



## CHAPTER lxxxvii.

An Act to empower the mayor aldermen and burgesses of the county borough of Croydon to execute street works and to acquire lands for those and other purposes to confer further powers upon the Corporation in regard to their water undertaking and the health local government and improvement of the borough and for other purposes. A.D. 1930.

[4th June 1930.]

**W**HEREAS the borough of Croydon in the county of Surrey (in this Act called "the borough") is a county borough under the government of the mayor aldermen and burgesses thereof (in this Act called "the Corporation") and the Corporation acting by the council of the borough are the sanitary authority for the borough with the powers and obligations of an urban sanitary authority :

And whereas it is expedient to empower the Corporation to execute the street works authorised by this Act and to acquire lands for that purpose and also to acquire lands for the extension of the Corporation's mental hospital which is situate in the parishes of Chelsham and Warlingham :

And whereas the Corporation are the owners of waterworks for supplying and are supplying water within the borough and it is expedient to make further provision with regard to the water undertaking of the Corporation and the supply of water by them :

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— And whereas it is expedient to make further and better provision with regard to the local government and improvement of the borough and that the powers of the Corporation with regard thereto should be enlarged as is provided in this Act :

And whereas it is expedient that the other provisions contained in this Act should be enacted :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follows :—

The construction of the street works	£
authorised by this Act	... .. 147,000

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Surrey and are hereinafter 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 King'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 :—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Croydon Corporation Act 1930.

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

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Part I.—Preliminary.

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Division of  
Act into  
Parts.

Part II.—Lands.

Part III.—Street works.

Part IV.—Water supply.

Part V.—Streets buildings and sanitary.

Part VI.—Financial and miscellaneous.

3. The Lands Clauses 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 with the following exception and modification (namely) :—

Incorpora-  
tion of  
Acts.

(a) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act;

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 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 the Acts wholly or partially incorporated herewith or by the Public Health Acts 1875 to 1925 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

Inter-  
pretation.

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

“The borough” means the county borough of Croydon;

“The Corporation” means the mayor aldermen and burgesses of the borough acting by the council;

“The council” means the council of the borough;

“The town clerk” and “the medical officer” mean respectively the town clerk and the medical officer of health of the borough and respectively include any person duly authorised to discharge temporarily the duties of those offices;

“The general rate fund” and “the general rate” mean respectively the general rate fund and the general rate of the borough;

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“The Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act;

“Revenues of the Corporation” has the meaning assigned to it by section 3 (Interpretation) of the Act of 1920;

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

“The Minister” means the Minister of Health;

“The Act of 1884” “the Act of 1895” “the Act of 1900” “the Act of 1905” “the Act of 1920” “the Act of 1923” “the Act of 1924” and “the Act of 1927” mean respectively the Croydon Corporation Act 1884 the Croydon Corporation Act 1895 the Croydon Corporation Act 1900 the Croydon Corporation Act 1905 the Croydon Corporation Act 1920 the Croydon Corporation Act 1923 the Croydon Corporation Act 1924 and the Croydon Corporation Act 1927.

PART II.

LANDS.

Power to  
take lands.

5. Subject to the provisions of this Act the Corporation may enter on take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the following purposes:—

(a) For and in connection with the construction of the street works authorised by Part III (Street works) of this Act and for the improvement and development of frontages or of lands abutting on or adjacent to any street and for other the purposes of this Act;

(b) For and in connection with the extension and improvement of the mental hospital of the Corporation situate in the parishes of Chelsham and Warlingham and known as the Croydon Mental Hospital.

6. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease in the case of the lands referred to in paragraph (a) of the last preceding section of this Act after the expiration of five years from the thirty-first day of December nineteen hundred and thirty and in the case of the lands referred to in paragraph (b) thereof after the expiration of three years from that date.

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Period for compulsory purchase of lands.

7.—(1) If and when the Corporation shall acquire the burial ground of the chapel known as Salem Chapel in Pump Pail Croydon they shall before applying or using any part thereof for any of the purposes of this Act remove or cause to be removed the remains of all deceased persons interred in the said burial ground.

Removal of human remains.

(2) Before proceeding to remove any such remains the Corporation shall publish a notice in each of three successive weeks in two local newspapers circulating in the borough to the effect that it is intended to remove such remains and such notice shall have embodied in it the substance of subsections (3) (4) (5) (6) and (7) of this section.

(3) Any time within two months after the first publication of such notice any person who is an heir executor administrator or relative of any deceased person whose remains are interred in the said burial ground may give notice in writing to the Corporation of his intention to undertake the removal of such remains and thereupon he shall be at liberty to cause such remains to be removed to and re-interred in any burial ground or cemetery in which burials may legally take place.

(4) If any person giving such notice as aforesaid shall fail to satisfy the Corporation that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the registrar of the county court of Surrey holden at Croydon who shall have power to make an order specifying who shall remove the remains.

(5) The expense of such removal and re-interment (not exceeding in respect of remains removed from any one grave the sum of fifteen pounds) shall be defrayed by the Corporation such sum to be apportioned if

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— in the grave.

