



CHAPTER ci.

An Act to confer further powers on the Surrey County Council and to enact further provisions with respect to the good government and administration and the preservation of the amenities of the administrative county of Surrey to enact provisions with respect to the control of massage establishments places of public entertainment sale of coke moveable dwellings and camping grounds town planning and roads within the county to authorise the Council and the Barnes Urban District Council to construct street works and for other purposes. A.D. 1931.

[31st July 1931.]

WHEREAS by the Surrey County Council Act 1925 powers were conferred on the Surrey County Council (hereinafter referred to as "the Council") with respect to (inter alia) the prevention of pollution of streams places used for public dancing singing or music town planning and main and arterial roads within the administrative county of Surrey:

And whereas by the Local Government Act 1929 and other public general Acts passed since 1925 the duties and obligations of the Council have been much enlarged and in particular with respect to the maintenance of roads and town planning:

And whereas owing to the rapid and continuing increase of the population of the county and the building

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development therein and the traffic on the roads in the county the amenities of the county are being injured and there is grave risk of further serious injury being caused :

And whereas for better enabling the Council to carry out their statutory duties and obligations and to preserve the amenities of and to secure the good and orderly government of the county it is expedient to confer on the Council further powers and to enact further provisions as in this Act contained with respect to the acquisition and user of lands the protection of streams the control of establishments used for massage or special treatment and of places used for certain classes of public entertainments the sale of coke moveable dwellings and camping grounds the construction of roads town planning and building development and the prevention of acts tending to injure rural amenities :

And whereas it is expedient to empower the Council and the Barnes Urban District Council (hereinafter referred to as "the Barnes Council") to construct street works and to acquire lands for that purpose and for other purposes as in this Act mentioned :

And whereas it is expedient to confer further powers on the Council and the Barnes Council with respect to the borrowing of money and to enact other financial provisions as in this Act contained :

And whereas it is expedient that the other provisions of this Act 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 Council and the Barnes Council for the purposes hereinafter mentioned which estimates are as follows :—

For the purchase of lands for and in connection with the street works authorised by Part IX of this Act - -	£	28,000
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For the construction of those street works and the works connected therewith -	£	15,000
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And whereas the several works included in those estimates are permanent works and it is expedient that the costs thereof 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

Act 1872 so far as applicable to the Council have been observed by them : A.D. 1931.

And whereas plans and sections showing the lines and levels of the street works authorised by Part IX of this Act the plans showing also the lands liable to be taken compulsorily under the powers of that Part and a book of reference to the plans 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 Part IX of this Act were duly deposited with the clerk to the council and are in that Part 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.

1.—(1) This Act may be cited as the Surrey County Council Act 1931. Short and collective titles.

(2) The Act of 1925 and this Act may together be cited as the Surrey County Council Acts 1925 and 1931.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—Protection of streams.

Part IV.—Establishments for massage and special treatment.

Part V.—Control of public entertainments.

Part VI.—Sale of coke &c.

Part VII.—Moveable dwellings and camping grounds.

Part VIII.—Roads town planning and amenities.

Part IX.—Barnes street works.

Part X.—Finance.

Part XI.—Barnes financial provisions.

Part XII.—Miscellaneous.

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Incorporation of
Lands
Clauses
Acts.

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

- (a) Sections 127 to 132 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act;
- (b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the common seal of the Council or of the Barnes Council exercising the powers of that section and shall be sufficient without the addition of the sureties mentioned in that section.

Definitions.

4. In this Act unless the context otherwise requires—

Words and expressions to which meanings are assigned by the Lands Clauses Acts have the same respective meanings except where otherwise expressly enacted;

“The county” means the administrative county of Surrey;

“The Council” means the county council of the county;

“The Act of 1925” means the Surrey County Council Act 1925;

“Urban district” includes a borough but not a county borough;

“County district” means an urban district or a rural district in the county;

“Local authority” means the council of any county district;

“The clerk” “the county engineer” and “the chief financial officer” respectively mean (unless a contrary intention appears) the clerk to the Council the county engineer for the county and the chief financial officer to the Council and respectively include any person duly appointed by the Council to discharge temporarily the duties of any such officer;

