recoverable by the Council under a tenancy of any premises forming part of any housing accommodation belonging to the Council 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 Council 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—

Notice of
variation of
rent, etc.

- (1) four weeks after the service thereof; or
- (2) the date on which, if this section had not been enacted, the tenancy could have been terminated by serving a notice to quit on the date of the service of the notice under this section;

whichever shall be the later:

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 Council 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.

43.—(1) If any vehicle is left on any land belonging to or under the control of the Council they 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 the owner the expenses reasonably incurred in such removal and safe custody:

Removal of
vehicles.

Provided that this section shall not apply to a vehicle left on a road (as defined in section 257 of the Road Traffic Act, 1960).

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

Provided that if within six months of its removal a claim is made to the vehicle by a person who subsequently proves to the satisfaction of the Council that he is the owner thereof then the Council shall if the vehicle is unsold permit the owner to retake it upon payment of the expenses reasonably incurred in such removal and safe custody or if the vehicle has been sold the

PART VI
—cont.

Council shall pay to such owner the amount of the proceeds of such sale after deducting the expenses reasonably incurred in its removal, safe custody and sale.

(3) The Council shall be deemed not to have made reasonable inquiry to ascertain the name and address of the owner of any vehicle to which this section applies unless they have taken in relation to that vehicle such steps as may be prescribed by any regulations for the time being in force under section 43 of the Road Traffic Act, 1960, for authorising the Council to sell or otherwise dispose of the vehicle if it had been left on a road and if it appeared to the Council that it had been abandoned.

Repair of
damaged
houses.

44.—(1) Where a local authority are satisfied that it is expedient to execute urgent repairs to any house arising directly or indirectly from damage caused thereto by aircraft or other aerial devices or articles falling therefrom or by flooding, the local authority may at their expense execute such emergency works of repair to the house as is necessary to render the house immediately fit for housing purposes.

(2) Before exercising their powers under this section the local authority shall, if it is reasonably practicable to do so, give notice of their intention to the owner and occupier of the house.

(3) The powers and functions of a local authority under this section may be exercised by the engineer and surveyor or medical officer of health or any public health inspector of the district.

(4) In this section the expression “house” means any building or part of a building which is occupied as a separate dwelling.

Extension of
period of use
of open
spaces for
temporary
housing
accommoda-
tion.

45.—(1) Any authorisation given to the Acton Corporation or the Wood Green Corporation under section 1 of the Housing (Temporary Accommodation) Act, 1945 (which enables the Minister to authorise the use of open spaces during a limited period for temporary housing accommodation), which at the commencement of this Act is in force by virtue of an order made under section 19 of the Housing Repairs and Rents Act, 1954, or is deemed by subsection (5) of this section to be in force by virtue of such an order may be extended by a further order made by the Minister so as to determine (unless previously revoked) on any date not later than the end of the year nineteen hundred and sixty-five.

(2) Not more than one order shall be made under this section in respect of any one authorisation and before making any such order the Minister may cause a local inquiry to be held.

(3) Before an order is made under this section the Acton Corporation or the Wood Green Corporation, as the case may be, shall submit to the Minister, in such form as he may require, proposals (amending or in substitution for those approved by

the Minister under subsection (4) of the said section 19) for the exercise of the functions of the Acton Corporation or the Wood Green Corporation, as the case may be, under Part V of the Housing Act, 1957, with a view to the rehousing elsewhere of persons occupying housing accommodation on land in respect of which any such authorisation as aforesaid is for the time being in force.

(4) The Minister may approve the proposals submitted under the last foregoing subsection with or without modifications, and thereafter the references in the said subsection (4) to the proposals approved under that subsection shall be construed as references to such proposals as amended by the proposals approved under this subsection or, as the case may be, to the proposals approved under this subsection in substitution for those approved under the said subsection (4).

(5) (a) The authorisations hereinafter referred to given under section 1 of the Housing (Temporary Accommodation) Act, 1945, as extended by orders made under section 19 of the Housing Repairs and Rents Act, 1954, shall subject to the provisions of this section determine at the expiration of a period of six months from the passing of this Act and the orders extending those authorisations shall be deemed always to have provided for the determination of those authorisations at the expiration of the said period.