(6) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Corporation in respect of the remains in any grave or if after such notice has been given the persons giving the same shall fail to comply with the provisions of this section the Corporation may remove the remains of the deceased person and cause them to be re-interred in such other burial ground or cemetery in which burials may legally take place as the Corporation think suitable for the purpose.

(7) All monuments and tombstones relating to the remains of any deceased person removed under this section shall at the expense of the Corporation be removed and re-erected at the place of re-interment of such remains or at such place within the borough as the registrar of the said county court may direct on the application (if any) of such heir executor administrator or relative as aforesaid or failing such application on the application of the Corporation and the Corporation shall cause to be made a record of such monuments and tombstones and of their situation when re-erected showing the particulars respecting each monument and tombstone as a separate entry and such record shall be deposited at the General Register Office Somerset House London with the miscellaneous records in the custody of the Registrar-General.

(8) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer.

For protection  
of Roger  
Henry  
Averell  
Daniell.

8. For the protection of Roger Henry Averell Daniell or other the owner or owners for the time being of the estate in the parish of Chelsham in the rural district of Godstone known as "The Ledgers" (all of whom are in this section included in the expression "the owner") the following provisions shall unless otherwise agreed in writing between the owner and the Corporation apply and have effect (that is to say):—

(1) In the event of the Corporation exercising the powers of this Act for the acquisition of land of the owner for the extension and improvement

of the mental hospital of the Corporation situate in the parishes of Chelsham and Warlingham known as the Croydon Mental Hospital— A.D. 1930.  
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(a) they shall not build or erect any houses buildings or other premises upon so much of the said land as lies to the south of the green line between the points marked D and B on the plan signed in duplicate by Charles Gerald Eve on behalf of the owner and by Harold Williams on behalf of the Corporation (hereinafter referred to as "the signed plan") and the Corporation shall so far as reasonably possible preserve the timber trees and underwood on such land and re-plant the same from time to time to the reasonable approval of the owner;

(b) they shall not build or erect any houses buildings or other premises for the accommodation of patients upon so much of the said land as lies to the south-west of the green line on the signed plan between the points marked thereon C and D;

(c) they shall not make or permit to be made any entrance or exit for the use of patients to or from the hospital grounds as extended by the land acquired under this Act between the points marked E and F and the points marked A and E on the signed plan and any entrance or exit which shall be made between the before-mentioned points shall be used only by members of the staff of the hospital and tradesmen and for farming gardening and similar purposes or for any school or dwelling-house now or to be erected on the said land;

(d) they shall not upon any of the land of the owner the acquisition of which is authorised by this Act erect any chimney shaft or other similar structure of a greater height than fifty feet:

(2) When and so soon as the Corporation have acquired from the owner the land forming part of Gripes Wood they shall erect and keep in

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proper repair a close boarded fence or wall (not less than six feet in height) along the outer perimeter of such land :

- (3) When and so soon as the Corporation have acquired the land of the owner lying to the south of the existing hospital grounds they shall erect and keep in proper repair a close boarded fence or wall (not less than six feet in height) between the points marked A and D and the points marked D and B and the points marked B and G on the signed plan and the owner shall have the right to take down and remove the existing fence on the south side of the footpath leading to the existing main approach road to the hospital :
- (4) If any difference shall arise between the Corporation and the owner under this section the same shall be referred to and determined by an arbitrator to be appointed in default of agreement by the President for the time being of the Surveyors' Institution on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference.

PART III.

STREET WORKS.

Power to  
construct  
street  
works.

9.—(1) Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the street works hereinafter mentioned together with all necessary or proper works and conveniences connected therewith or incident thereto.

(2) The street works hereinbefore referred to and authorised by this Act will be situate in the borough and are—

Street Work No. 1 A widening and improvement of Cherry Orchard Road on the north-westerly side thereof;

Street Work No. 2 A further widening and improvement of Cherry Orchard Road on the north-westerly side thereof;

Street Work No. 3 A widening and improvement of Cherry Orchard Road on the south-easterly side thereof; A.D. 1930.

Street Work No. 4 A further widening and improvement of Cherry Orchard Road on the south-easterly side thereof;

Street Work No. 5 A widening and improvement of Whitehorse Road on the westerly side thereof;

Street Work No. 6 A widening and improvement of Whitehorse Road on the easterly side thereof;

Street Work No. 7 A widening and improvement of George Street on the northerly side thereof and of Wellesley Road on the westerly side thereof;

Street Work No. 8 A widening and improvement of Wellesley Road on the easterly side thereof and of George Street on the northerly side thereof and of Wellesley Court Road on the westerly side thereof;

Street Work No. 9 A widening and improvement of George Street on the north-easterly side thereof;

Street Work No. 10 A widening and improvement of St. James's Road and Lower Addiscombe Road on the northerly sides thereof together with a widening and improvement of the bridge and approaches carrying those roads over the Southern Railway;

Street Work No. 11 A widening and improvement of Spring Lane on the south-westerly side thereof together with a widening and improvement of the bridge and approaches carrying that lane over the Southern Railway;