“Street” and “road” include any street road footpath and other highway;

- “ County road ” has the same meaning as in Part III of the Local Government Act 1929; A.D. 1931.
- “ The Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919;
- “ Local enactment ” means any local Act Order having the force of an Act byelaw or regulation for the time being in force within the county;
- “ The tribunal ” means the arbitrator or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;
- “ Employee ” includes any officer servant or other employee of the Council;
- “ The Minister ” means the Minister of Health except where some other Minister is expressly mentioned;
- “ The Barnes Council ” means the urban district council of Barnes;
- “ The Norbury Park Estate ” means the mansion house messuages and other buildings lands tenements hereditaments and premises conveyed to the Council by a conveyance dated the twenty-ninth day of September nineteen hundred and thirty and made between the Eagle Star and British Dominions Insurance Company Limited of the first part Sir Edward Mortimer Mountain baronet of the second part Walter Morgan Willcocks of the third part and the Council of the fourth part which said mansion house messuages buildings lands tenements hereditaments and premises are delineated and coloured pink on the plan signed in triplicate by Thomas Cape the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and deposited as to one copy in the Parliament Office of the House of Lords as to another copy in the Committee and Private Bill Office of the House of Commons and as to the third copy at the office of the Council;

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

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 (Definitions) of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery nor does it include with reference to the Council any securities of the Council or with reference to the Barnes Council any securities of the Barnes Council;

“Revenues of the Council” includes the revenues of the Council from time to time arising from any land undertaking or other property for the time being of the Council and the rates or contributions leviable by or on the order or precept of the Council;

“Security of the Council” means any mortgage bond stock or other security granted or issued by the Council.

PART II.

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LANDS.

5.—(1) The powers of the Council under section 65 of the Local Government Act 1888 shall extend to and include—

Further powers to acquire land.

(a) the purposes of this Act; and

(b) the purpose of providing substituted sites or facilities for any person whose lands may be acquired by the Council under any of their statutory powers.

(2) (a) The Council notwithstanding that the same may not immediately be required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable the Council should acquire for or in connection with the purposes of any of their powers or duties.

(b) When any land purchased or acquired or taken on lease by the Council under this subsection shall be appropriated to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Council.

(c) The powers of borrowing money with the consent of the Minister conferred on the Council by Part X of this Act shall include the power to borrow money for the payment of any capital sum payable on any lease of lands under this subsection.

6.—(1) The purposes for which the Council as a local education authority may acquire land compulsorily under section 111 of the Education Act 1921 shall include the purpose of reinstating the owner lessee or occupier of any land which—

Extension of powers to acquire land under Education Act 1921.

(i) has been or is to be purchased by the Council compulsorily or by agreement under that Act; and

(ii) is or immediately before such purchase was owned by any local authority or statutory undertakers or used or intended to be used for the purpose of a recreation ground or playing field or for a charitable purpose or for any purpose of such a nature that there is no general demand or market for land for that purpose :

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Provided that so much of the provisions of paragraphs 5 and 6 of the Fifth Schedule to the Education Act 1921 as relates to the question of whether the land proposed to be acquired is or is not suitable or suited for the purpose for which it is proposed to be acquired shall not apply to any land acquired under the provisions of this subsection.

In this subsection "local authority" means the council of any county borough or metropolitan borough or any county district whether within or without the county and "statutory undertakers" means any company body or person (not being a local authority) authorised by any Act of Parliament or Order having the force of an Act to carry on any railway tramway harbour dock canal inland navigation water gas electricity or other public utility undertaking.

(2) Where under the provisions of the Fifth Schedule to the said Act of 1921 or any regulations made by the Board of Education under that schedule the Council are required to serve notice on any person who shall be absent from the United Kingdom or who cannot be found after diligent inquiry such notice may be served in manner mentioned by section 19 of the Lands Clauses Consolidation Act 1845.

Further powers of entry.

7. The provisions of section 106 (Power of entry on land acquired) of the Housing Act 1925 as amended by the Housing Act 1930 so far as they relate to lands acquired for the purposes of Part II of that Act of 1925 shall apply to any land which the Council are authorised to acquire for educational or highways purposes under any enactment for the time being in force under which the Council may acquire land compulsorily for those purposes respectively. Provided that in every notice required to be given under any such enactment to the owners lessees or occupiers of land proposed to be acquired by the Council thereunder the provisions of this section shall be stated.