(b) The authorisations referred to in this subsection are—

- (i) the authorisation given to the Acton Corporation on the tenth day of December, nineteen hundred and forty-five, as to the use of two acres of Acton Park as respects the piece of land comprising 1.1 acres on the north of the said park;
- (ii) the authorisation given to the Wood Green Corporation on the twentieth day of August, nineteen hundred and forty-five, as to the use of 3.65 acres of New River Playing Fields.

(6) In this section—

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

“ the Wood Green Corporation ” means the mayor, aldermen and burgesses of the borough of Wood Green.

46.—(1) Subject in the exercise of the powers hereinafter mentioned to the restrictions and obligations in regard thereto imposed by Part V (Protection of streams) of the Act of 1944 a local authority (other than the mayor, aldermen and burgesses of the borough of Heston and Isleworth and the mayor, aldermen

Cleansing
of streams
by local
authorities.

PART VI
—cont.

and burgesses of the borough of Southgate and the urban district councils of Friern Barnet and Staines) may with the consent in writing of the Council exercise the powers contained in section 140 (Power to dredge, etc.) of the Act of 1944 in relation to any stream or part of a stream in their district which is specified in that consent and that section shall accordingly have effect in such case with any necessary modifications including the substitution of "local authority" for "Council".

(2) In this section the expression "stream" has the same meaning as in section 139 (Definitions in Part V) of the Act of 1944.

Prohibition
of dark
smoke.

47.—(1) As from the appointed day in any district (other than the boroughs of Heston and Isleworth and Southgate and the urban districts of Friern Barnet and Potters Bar) dark smoke shall not be emitted from any industrial premises in that district and if on any day dark smoke is so emitted the occupier of the premises shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds.

(2) This section shall not apply to—

- (a) dark smoke emitted from a chimney of any building or from a chimney to which section 1 of the Clean Air Act, 1956, applies by virtue of subsection (4) of that section;
- (b) dark smoke accidentally or inadvertently emitted if all practical steps have been taken to prevent or minimise the emission of such smoke; and
- (c) premises controlled under the Alkali, etc., Works Regulations Act, 1906.

(3) In this section—

"chimney" has the same meaning as in subsection (1) of section 34 of the Clean Air Act, 1956;

"dark smoke" has the same meaning as in subsection (2) of section 34 of the Clean Air Act, 1956;

"industrial premises" means premises used or designed for use for, or held in connection with, the carrying on of any process for, or incidental to, any of the following purposes, namely:—

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

(b) the altering, repairing, ornamenting, finishing, cleaning, washing, packing, sorting 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 trade or business; and for the purposes of this definition "article" means an article of any description including a ship or vessel.

PART VI
—cont.

48. The Council may acquire by agreement, whether by way of purchase, lease or exchange, any land, whether situate within or without the county, for the purpose of providing parking places for vehicles used by members, officers or servants of the Council and may adapt and use for that purpose any land acquired by them under this section.

Power to provide car parks for certain purposes.

49. Where the Council have paid the salary or wages of any of their officers or servants in advance and any such officer or servant dies before the expiration of the period in respect of which his salary or wages have been paid, the Council may, if they think fit, not require the repayment to them of such sum or any part thereof, not being more than twenty-five pounds in amount.

Non-recovery of certain payments to employees.

50.—(1) The trustees shall have power to dedicate any road in the park as a highway maintainable at the public expense in accordance with the provisions of section 39 of the Act of 1959, or to enter into agreements under section 40 of that Act.

Power to Alexandra Park Trustees to dedicate roads.

(2) The trustees shall not exercise the powers of this section except with the consent of the contributory authorities and with the consent of the council of the borough who would if the road were a highway be the highway authority therefor.

(3) In this section—

"the Act of 1900" means the Alexandra Park and Palace (Public Purposes) Act, 1900;

"contributory authorities" has the same meaning as in section 2 of the Act of 1900;

"the park" means the Alexandra Park and Palace as defined in the Act of 1900;

"the trustees" mean the Alexandra Park trustees constituted by the Act of 1900.

51.—(1) A local authority, except as provided in subsection (4) of this section, may exercise the powers contained in the provisions of this Part of this Act hereinafter referred to and those provisions shall accordingly have effect with any necessary modifications, including the substitution of "local authority" for "Council" and "district" for "county".

Application of certain provisions of Part VI to local authorities.

PART VI
—cont.