Street Work No. 12 A widening and improvement of Spring Lane on the north-easterly side thereof including a widening and improvement of the bridge and approaches carrying that lane over the Southern Railway;

Street Work No. 13 A widening and improvement of Central Hill on the southerly side thereof and of Westow Street on the westerly side thereof;

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Street Work No. 14 A widening and improvement of Windmill Road on the north-westerly side thereof;

Street Work No. 15 A widening and improvement of the section of Church Street known as Crown Hill on the south-easterly side thereof;

Street Work No. 16 A widening and improvement of Lower Church Street on the north-easterly side thereof and of Tamworth Road on the westerly side thereof;

Street Work No. 17 A widening and improvement of Tamworth Road on the south-easterly side thereof and of Lower Church Street and Church Street on the north-easterly sides thereof;

Street Work No. 18 A new street extending from Church Street to Tamworth Place;

Street Work No. 19 A widening and improvement of Drummond Road on the south-easterly side thereof;

Street Work No. 20 A widening and improvement of Lower Church Street on the south-westerly side thereof and of Elis David Place on the north-westerly side thereof;

Street Work No. 21 A widening and improvement of Elis David Road on the south-westerly side thereof and of Church Street on the north-westerly side thereof;

Street Work No. 22 A widening and improvement of Duppas Hill Road and Duppas Hill Lane on the north-westerly sides thereof;

Street Work No. 23 A widening and improvement of Duppas Hill Road and Duppas Hill Lane on the south-easterly sides thereof;

Street Work No. 24 A widening and improvement of Duppas Hill Lane on the northerly side thereof and of Old Town on the south-westerly side thereof;

Street Work No. 25 A widening and improvement of Old Town and Southbridge Road on the north-easterly sides thereof and of Church Road on the westerly side thereof;

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Street Work No. 26 A new street extending from A.D. 1930.  
Old Town to Church Road; —

Street Work No. 27 A widening and improvement  
of Church Road on the easterly side thereof  
and of Scarbrook Road on the north-westerly  
side thereof.

10. Nothing in this Part of this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1928 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section and of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899.

As to interference with works of electricity undertakers.

11. Any paving metalling or material excavated by the Corporation in the construction of any works authorised by this Part of this Act from any road under their jurisdiction and control shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit.

Application of road materials excavated in construction of works.

12. All lands acquired by the Corporation under this Act and laid into or appropriated as part of any street shall form part of that street and shall be maintained and repaired in all respects as the rest of that street is for the time being by law maintained and repaired.

Land laid into streets to form part thereof.

13. The following provisions of the Act of 1900 and the Act of 1923 shall (in addition to any other provisions extended and applied to and for the purposes of this Act by any provision contained in Part VI thereof) with all necessary modifications extend and apply to and for the purposes of this Part of this Act as if the same were re-enacted in this Act (namely):—

Application of provisions of previous Acts to street works.

The Act of 1900—

Section 49 (Limits of lateral and vertical deviation).

The Act of 1923—

Section 6 (Subsidiary works);

Section 7 (Power to alter steps pipes areas &c.).

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Stopping  
up of  
highways.

**14.**—(1) In connection with the street works authorised by this Part of this Act the Corporation may stop up the highways 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 sites of the highways stopped up as far as the same are bounded on both sides by lands of the Corporation :

Provided that the Corporation shall not under the powers of this subsection stop up any highway unless—

- (a) it is bounded on both sides by lands of the Corporation; or
- (b) the Corporation obtain the consent of the owners of the lands abutting on such highway.

(2) When the Corporation are the owners of the lands referred to in paragraph (b) of the section of this Act of which the marginal note is "Power to take lands" which they are authorised to acquire they may stop up the footpath upon those lands and thereupon all rights of way over and along the same shall be extinguished.

(3) The Corporation shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

For pro-  
tection  
of Croydon  
Gas Com-  
pany.

**15.** The following provisions for the protection of the Croydon Gas Company (in this section called "the company") shall except so far as may be otherwise agreed between the Corporation and the company apply and have effect in relation to the exercise by the Corporation of the powers conferred upon them by this Part of this Act (that is to say):—

- (1) The Corporation may for any purpose in connection with the exercise of the powers of this Part of this Act and (if and when reasonably required by the company) shall remove divert alter the position of or carry out any other alterations to any mains pipes or apparatus belonging to the company and laid down or used for carrying conveying or supplying gas in any street or part of a street within the limits

of deviation shown on the deposited plans (which mains pipes and apparatus are in this section called "apparatus") and any other apparatus connected with any apparatus so removed diverted or altered and shall make such appropriate substituted works (if any) either permanent or temporary as may be reasonably necessary and shall cause as little detriment and inconvenience to the company as circumstances may admit and shall make reasonable compensation to the company for any damage caused to any apparatus by the execution of the works which the Corporation are by this Part of this Act authorised to execute (in this section called "the permitted works") Provided that before the Corporation execute any of the permitted works affecting any apparatus they shall (except in case of emergency) give to the company notice of their intention to do so such notice to be given seven days at least before the commencement of the execution of the permitted works and such works shall be done under the superintendence (at the expense of the Corporation) of the company unless the company refuse or neglect to give such superintendence at the time specified in the notice for the commencement of such works or discontinue the same during the execution of such works and the Corporation shall execute such works to the reasonable satisfaction of the company :