Persons under disability may grant easements &c.

8. Persons empowered by the Lands Clauses Acts to sell and convey or release land may if they think fit subject to the provisions of those Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required

for the purposes of this Act in over or affecting any such land and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

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9.—(1) Notwithstanding anything in this or any other Act or otherwise to the contrary the Council may retain hold and use for such time and for such purpose as they may think fit or may sell lease (whether in possession or reversion) exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any land or any interest therein acquired by them and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such land or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange :

Retention
and disposal
of lands.

Provided that—

- (a) the Council shall not under the powers of this section without the consent of the Minister sell lease exchange or otherwise dispose of any such land or any interest therein at a price or rent or for a consideration of a value less than the current market value of such land or interest but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister be necessary or has been obtained ;
- (b) nothing in this section shall be taken to dispense with the consent of any Government department to any sale lease appropriation or other disposition of any land of the Council in any case in which if this section had not been enacted such consent would have been required otherwise than under subsection (3) of section 64 of the Local Government Act 1888.

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(2) Nothing in this section shall release the Council or any person purchasing or acquiring any land from them under this section from any rents covenants restrictions reservations terms or conditions reserved by or contained in any conveyance lease or other deed or instrument by which such land was acquired by the Council or by any predecessor in title of the Council but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this section had not been enacted.

Proceeds of
sale of sur-
plus lands.

10.—(1) The Council may so far as they consider necessary apply (subject to the approval of the Minister) any capital money received by them on the re-sale or exchange of or by leasing any land acquired under the authority of this Part of this Act in the purchase of other lands but as to capital money so received and not so applied the Council shall apply the money in or towards the extinguishment of any loan raised by them under the powers of this Act or any other enactment relating to the Council and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister.

(2) Any capital money received by the Council on the re-sale or exchange of or by leasing any land acquired otherwise than under this Part of this Act shall be applied in the same manner as capital money received under the Act in pursuance of which the land was acquired is applicable or in such other manner as may be approved by the Minister.

Extinction
of Lammas
rights.

11. All Lammas rights (if any) over the land hereinafter mentioned are hereby absolutely extinguished. The land to which this section applies is a plot of land situate partly within the urban district of Ham and partly within the royal borough of Kingston-on-Thames containing 4 acres 0 roods 35 poles or thereabouts having a frontage to the north-eastern side of the main road from Richmond to Kingston-on-Thames aforesaid and bounded on or towards the south-east by the gardens in the rear of houses situate in Durlston Road Kingston-on-Thames

aforesaid and on or towards the north-east and north-west by land now or formerly belonging to the Right Honourable the Earl of Dysart :

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Provided that any person (other than the said Earl of Dysart) who immediately prior to the passing of the Act was entitled to exercise Lammas rights over the said land or any part thereof shall be entitled to obtain compensation from the Council for the loss of such rights if he makes a claim for such compensation within one year after the passing of this Act and the amount of any such compensation shall in default of agreement be determined by an official arbitrator appointed under the Acquisition of Land (Assessment of Compensation) Act 1919.

12. The purchase by the Council of the Norbury Park Estate is hereby sanctioned and confirmed.

Confirmation of purchase of Norbury Park Estate.

13.—(1) The Council may sell lease (whether in possession or reversion) exchange or otherwise dispose of the whole or any part of the Norbury Park Estate (subject to any leases and agreements for leases and tenancies affecting the same and for the time being subsisting) to or with any local authority or other body or person on such terms and conditions and subject to such covenants reservations and restrictions as the Council may think fit or (subject as aforesaid) may convey the whole or any part thereof to any local authority or to the National Trust for Places of Historical Interest or Natural Beauty to be held by the trust under and subject to the provisions of the National Trust Act 1907.

Powers as to Norbury Park Estate.

(2) The Council may farm or otherwise manage the Norbury Park Estate or any part or parts thereof and for that purpose may thereon erect buildings make adaptations of buildings construct roads sewers and drains erect fences cut timber and do all such things as may be necessary for maintaining such buildings roads sewers drains and fences or otherwise for maintaining the estate or any such part or parts thereof in a proper condition.