(2) The provisions hereinbefore referred to are—

Section 42 (Notice of variation of rent, etc.);

Section 43 (Removal of vehicles);

Section 48 (Power to provide car parks for certain purposes);

Section 49 (Non-recovery of certain payments to employees).

(3) In its application to a local authority section 43 (Removal of vehicles) of this Act shall have effect as if in subsection (1) thereof—

(a) for the words “ If any vehicle is left on any land belonging to or under the control of the Council ” there were substituted the words “ If any vehicle is left on any land belonging to or under the control of the local authority or on any grass, verge or open space provided or laid out by the local authority in pursuance of the Housing Act, 1957, or any Act repealed by that Act ”; and

(b) the following proviso were added:—

“ Provided further that this section shall not apply to a vehicle left in a parking place provided by the local authority under section 81 of the Road Traffic Act, 1960, or any Act repealed by that Act.”

(4) (a) Section 42 of this Act shall not apply to the mayor, aldermen and burgesses of the borough of Southgate.

(b) Section 48 of this Act shall not apply to the mayor, aldermen and burgesses of the borough of Heston and Isleworth or the mayor, aldermen and burgesses of the borough of Southgate or the urban district councils of Friern Barnet and Sunbury-on-Thames.

(c) Section 49 of this Act shall not apply to the mayor, aldermen and burgesses of the borough of Southgate or the urban district councils of Friern Barnet and Sunbury-on-Thames.

PART VII

GENERAL

The appointed day.

52.—(1) In this Act the expression “ the appointed day ” means such day as may be fixed by resolution of a local authority, 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 VII
—cont.

(3) The local authority shall cause to be published in a local newspaper circulating in the district 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 day 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 clerk of the local authority 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.

53. The following provisions of the Act of 1956 so far as the same are applicable in that behalf shall with any necessary modifications extend and apply to the exercise of the powers of this Act in the same manner as if those provisions were re-enacted in this Act, namely:—

Application of general provisions of Act of 1956.

Section 91 (Application of existing enactments);

Section 93 (Local inquiries);

Section 95 (Appeals);

Section 98 (Saving for town and country planning).

54. In arbitrations under any provision of this Act or of the Act of 1944 incorporated with this Act the reference shall, unless other provision is made, be to a single arbitrator to be appointed by agreement between the parties, or, in default of agreement, to be appointed by the President of the Institution of Civil Engineers on the application of any party after giving notice in writing to the other party or parties.

Arbitration.

55. The written consent of the Attorney-General shall be requisite for the taking of proceedings in respect of an offence created by or under this Act by any person, other than a party aggrieved, or the Council or the local authority, as the case may be.

Restriction on right to prosecute.

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

Application of general provisions of Act of 1936.

PART VII
—cont.

(2) The section of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included references to section 26 (Removal of furniture, etc., from highways) of this Act.

(3) The section of the Act of 1936 mentioned in Part III of the said schedule shall have effect as if references therein to that Act included references to Part IV (Highways) and section 44 (Repair of damaged houses) of this Act.

Crown rights.

57.—(1) 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 Council to take, use or in any manner interfere with any land or hereditaments or any rights of whatsoever description—

(a) 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; or

(b) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.

(2) Nothing in this section shall prejudice or affect any statutory powers of the Council—

(a) to carry out code regulated works within the meaning of the Public Utilities Street Works Act, 1950, in any highway vested in or maintained by the Minister of Transport; or

(b) to carry out any works by reason only that such works involve or are likely to involve an alteration in any telegraphic line of the Postmaster-General in relation to which paragraphs (1) to (8) of section 7 of the Telegraph Act, 1878, apply.

For protection
of certain
statutory
undertakers.

58. For the protection of the undertakers, the following provisions shall, unless otherwise agreed in writing between the appropriate authority and the undertakers concerned, apply and have effect:—

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

“ apparatus ” means—

(a) electric lines and works (as respectively defined in the Electric Lighting Act, 1882) belonging to or

maintained by the Central Electricity Generating Board or the Eastern Electricity Board or the Southern Electricity Board or the South Eastern Electricity Board;

PART VII
—cont.