- (2) If within seven days after notice under subsection (1) of this section has been served upon the company the company so elect (and of such their election give notice in writing to the Corporation) they shall themselves as soon as is reasonably practicable execute such works to their apparatus (including the provision of substituted apparatus) as may be necessary for the purposes of this section and the reasonable cost of executing such works shall be repaid to them by the Corporation Provided that such works shall be carried out in accordance with the directions and to the reasonable satisfaction of the Corporation :

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- (3) Where it is reasonably necessary by reason or in consequence of the exercise of any of the powers of this Part of this Act for any apparatus of the company to be rendered derelict or unnecessary the Corporation shall pay to the company the value of such apparatus so rendered derelict or unnecessary unless substituted apparatus is provided under the provisions of subsection (1) of this section :
- (4) If any difference arises between the Corporation and the company touching the amount of any compensation value or cost to be paid by the Corporation under the foregoing provisions of this section or touching the reasonableness of any request by the company or touching any work matter or thing to be done or executed by the Corporation or by the company under such provisions with reference to any apparatus or touching the mode of doing or executing the same such difference shall be referred to and determined by a single arbitrator to be appointed failing agreement by the President of the Institution of Civil Engineers and subject as aforesaid the Arbitration Act 1889 shall apply to any such reference.

For pro-  
tection of  
Southern  
Railway  
Company.

**16.** For the protection of the Southern Railway Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the Corporation and the company have effect in relation to the exercise by the Corporation of the powers of this Part of this Act (that is to say) :—

- (1) In this section the expression "the works of the Corporation" means those parts of Street Works Nos. 10 11 and 12 (including works of maintenance repair renewal or removal) executed in pursuance of this Act or of any Act incorporated therewith which involve interference with or in any way injuriously affect the railways bridges roads or works of the company (in this section referred to as "the works of the company") :
- (2) (a) The Corporation shall not for the purposes of this Part of this Act acquire compulsorily any lands or property of the company other than

such easements and rights as may be required by the Corporation for the purposes of constructing and maintaining the works of the Corporation and the Corporation shall have such rights in the subsoil of such works (during and after the construction thereof) for and in respect of the laying down and maintenance of sewers water mains electricity mains and other works as they have in respect of highways repairable by the inhabitants at large;

- (b) Any easements or rights to be acquired by the Corporation from the company under the provisions of this Act shall be acquired on such terms as (failing agreement) shall be settled by arbitration in manner provided by the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement:
- (3) In constructing Street Work No. 10 the Corporation shall not stop up or interfere with either temporarily or permanently any part of Bridge Place or Green Lane unless and until they shall have provided to the reasonable satisfaction of the company alternative means of access (including means of access for vehicular traffic) to the vaults or arches and lands of the company situate under or adjacent to St. James's Road Lower Addiscombe Road and Gloucester Road:
- (4) (i) All works in connection with the widening and improvement of the bridge carrying St. James's Road and Lower Addiscombe Road over the main line of the company forming part of Street Work No. 10 shall be executed by the Corporation in such a manner as will not in the reasonable opinion of the chief engineer of the company (hereinafter in this section referred to as "the engineer") require the imposition of a speed restriction on engines trains or traffic passing over the said railway of the company during the months of July August and September in any year;
- (ii) The structure of the widened portion of the said bridge constructed by the Corporation in connection with Street Work No. 10 shall become

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the property of the company and shall be maintained by them to the reasonable satisfaction of the Corporation and the Corporation shall repay to the company any additional expense reasonably incurred by them in effecting repairs or renewals of the said bridge in consequence of such widening or improvement :

- (5) The works of the Corporation shall be executed under the superintendence (if such be given) and to the reasonable satisfaction of the engineer at such times as shall be previously submitted to and shall be reasonably approved by him in writing and (except in cases of emergency) according to plans sections specifications and particulars to be previously submitted to and reasonably approved by him or in case of difference determined by arbitration in manner hereinafter provided Provided that if the engineer does not express his approval or disapproval of the said plans sections specifications and particulars within fourteen days after the same shall have been submitted to him he shall be deemed to have approved thereof :
- (6) The works of the Corporation shall be executed by and at the expense of the Corporation who shall restore and make good to the reasonable satisfaction of the engineer the works of the company which may be disturbed or interfered with in the course of such execution and so as to cause as little injury as may be to the works of the company and so as not to cause any interference with the passage or conduct of traffic thereon Provided that if the engineer shall think it necessary in any case for the works of the Corporation to be executed or carried out by the company such works may be executed and carried out by the company accordingly and the reasonable expenses incurred by the company in so doing shall be repaid to them by the Corporation :
- (7) The Corporation shall bear and on demand pay to the company the costs (if any) reasonably incurred by the company in watching lighting

and protecting the works of the company with reference to and during the carrying out and subsequent repair and maintenance of the works of the Corporation and the superintendence of the engineer (if given as aforesaid) shall not relieve the Corporation from any liability which would otherwise attach to them for any accident which might be occasioned by or through the said works or by their contractors agents or workmen :