(3) The Council may with regard to the Norbury Park Estate or any part thereof (subject to any leases and agreements for leases and tenancies affecting the same and for the time being subsisting) exercise all or

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- (i) the Open Spaces Act 1906 as if the Norbury Park Estate were an open space within the meaning of section 20 of that Act; and
- (ii) Part VI (Recreation grounds) of the Public Health Acts Amendment Act 1907 and section 56 (Further powers as to parks and pleasure grounds) of the Public Health Act 1925 as if the Council were a local authority and the Norbury Park Estate were a park or pleasure ground within the meaning of that Part and section.

(4) Any local authority to or with whom the Council may under the powers of this section sell lease exchange or dispose of any part of the Norbury Park Estate may (notwithstanding anything in any enactment or in any conveyance deed or other instrument relating to the Norbury Park Estate but subject to any leases and agreements for leases and tenancies affecting the same and for the time being subsisting) exercise in regard to such part of the estate all or any of the powers conferred on local authorities by this Act and all or any of the powers of—

- (i) Part VI (Recreation grounds) of the Public Health Acts Amendment Act 1907 and section 56 (Further powers as to parks and pleasure grounds) of the Public Health Act 1925 as if that part of the estate were a park or pleasure ground; and
- (ii) Section 68 (Power to provide parking places for vehicles) of the said Act of 1925 as amended and extended by section 90 (Power of local authorities with respect to use of highways by public service vehicles and with respect to stations for such vehicles) of the Road Traffic Act 1930 as if that part of the estate were land (not being part of a street) which may lawfully be appropriated for a parking place.

(5) The Council or any local authority may from time to time close to the public any part of the Norbury Park Estate for the time being belonging to them together with the footpaths (if any) thereover Provided that no

particular part of the Norbury Park Estate exceeding one hundred acres in area shall be closed under the provisions of this subsection for more than thirty days in any year or more than six consecutive days or more than four Sundays in any year. A.D. 1931.

(6) During any period in which any part of the Norbury Park Estate is closed to the public in pursuance of the provisions of subsection (5) of this section the Council or the local authority (as the case may be) may—

- (a) let the part of the estate so closed to or permit the use thereof by any association society or person for the purposes of any agricultural horticultural or other show or any entertainment or any other public purpose of a temporary nature and authorise such association society or person to make charges for the use thereof or for access thereto; or
- (b) use the part of the estate so closed for the purposes aforesaid and make such charges as they think fit for access thereto.

(7) Any local authority may defray any part of the expenses incurred by the Council in the execution of the powers of this section.

(8) Nothing in this section shall exonerate the Council or any local authority from any action indictment or other proceeding for nuisance if any nuisance be caused or permitted by them.

14. The Council may as and when they think fit stop up and extinguish all public rights of way over the following bridle ways or footpaths on the Norbury Park Estate (viz.) :— Stopping up of Norbury Park foot-paths.

- (i) The bridle way or footpath in the parish of Fetcham in the rural district of Epsom and the parish of Mickleham in the rural district of Dorking which commences at the southernmost corner of the enclosure numbered 229 on the Ordnance map (scale 1/2500) edition 1914 Surrey sheet XXV—6 and leads past Roaring House Farm and the northern fence of the grounds of Norbury Park Mansion House to the cartway leading to Mickleham Village from the point marked B.M. 216.3 on sheet XXV—7 of the same Ordnance map; and

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- (ii) The bridle way or footpath in the said parish of Fetcham leading from the southernmost end of the enclosure numbered 225 F on the said sheet of the said Ordnance map to a junction with the first-mentioned bridle way or footpath on the western side of Walnut Tree Clump:

Provided that the Council shall not stop up or extinguish any public rights of way over either of the said bridle ways or footpaths or any part thereof respectively until they have provided an alternative bridle way or footpath giving access between the village of Fetcham and the village of Mickleham through the Norbury Park Estate.

PART III.

PROTECTION OF STREAMS.

As to covering of streams.