(b) mains, pipes or other apparatus belonging to or maintained by the Eastern Gas Board or the North Thames Gas Board or the South Eastern Gas Board or any undertakers who are statutory water undertakers;

and includes any building, structure or works constructed for the lodging therein of apparatus;

“ appropriate authority ” means the Council, the highway authority or the local authority as the case may require and includes any of their officers and any person acting on their behalf or with their consent;

“ the undertakers ” means—

the Central Electricity Generating Board;
the Eastern Electricity Board;
the Southern Electricity Board;
the South Eastern Electricity Board;
the Eastern Gas Board;
the North Thames Gas Board;
the South Eastern Gas Board;
the statutory water undertakers who are authorised to supply water in any part of the county;

or any of them:

(2) Where the appropriate authority grant any licence under section 27 (Licence to erect scaffolding) of this Act, the licence shall contain a condition that the person to whom such licence is granted shall comply with the reasonable requirements of the undertakers concerned for the protection of any apparatus:

(3) The provisions of subsection (5) of section 65 of the Act of 1959 shall extend and apply to any works done in the exercise of the powers conferred by section 29 (Prevention or restriction of vehicular access to and from county roads) of this Act as if they were works done in the exercise of the powers conferred by subsections (1) to (4) of the said section 65:

PART VII
—cont.

- (4) (a) The appropriate authority shall so far as is reasonably practicable so exercise the powers of section 41 (Power to erect weighbridges) of this Act as not to render unreasonably inconvenient the access to any apparatus;
- (b) The provisions of subsection (5) of section 65 of the Act of 1959 shall extend and apply to any weighing-machine erected on any open space or public place on or adjoining any highway in the county in the exercise of the powers conferred by the said section 41 as if it were a work done in the exercise of the powers conferred by subsections (1) to (4) of the said section 65:
- (5) Any difference which may arise between the appropriate authority and the undertakers under this section (other than a difference as to the meaning or construction of this section) shall be referred to and determined by arbitration.

For further
protection of
statutory
water
undertakers.

59. The following provisions for the further protection of the water undertakers shall, unless otherwise agreed in writing between the appropriate authority and the water undertakers concerned, apply and have effect:—

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

“appropriate authority” means the Council or the local authority, as the case may require, and includes any of their officers and any person acting on their behalf;

“water undertakers” means the statutory water undertakers who are authorised to supply water in any part of the county:

- (2) Nothing in section 46 (Cleansing of streams by local authorities) of this Act—

(a) shall take away, lessen, alter or prejudicially affect any of the rights, remedies, powers, authorities, privileges, exemptions and benefits vested in or granted or reserved to or now enjoyed or lawfully exercised by the water undertakers in respect of any of their land, property, streams, channels, cuts, watercourses, drains, canals or reservoirs and bridges and coverings thereover, or prevent them from discharging water into any stream (as defined for the purposes of Part V of the Act of 1944) or ditch into which they are at the commencement of this Act entitled to discharge water, but such rights, remedies, powers, authorities, privileges, exemptions and benefits shall be and remain in

full force and effect in the same manner to all intents and purposes as if section 46 of this Act had not come into force;

PART VII
—cont.

(b) shall authorise the appropriate authority to enter upon or interfere with any stream, channel, cut, watercourse, canal or reservoir belonging to the water undertakers.

60. The costs, charges and expenses preliminary to and of and incidental to the preparing, applying for, obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council. Costs of Act.

SCHEDULES

FIRST SCHEDULE

Section 8.

LANDS THE PERIOD FOR THE COMPULSORY PURCHASE OF WHICH IS
EXTENDED BY THIS ACT TO 1ST DECEMBER, 1964

County	Borough or urban district	Number on the plans deposited in respect of the Bill for the Act of 1956
Hertford	Urban district of Barnet ...	1 to 9, 12 to 15 and 33 to 45.
Middlesex	Borough of Edmonton ...	4, 206 to 212, 215 to 219, 224, 225 and 230 to 232.
	Borough of Enfield ...	1 to 9 and 12.
	Borough of Finchley ...	1 to 13, 20, 21, 34 to 36, 38 to 45, 47 to 48A, 49 to 52, 56 to 66, 77 to 81B, 81E to 83 and 91.
	Borough of Hendon ...	1 to 5.
	Borough of Southgate ...	21 and 22.
Essex	Borough of Chingford ...	1 to 11A.

SECOND SCHEDULE

Section 23.