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- (8) If any injury or damage to or interruption of traffic on the railways of the company shall arise in any way owing to the construction existence or failure of the works of the Corporation the Corporation shall forthwith make full compensation to the company in respect thereof :
- (9) Except as hereinbefore provided the works of the Corporation shall be at all times maintained in good repair by the Corporation and in default of their being so maintained the company may from time to time by notice in writing require the Corporation to forthwith put into good repair the works of the Corporation which may be in want of repair and if the Corporation for fourteen days after the receipt of such notice refuse or neglect to proceed with the repair of the same and do not dispute the necessity thereof the company without any further notice to the Corporation may repair the same and all expenses reasonably incurred by them in or about such repair shall be repaid to them by the Corporation Provided that in case of accidents happening or immediate danger being apprehended to the works of the company by reason of the works of the Corporation being in want of repair the company may without giving such notice as aforesaid effect such repairs as may be immediately necessary and the expenses of the same shall on demand be repaid as hereinbefore provided Provided further that if the Corporation dispute the necessity of any work of repair required by any such notice as aforesaid the question at issue

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shall be determined by arbitration as hereinafter provided :

- (10) The Corporation shall from time to time pay to the company any additional expenses which the company may reasonably incur in effecting under their existing powers any repair renewal widening alteration or extension of the works of the company by reason of the existence of the works of the Corporation :
- (11) Except as regards any difference which may arise under subsection (2) (b) of this section any dispute or difference which may arise between the Corporation and the company with reference to the provisions of this section or anything to be done or not to be done thereunder shall be referred to and determined by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference :
- (12) Nothing in this Act shall impose any obligation upon or enlarge any existing obligation of the company to strengthen adapt alter or reconstruct any bridge or road maintainable by them.

PART IV.

WATER SUPPLY.

Amendment of section 35 of Waterworks Clauses Act 1847.

17. The provisions of section 35 of the Waterworks Clauses Act 1847 shall in their application to the Corporation be read and construed as if the one-tenth part of the expense of providing and laying down pipes mentioned in that section were one-eighth part of such expense.

Charges for refrigerating apparatus.

18. Where a person who takes a supply of water from the Corporation for any purpose desires to use any of the water so supplied for or in connection with a refrigerating apparatus the Corporation may if they

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think fit require that all water used for or in connection with the said apparatus shall— A.D. 1930.

- (i) be taken by meter on the conditions and at the rates for the time being in force for the supply of water by meter but not exceeding two shillings in respect of each one thousand gallons; or
- (ii) be paid for on such other terms as may be agreed between such person and the Corporation :

Provided that if the person is only taking a supply of water from the Corporation for domestic purposes the minimum sum per quarter which may be demanded by the Corporation for the water used for or in connection with the refrigerating apparatus if taken by meter shall not exceed ten shillings.

**19.**—(1) The Corporation shall not be bound to supply more than one house or part of a house occupied as a separate tenement by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house or part of a house occupied as a separate tenement supplied by them with water :

Separate communication pipes may be required.

Provided that this section shall not apply in the case of a communication pipe which at the passing of this Act is used for the supply of water to more than one house or part of a house unless and until such communication pipe becomes defective or requires renewal in which event the Corporation may require that a separate pipe be laid from the main pipe into each house or part of a house occupied as a separate tenement formerly supplied with water by means of that communication pipe :

Provided also that in the case of a group or block of houses or buildings the water rates on which are paid by one owner the said owner may at his option have one sufficient communication pipe for such group or block.

(2) If the owner of any house or part of a house occupied as a separate tenement and supplied with water by the Corporation when so required in pursuance of the preceding subsection fails within a period of three months after the receipt of such requirement to provide a separate pipe from the main pipe into such house or part of a house the Corporation may themselves do the

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A.D. 1930. — work necessary in that behalf and may recover the cost incurred by them in so doing from the owner.

As to communication pipes.

**20.**—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

(2) The Corporation may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street in the limits of the Corporation for the supply of water execute such works on behalf of such owner or occupier and any expenses incurred by the Corporation shall be repaid by the owner or occupier with whom the agreement is made.

Corporation to connect communication pipes with mains.

**21.** Notwithstanding anything in any Act relating to the Corporation the Corporation shall have the exclusive right of executing any works on any of the water mains of the Corporation for connecting any communication or service pipe therewith and the Corporation shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Corporation execute on any such main any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Corporation in so doing shall be repaid by the owner or occupier so requesting.

Extension of power to inspect premises.