15. Section 20 (As to covering of streams) of the Act of 1925 shall have effect as if the words "or built upon or in process of development for building purposes" were inserted in subsection (1) thereof after the words "laid out for building" in both places where those words occur and as if the words "before any building operations on such land are proceeded with" were omitted from subsection (2) thereof.

PART IV.

ESTABLISHMENTS FOR MASSAGE AND SPECIAL TREATMENT.

Definition of "establishment for massage or special treatment."

16. In this Part of this Act the expression "establishment for massage or special treatment" means any premises in the county used or represented as being or intended to be used for the reception or treatment of persons requiring (a) massage manicure or chiropody or (b) radiant heat light electric vapour or other baths for therapeutic treatment or (c) other similar treatment.

Date of commencement of Part IV.

17.—(1) This Part of this Act shall not come into force in any part of the county except in pursuance of the following provisions of this section.

(2) The Council may from time to time by resolution declare that this Part of this Act shall come into force in any particular county district or county districts specified in the resolution and at the date stated in the resolution Provided that no such date shall be earlier

than the first day of April nineteen hundred and thirty-two or than the expiration of three months from the passing of the resolution.

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(3) If any such resolution shall be passed by the Council this Part of this Act shall (subject to compliance by the Council with the final section of this Part) come into force in the county district or county districts specified and at the date stated in the resolution.

(4) The expression "the prescribed date" in this Part of this Act means with respect to the several county districts in the county the respective dates on which this Part of this Act shall come into force in such districts respectively in accordance with the foregoing provisions of this section.

18. On and after the prescribed date no person shall in a county district in which this Part of this Act shall have come into force carry on an establishment for massage or special treatment without a licence from the Council authorising him so to do.

Establishments for massage or special treatment to be licensed.

19.—(1) A person requiring a licence or the renewal of a licence under this Part of this Act shall make application in writing to the Council stating—

Applications for licences.

- (a) his full name age and nationality;
- (b) his technical qualifications;
- (c) his private address or if the application be made by or on behalf of a company society association or body the registered or principal office (if any) of such company society association or body and so far as may reasonably be required the names and private addresses of the directors or other persons directly or indirectly responsible for the management of such company society association or body;
- (d) the name under which and the address at which the establishment is carried on or proposed to be carried on;
- (e) the nature of the establishment and of the business carried on or proposed to be carried on thereat;
- (f) whether and if so to what extent he is or has been interested in any other establishment for massage or special treatment; and

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(g) such further information (if any) as the Council may reasonably require with respect to him or the establishment carried on or proposed to be carried on by him.

(2) Every application for a licence to carry on an establishment for massage or special treatment in existence at the passing of any resolution under the foregoing provisions of this Part of this Act declaring that this Part shall come into force within the county district in which the establishment is situate shall be made within one month after the date or (if more than one date) the latest date of publication under the final section of this Part of the advertisement declaring that this Part shall come into force in that county district.

(3) The person making such application shall when making the application pay to the Council in respect of the grant or renewal of a licence under this Part of this Act such fee as the Council may fix not exceeding—

	£	s.	d.
(a) in respect of the grant of a licence	2	2	0
(b) in respect of the renewal of a licence	1	1	0

(4) Subject to the foregoing provisions of this section the Council may make such regulations as they think fit as to the manner in which and the dates at which applications for a licence or the renewal of a licence under this Part of this Act shall be made.

Grant of
licences.

20.—(1) The Council shall as soon as reasonably practicable after the receipt of an application under this Part of this Act (and not later in the case of an application under subsection (2) of the last preceding section of this Act than the prescribed date) grant or renew a licence to the applicant to carry on an establishment for massage or special treatment of the description and in the name and at the address specified in the application and may attach such conditions thereto as they may consider reasonably necessary for securing the due notification to them of any change in the name or private address of the licensee or in the treatment afforded or the nature of the business carried on at the establishment and generally for securing the proper conduct of the establishment:

Provided that the Council before granting a licence in respect of any particular establishment for massage or special treatment shall give notice to the local authority of the county district in which the establishment is situate of the application for the licence and of the date when the application will be considered by the Council and shall have regard to any representations which may be made to the Council by the local authority with respect to the application or the establishment to which it relates: A.D. 1931.