PROVISIONS OF ACT OF 1944 RELATING TO WORKS APPLIED

Section	Modifications
45 (Power to deviate) ..	For the words " the 1938 plans " there shall be substituted the words " the deposited plans " and for the words " the 1938 sections " there shall be substituted the words " the deposited sections ".
46 (Power to make subsidiary works)	In paragraph (a) of subsection (1) the words " the West Middlesex undertaking or " shall be omitted.
60 (Power to make general works)	For the words " the 1931 plans and the 1938 plans respectively " there shall be substituted the words " the deposited plans ".

Section	Modifications
61 (As to material excavated in construction of sewers)	
62 (Breaking up of streets) . .	
63 (Power temporarily to stop up or interfere with streets &c.)	Subsection (3) shall be omitted and in subsection (5) for the words "the Transport Board" there shall be substituted the words "the commission".
64 (For protection of certain authorities)	
109 (For protection of Edmon-ton Enfield Finchley and Tottenham)	
119 (For protection of Con-servancy Board and Catchment Board)	<p>The references to the Lee Conservancy Board and to the two boards as defined in paragraph (1) shall be omitted, and accordingly references to both, or one of the two boards, or to the two boards, or either of them, shall be construed as references to the Lee Conservancy Catchment Board;</p> <p>The references to the navigation as defined in paragraph (1) and to the water therein, or therefrom, and to the traffic thereon, or the towpaths thereof, shall be omitted;</p> <p>Paragraphs (8) and (9) shall be omitted.</p> <p>There shall be added to the definition of "The main river" the following:—</p> <p style="padding-left: 40px;">" and that part of the watercourse in the borough of Enfield known as the Brimsdown Ditch, delineated on the deposited plans and thereon numbered 61 in the borough of Enfield, and that part of the water-course known as the intercepting drain in the said borough delineated on the said plans and thereon numbered 65, and the extension of Work No. 6A as defined in section 120 (Provisions as to Small River Lee) of the Act of 1944".</p>
122 (For further protection of Metropolitan Water Board)	Sub-paragraph (b) of paragraph (2) and paragraphs (3), (4), (5), (9), (12) and (14) shall be omitted.

2ND SCH.
—cont.

Section	Modifications
123 (Application of Electricity Acts)	
124 (For protection of North Met. Power Company Metropolitan Electric Supply Company Limited and other Electricity Companies)	For the reference to the Companies therein referred to there shall be substituted a reference to the Central Electricity Generating Board and the Eastern Electricity Board and the expression "the Company" shall mean those boards.
125 (For further protection of North Met. Power Company)	For the reference to the North Met. Power Company there shall be substituted a reference to the Central Electricity Generating Board and the Eastern Electricity Board and the expression "the Company" shall mean those boards; Paragraphs (2) and (3) shall be omitted; For the words "the said Works Nos. 3A and 5" there shall be substituted the words "Work C authorised by this Act".
126 (For protection of certain Gas and Water Companies)	For the references to the Companies therein referred to there shall be substituted a reference to the Eastern Gas Board, the North Thames Gas Board, the South Eastern Gas Board and the Lee Valley Water Company and the expression "the Company" shall mean those boards and the Lee Valley Water Company or any of them. In the definition of "apparatus" in paragraph (2) there shall be added after the words "belonging to" the words "or maintained by". In paragraph (7) there shall be inserted before the word "diversion" in the last two places where that word occurs the word "removal". In paragraph (11) there shall be inserted after the word "Council" where that word first occurs the words "or by or in consequence of any failure of any authorised work".
127 (For protection of Barnet District Gas and Water Company)	For the reference to the Barnet and District Gas and Water Company there shall be substituted a reference

Section	Modifications
	<p>to the Lee Valley Water Company and the expression " the Company " shall mean the Lee Valley Water Company.</p> <p>For the words " this Act " in the third place where those words occur there shall be substituted the words " the Act of 1944 ".</p>
128 (For protection of railway companies)	For the reference to the Companies therein referred to there shall be substituted a reference to the commission and the expression " the railway company " shall mean the commission.
129 (For protection of Transport Board—Part IV)	For the reference to the London Passenger Transport Board there shall be substituted a reference to the commission and the expression " the Board " shall mean the commission.
476 (Notice to Commissioner of Police)	

THIRD SCHEDULE

SECTIONS OF PUBLIC HEALTH ACT, 1936, APPLIED

Section 56.