**22.** In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 the water engineer of the Corporation or any person duly authorised by him in writing may at all reasonable times between the hour of four o'clock in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Corporation in order to examine if there be any waste or misuse of such water and if any person hinder any such engineer or authorised person from entering either under the said section 57 or this section or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds

Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and also be liable to a penalty under this section. A.D. 1930.  
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**23.** Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Corporation who shall without the authority of the Corporation turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Corporation and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 (Penalty for destroying valves drawing off water &c.) of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly. Penalty for interfering with valves &c.

**24.** Every person who shall wilfully (without the consent of the Corporation) or negligently close or shut off any valve cock or other work or apparatus belonging to the Corporation whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Corporation) be liable on conviction to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained. Provided that this section shall not apply to a consumer closing the valve fixed on his communication pipe. Penalty for closing valves and apparatus.

## PART V.

### STREETS BUILDINGS AND SANITARY.

**25.—(1)** If not less than three months before commencing any work involving the closing to vehicular traffic of any street or part of a street in the borough either absolutely or to the extent of one-third or more of the width of the carriageway thereof the Corporation shall give notice in writing of their intention to execute such work to any undertakers having statutory powers to break up that street it shall not be lawful for such undertakers within twelve months after the completion Restrictions on rights of breaking up streets in borough.

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A.D. 1930. — of such work by the Corporation to break up the street or part of a street so closed without the consent of the Corporation which consent shall not be unreasonably withheld and the Corporation may if they think fit and without prejudice to their other rights and powers attach to any consent given under this section such conditions as may be reasonable with respect to the times at which and the period within which the work of the undertakers shall be executed and completed:

Provided that as respects any work executed by any undertakers which but for the provisions of this section would have been lawfully executed nothing in this section shall deprive such undertakers of any right or immunity as between themselves and any person other than the Corporation to which but for the said provisions such undertakers would have been entitled in respect of such work.

(2) Any dispute or difference which may arise between the Corporation and any undertakers under the provisions of the preceding subsection shall be referred to and settled by a single arbitrator to be agreed on between the parties or in default of such agreement appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and settlement.

(3) Nothing in this section shall prevent any such undertakers as aforesaid from carrying out works in any streets in cases of emergency or prevent any such undertakers from carrying out any works necessary to enable them to perform their statutory duties as such undertakers or their obligations under any contract subsisting at the date of the giving of the notice by the Corporation in default of which they would be liable to any penalty or damages or from making altering repairing or disconnecting communication pipes or service connections or laying service lines between premises and distributing mains or altering repairing or disconnecting any service line. In this section the expression "service line" has the meaning assigned thereto by the schedule to the Electric Lighting (Clauses) Act 1899.

(4) The provisions of this section shall not apply to any street which for the time being is prescribed by

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an order made by the Minister of Transport under section 4 (5) of the London Traffic Act 1924. A.D. 1930.

**26.**—(1) When the Corporation in putting in force the provisions of section 150 of the Public Health Act 1875 as modified by section 39 of the Act of 1884 and section 17 of the Act of 1895 resolve in pursuance of the said section 17 that in settling any apportionment regard shall be had to the greater or less degree of benefit to be derived by any premises from the works the resolution may provide that any land laid out as an open space and as an amenity of the lands and houses abutting on the street or part of a street to which such resolution refers shall be excluded from the calculation and shall not be deemed to be premises fronting adjoining or abutting on such street or part of a street for the purposes of the said section 150 as so modified and (in the event of such resolution so providing) any expenses incurred by the Corporation under the said section 150 as so modified in respect of such street or part of a street shall be apportioned amongst and may be recovered from the owners of the other premises who under the said section as so modified are liable to pay the expenses so incurred by the Corporation. Provided that the powers of this section shall only be exercised by the Corporation in regard to any such land when the owner thereof has secured to the satisfaction of the Corporation that such land shall be kept for ever as an open space free from buildings or structures of any kind except such as may be approved and allowed by the Corporation.

Exemption of certain lands from private street work expenses.

(2) In settling the proportion in which the estimated cost of any such works as are referred to in section 39 of the Act of 1884 by the Corporation is to be recovered from the owners in default in any case in which the Corporation shall have passed a resolution under section 17 of the Act of 1895 as modified by this section the surveyor of the Corporation shall give effect to such resolution.

(3) (a) Section 268 of the Public Health Act 1875 shall extend and apply to or in respect of—

- (i) any resolution of the Corporation passed in pursuance of the provisions of the said section 17 of the Act of 1895 as extended by this section and to or in respect of any apportionment made in pursuance of such resolution;

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(ii) any proportion settled by the said surveyor in pursuance of section 39 of the Act of 1884 in regard to any works in a street or part of a street to which any such resolution relates.

(b) The words "or (in case of dispute) by arbitration in manner provided by the Public Health Act 1875" which are contained in section 39 of the Act of 1884 shall not apply in respect of any proportion settled by the said surveyor to which paragraph (a) (ii) of this subsection applies.

Byelaws  
as to  
projections.

**27.**—(1) The Corporation may make byelaws for the regulation of lamps signs blinds shades coverings awnings and other similar structures or projections over any street.