Provided also that the Council may refuse to grant or renew a licence or may revoke a licence granted—

- (a) to any person under the age of twenty-one years;
- (b) to any person who may be unsuitable to hold such a licence;
- (c) in respect of any premises which are unsuitable for the purposes of an establishment for massage or special treatment or in which the accommodation or provision for such treatment is not reasonably adequate or suitable;
- (d) in respect of any establishment which has been or is being improperly conducted;
- (e) in respect of any establishment in which massage or special treatment is or may be administered by any person who does not possess such technical qualifications as may be reasonably necessary; or
- (f) in respect of any establishment which is being carried on in contravention of the provisions of this Part of this Act or any byelaw made thereunder.

(2) The Council shall not either refuse to renew or revoke a licence unless they shall have given to the person applying for such renewal or holding the licence proposed to be revoked not less than seven days' previous notice in writing that objections have been or will be taken to such renewal or that a revocation is proposed and unless on written application made within three days after the receipt of such notice they shall have afforded to the applicant or holder an opportunity of being heard against such refusal or revocation. Any notice served under this subsection shall notify the effect of subsection (4) of this section and the right of appeal conferred by subsections (5) and (7) of this section.

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(3) Every licence granted or renewed as aforesaid shall (unless revoked as in this Part of this Act provided) be valid for a period of one year. Provided that the Council may if they deem it convenient so to do—

- (a) at their annual meeting for considering applications under this Part of this Act in respect of establishments or premises within any particular county district first held after the resolution of the Council declaring that this Part of this Act shall be in force in that county district grant licences to be valid for a period not exceeding fifteen months; and
- (b) grant or renew any licence otherwise than at an annual licensing meeting for considering applications as aforesaid for a period expiring at the same date as the licences granted at the then last preceding annual meeting for such purpose.

(4) If the Council refuse to grant or renew a licence or revoke a licence under this Part of this Act they shall if required by the applicant or holder (as the case may be) send or deliver to him within seven days of the receipt of such requirement particulars in writing of the ground or grounds for such refusal or revocation.

(5) Any person aggrieved by any conditions attached to a licence or any refusal of the Council to grant or renew a licence or by the revocation by the Council of a licence may appeal to a court of summary jurisdiction provided that the appeal is made within fourteen days from the date of the grant of the licence or of such refusal or revocation and that notice in writing of the appeal is sent to the Council within twenty-four hours after the entry of the appeal.

(6) On any such appeal the court may after considering any representations made by the Council either confirm the refusal or revocation or attachment of conditions or may modify the conditions or may direct the Council to grant or renew a licence subject to such conditions (if any) as the court may specify and the Council shall comply with any such directions.

(7) Any person aggrieved by any decision of a court of summary jurisdiction under this section may appeal to the next practicable court of quarter sessions holden in or for the county or if the decision relates to a licence

in respect of premises in the borough of Guildford to the next practicable court of quarter sessions holden in or for that borough. A.D. 1931.

(8) The costs of any appeal under this section shall be paid in such manner and by such parties to the appeal as the court may direct.

21. As soon as reasonably practicable after the grant renewal or revocation by the Council of a licence under this Part of this Act or the refusal by the Council to grant or renew such a licence the Council shall give notice of their decision to the local authority of the county district in which are situate the premises to which the licence or the application for a licence related. If there is any appeal under subsection (5) or subsection (7) of the last preceding section of this Act the Council shall as soon as practicable give to the relevant local authority notice of the appeal and after the hearing of the appeal notice of the decision thereon. Council to give notice to local authorities as to licences.

22.—(1) The Council may make byelaws—

- (a) prescribing the keeping by every person holding a licence under this Part of this Act of books cards or forms showing the business conducted by him so far as it relates to his establishment for massage or special treatment; Byelaws as to establishments for massage or special treatment.
- (b) prescribing the entries to be made in connection with such business in such books or cards or forms;
- (c) prescribing the technical qualifications to be possessed by any person who administers massage or special treatment at any establishment licensed under this Part of this Act;
- (d) for preventing fraud and immorality in the conduct of establishments so licensed; and
- (e) generally for regulating any premises used for the purposes of or in connection with any such establishment.