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Section	Marginal note
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283	Notices to be in writing; forms of notices, &c.
285	Service of notices, &c.
286	Proof of resolutions, &c.
288	Penalty for obstructing execution of Act.
297	Continuing offences and penalties.
304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

3RD SCH
—cont.

PART II

SECTION APPLIED TO SECTION 26 OF THIS ACT

Section	Marginal note
276	Power of local authority to sell certain materials.

PART III

SECTION APPLIED TO PART IV AND SECTION 44 OF THIS ACT

Section	Marginal note
287	Power to enter premises.

— — — — —

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act, 1845 ...	8 & 9 Vict. c. 18.
Telegraph Act, 1878	41 & 42 Vict. c. 76.
Electric Lighting Act, 1882	45 & 46 Vict. c. 56.
Public Works Loans Act, 1897	60 & 61 Vict. c. 51.
Alexandra Park and Palace (Public Purposes) Act, 1900	63 & 64 Vict. c. cclix.
Alkali, etc., Works Regulations Act, 1906	6 Edw. 7 c. 14.
Acquisition of Land (Assessment of Compensation) Act, 1919	9 & 10 Geo. 5 c. 57.
Trustee Act, 1925	15 Geo. 5 c. 19.
Middlesex County Council Act, 1931 ...	21 & 22 Geo. 5 c. xxxii.
Local Government Act, 1933	23 & 24 Geo. 5 c. 51.
Public Health Act, 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Local Government Superannuation Act, 1937	1 Edw. 8 & 1 Geo. 6 c. 68.
Middlesex County Council (Sewerage) Act, 1938	1 & 2 Geo. 6 c. xc.
Pensions (Increase) Act, 1944	7 & 8 Geo. 6 c. 21.
Middlesex County Council Act, 1944 ...	7 & 8 Geo. 6 c. xxi.
Housing (Temporary Accommodation) Act, 1945	8 & 9 Geo. 6 c. 39.

Short title	Session and chapter
Water Act, 1945	8 & 9 Geo. 6 c. 42.
Acquisition of Land (Authorisation Procedure) Act, 1946	9 & 10 Geo. 6 c. 49.
Education Act, 1946	9 & 10 Geo. 6 c. 50.
Borrowing (Control and Guarantees) Act, 1946	9 & 10 Geo. 6 c. 58.
Pensions (Increase) Act, 1947	10 & 11 Geo. 6 c. 7.
Town and Country Planning Act, 1947 ...	10 & 11 Geo. 6 c. 51.
Lands Tribunal Act, 1949	12 & 13 Geo. 6 c. 42.
Public Utilities Street Works Act, 1950 ...	14 Geo. 6 c. 39.
Middlesex County Council Act, 1950 ...	14 Geo. 6 c. lii.
Pensions (Increase) Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 45.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 55.
Local Government Superannuation Act, 1953	1 & 2 Eliz. 2. c. 25.
Housing Repairs and Rents Act, 1954 ...	2 & 3 Eliz. 2 c. 53.
Town and Country Planning Act, 1954 ...	2 & 3 Eliz. 2 c. 72.
Pensions (Increase) Act, 1956	4 & 5 Eliz. 2 c. 39.
Clean Air Act, 1956	4 & 5 Eliz. 2 c. 52.
Middlesex County Council Act, 1956 ...	4 & 5 Eliz. 2 c. xc.
Housing Act, 1957	5 & 6 Eliz. 2 c. 56.
Prevention of Fraud (Investments) Act, 1958	6 & 7 Eliz. 2 c. 45.
Highways Act, 1959	7 & 8 Eliz. 2 c. 25.
Pensions (Increase) Act, 1959	7 & 8 Eliz. 2 c. 50.
Town and Country Planning Act, 1959 ...	7 & 8 Eliz. 2 c. 53.
Mental Health Act, 1959	7 & 8 Eliz. 2 c. 72.
Road Traffic Act, 1960	8 & 9 Eliz. 2 c. 16.

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SIR JOHN ROUGHTON SIMPSON, C.B.

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

Ch. xxxvii

Middlesex County Council
Act, 1961

9 & 10 ELIZ. 2

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 2s. 6d. net

PRINTED IN ENGLAND

Middlesex County Council Act, 1961

9 & 10 ELIZ. 2 Ch. xxxvii

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Part II—Section applied to section 26 of this Act.

Part III—Section applied to Part IV and section 44 of this Act.