(2) A person shall not be liable to the penalties prescribed by section 28 of the Town Police Clauses Act 1847 for placing a blind shade covering awning or other projection over any such footway at a height less than eight feet from the ground if in regard to such blind shade covering awning or other projection he has complied with any byelaws made by the Corporation under this section.

Means of  
access to  
buildings.

**28.**—(1) Upon the deposit of the plans of any new building the Corporation may by notice in writing to the person depositing such plans require the provision before the building is erected of sufficient means of communication between the building and a street.

(2) If it appears to the Corporation to be necessary that the sufficient means of communication to be provided under this section shall be in the form of a street the Corporation may by their said notice require a new street to be laid out and if the Corporation consider that the construction of a new street is desirable they may by their said notice require a new street to be constructed.

(3) The Corporation may if they think fit defray or contribute to the cost of the provision of means of communication under this section.

(4) Where notice of a requirement under this section has been given by the Corporation a person shall not commence to erect or proceed with the erection of any building to which the notice relates until the

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notice of the Corporation has been complied with or until security has been given to the satisfaction of the Corporation that the notice will be complied with.

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(5) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(6) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction provided he gives twenty-four hours' written notice of the appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

(7) Notice of the right of appeal shall be endorsed on every notice communicating a requirement of the Corporation under this section.

(8) In arriving at a decision upon an appeal under this section the justices shall consider whether the expenses of complying with the requirements of the notice would cast an unreasonable burden upon the appellant having regard to the amount of the contribution (if any) towards those expenses which the Corporation are prepared to pay.

(9) Nothing in this section shall extend or apply to any building (not being a dwelling-house) constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers so long as such building is used by such company primarily for railway purposes.

**29.** For the purpose of abating or mitigating any nuisance annoyance or damage caused by the congregation at any place in the borough of house doves or pigeons having or believed by the Corporation to have no owner or of preventing or minimising any such nuisance annoyance or damage which might in the opinion of the Corporation be so caused the Corporation may notwithstanding anything in the Larceny Act 1861 or in any other Act seize and destroy or sell or otherwise dispose of or cause to be seized and destroyed or sold or otherwise disposed of any such house doves or pigeons in excess of such number as the Corporation may consider reasonable and take such other steps as they may deem necessary for any such purpose Provided that the Corporation

Nuisance  
arising  
from  
pigeons.

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- (a) enter upon any building or land (other than a public highway) without the consent of the occupier or the authority body or person having the exclusive control and management of such building or land; or
- (b) execute or do any work or thing affecting the structure of such building or the use of such land without the consent of the authority body or person in whom such building or land is vested; or
- (c) knowingly destroy sell or otherwise dispose of or cause to be destroyed sold or otherwise disposed of any house dove or pigeon belonging to any person.

PART VI.

FINANCIAL AND MISCELLANEOUS.

Power to borrow.

**30.**—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and in order to secure the repayment of the said sums and the payment of interest thereon they may mortgage or charge the revenues of the Corporation and they shall pay off all moneys so borrowed within the respective periods (each of which is referred to as “the prescribed period” in certain of the enactments extended and applied to and for the purposes of this Act by the section thereof of which the marginal note is “Application of provisions of existing Acts”) mentioned in the third column of the said table (namely):—

1	2	3
Purpose.	Amount.	Period for repayment.
(a) The purchase of lands - - -	The sum requisite	Sixty years from the date or dates of borrowing.
(b) The construction of the street works authorised by Part III of this Act.	£147,000	Thirty years from the date or dates of borrowing.
(c) The payment of the costs charges and expenses of this Act.	The sum requisite	Five years from the passing of this Act.

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(2) (a) The Corporation may also with the consent of the Minister borrow such further money as may be necessary for any of the purposes of this Act. — A.D. 1930.

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister and that period shall be the prescribed period for the purposes of this Act and the enactments incorporated therewith or applied thereby.

(c) In order to secure the repayment of any money borrowed under this subsection and the payment of interest thereon the Corporation may mortgage or charge the revenues of the Corporation.

**31.** In addition to any sum which may be payable under any agreement made between the Corporation and the Board of Conservators of Mitcham Common in pursuance of the scheme contained in the schedule to the Metropolitan Commons (Mitcham) Supplemental Act 1891 the Corporation may from time to time contribute such further sums as they think fit not exceeding in any one year the sum of three thousand five hundred pounds towards the expenditure incurred by the said Board of Conservators in executing the said scheme. Further contributions to Mitcham Conservators.

**32.—**(1) Section 105 (Power to Corporation to make charges for certain services) and the words "including the charges which may be made for removal or other services rendered by the Corporation" in section 104 (Byelaws as to trading under licences) of the Act of 1927 are hereby repealed as from the date upon which any byelaws made under subsection (2) of this section come into operation. Power to Corporation to make charges for certain services.

(2) The provisions of section 104 of the Act of 1927 shall extend to the making of byelaws by the Corporation for prescribing the amount of the charges which the Corporation may make and recover from persons licensed by them under the provisions of Part VII (Street trading) of the Act of 1927 and in the determination of the amount to be so prescribed regard shall be had to the cost incurred by the Corporation in the administration of the provisions of the said Part and in the cleansing of and the removal of refuse from the streets or parts of streets in which persons to whom licences are granted are permitted to sell or expose or offer for sale articles or things.

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(3) The Corporation may make and recover from persons licensed by them as aforesaid charges not exceeding the amount of the charges prescribed by byelaws made under this section.

(4) The persistent neglect or failure of any person to pay any charges due from him under this section shall be a ground upon which the Corporation may (subject to the provisions of section 103 of the Act of 1927) refuse to renew his licence or may (subject to the provisions of the said section 103) revoke or vary his licence.

Applica-  
tion of  
provisions  
of existing  
Acts.

**33.** The following provisions of the Act of 1895 the Act of 1900 the Act of 1905 the Act of 1920 the Act of 1923 the Act of 1924 and the Act of 1927 shall with all necessary modifications extend and apply to and for the purposes of this Act as if the same were re-enacted in this Act (namely):—

The Act of 1895—

Section 31 (Provisions of Public Health Act as to mortgages to apply);

Section 33 (Mode of payment off of money borrowed);

Section 35 (Protection of lender from inquiry);

Section 36 (Application of money borrowed).

The Act of 1900—

Section 68 (Persons under disability may grant easements &c.);

Section 117 (General provisions as to byelaws);

Section 122 (Judges &c. not disqualified).

The Act of 1905—

Section 31 (Owners may be required to sell parts only of certain lands and buildings);

Section 32 (Proceeds of sale of surplus lands);

Section 43 (Audit of accounts);

Section 47 (As to appeal);

Section 50 (Crown rights).

The Act of 1920—

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- Section 30 (Mode of raising money);
- Section 31 (Sinking fund);
- Section 35 (Expenses of execution of Act);
- Section 42 (Application of section 265 of Public Health Act 1875);
- Section 44 (Informations by whom to be laid);
- Section 45 (Recovery of penalties &c.);
- Section 47 (Inquiries by Minister of Health);
- Section 48 (Powers of Act cumulative).

The Act of 1923—

- Section 8 (Temporary stoppage of streets);
- Section 9 (As to notice to Commissioner of Police);
- Section 10 (Correction of errors in deposited plan and book of reference);
- Section 12 (Compensation in case of recently acquired interest).

The Act of 1924—

- Section 159 (Delegation of certain powers to committees);
- Section 160 (Power to enter premises);
- Section 161 (Penalty on occupier refusing execution of Act);
- Section 164 (Damages and charges to be settled by justices);
- Section 168 (Saving for indictments &c.).

The Act of 1927—

- Section 64 (Power to enter upon property for survey and valuation);
- Section 65 (Benefits to be set off against compensation);
- Section 67 (Power to develop lands &c.);
- Section 68 (Power to Corporation to advance money for erection of buildings);
- Section 114 (Extinction of private rights of way):

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Provided that—

- (1) In the application of section 33 of the Act of 1895 that section shall be read and have effect as if the words “within one year or when the money is repaid by half-yearly instalments within six months from the date of borrowing” were substituted for the words “prior to the thirty-first day of March next following the time of borrowing”:
- (2) In the application of section 117 of the Act of 1900 to byelaws made under the section of this Act of which the marginal note is “Byelaws as to projections” the enactments referred to therein shall have effect with the substitution of the Secretary of State for the Minister as the confirming authority:
- (3) In the application of section 31 of the Act of 1905 the premises numbered 67 269 314 646 and 648 on the deposited plans shall be deemed to be referred to instead of the premises described in the Second Schedule to that Act:
- (4) Section 47 of the Act of 1905 shall only apply in relation to Part V (Streets buildings and sanitary) of this Act:
- (5) In the application of section 47 of the Act of 1920 that section shall be read and have effect as if the words “five guineas” were substituted therein for the words “three guineas”:
- (6) In the application of section 12 of the Act of 1923 to lands delineated on the deposited plans and described in the deposited book of reference that section shall be read and have effect as if the fifteenth day of November nineteen hundred and twenty-nine were therein referred to instead of the sixteenth day of November nineteen hundred and twenty-two:
- (7) In the application of sections 159 160 and 161 of the Act of 1924 Parts V and VI of this Act shall be deemed to be referred to in lieu of the Parts of the Act of 1924 therein mentioned:

- (8) In the application of sections 67 and 68 of the Act of 1927 the limits of deviation for street works authorised by this Act and lands acquired by the Corporation under the provisions of paragraph (a) of the section of this Act of which the marginal note is "Power to take lands" shall respectively be deemed to be referred to in lieu of the limits of deviation for street works authorised by the Act of 1927 and lands acquired by the Corporation under the provisions of that Act. A.D. 1930.

**34.** All the costs charges and expenses preliminary to and of and incidental to preparing applying for obtaining and passing 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 out of the general rate fund and general rate or out of moneys to be borrowed under this Act for that purpose. Costs of Act.

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