(2) The provisions of the Local Government Act 1888 respecting the making confirmation publication and evidence of byelaws and proceedings before justices and recovery of penalties thereunder shall extend and apply to byelaws under this section and byelaws under this

A.D. 1931. section shall be deemed byelaws within the said Act
— Provided that notwithstanding anything in subsection (2)
of section 16 of the said Act byelaws made under this
section may be in force and have effect within any borough
in the county.

(3) A copy of all byelaws made under this section shall as soon as reasonably practicable after the byelaws have been confirmed or allowed be sent by the Council to the local authority of every county district in which this Part of this Act is at the time in force.

(4) Every person holding a licence under this Part of this Act shall keep exhibited in a suitable place (to be approved by the Council) in the premises to which the licence relates a copy of the byelaws made by the Council under this section.

Powers of
entry and
inspection
by Council
and local
authorities.

23. Any officer of or other person duly authorised by the Council in that behalf may and any officer of or other person duly authorised by any local authority in that behalf may as regards premises in the district of the local authority (i) enter the premises specified in any licence or application under this Part of this Act or any premises which are situate within a county district in which this Part of this Act is in force and are used or such person has reasonable cause to believe are used for the purposes of or in connection with an establishment for massage or special treatment and (ii) inspect such premises and the books cards or forms kept in connection with the establishment carried on at those premises.

Penalties
for offences
in respect of
establish-
ments for
massage &c.

24.—(1) Subject to the provisions of this Part of this Act every person who in a county district in which this Part of this Act is in force carries on an establishment for massage or special treatment without a licence under this Part of this Act or otherwise than in accordance with the terms and conditions of such licence or obtains a licence or the renewal of a licence by wilful misrepresentation or by wilfully omitting to give such particulars as are required by this Part of this Act to be given or who otherwise acts in contravention of the provisions of this Part of this Act shall be liable on summary conviction to a penalty not exceeding fifty pounds and to a daily penalty not exceeding twenty pounds and in respect of a second or subsequent offence the court may in lieu of or

in addition to inflicting a fine impose any period of imprisonment not exceeding three months. A.D. 1931.

(2) Subject as aforesaid every person who in a county district in which this Part of this Act is in force—

- (a) refuses to permit any officer or authorised representative of the Council or of any local authority to enter or inspect any premises which such officer or authorised representative is authorised under the provisions of this Part of this Act to enter and inspect or obstructs any such officer or representative in the execution of his duty under such provisions or under the provisions of any byelaw made thereunder; or
- (b) contravenes the provisions of any byelaw made under this Part of this Act; or
- (c) issues publishes or displays or causes to be issued published or displayed any advertisement relating to an establishment for massage or special treatment which is not licensed in accordance with the provisions of this Part of this Act after the expiration of a period of seven days from the receipt of notice in writing from the Council that the licence relating to such establishment has expired or has been refused or revoked under the provisions of this Part of this Act;

shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

(3) No person who shall have appealed to a court of summary jurisdiction or a court of quarter sessions in accordance with the provisions of this Part of this Act against a refusal by the Council to grant a licence to any person making application under subsection (2) of the section of this Act of which the marginal note is "Applications for licences" or against a refusal of the Council to renew a licence or against any revocation under this Part of this Act of a licence shall be liable to any proceedings under this section for the offence of carrying on an establishment for massage or special treatment without a licence under this Part of this Act until such appeal shall have been heard and determined or shall have been abandoned.

A.D. 1931.

Directors of
companies
to be liable
for penalties
under
Part IV.

25. Where any company within the meaning of the Companies Act 1929 commits any offence for which a penalty is provided by this Part of this Act proceedings may be taken in respect of such offence against all or any of the directors and managers of such company as well as or instead of against the company and every such director and manager shall be liable on conviction to the like penalty as if he were the person committing the offence unless he proves to the satisfaction of the court—

- (1) that the act which constituted the offence took place without his knowledge consent or connivance; and
- (2) that he was not guilty of any negligence in regard to securing the proper execution of this Part of this Act.

Local autho-
rities may
institute
proceedings
for penal-
ties.

26. Proceedings for the recovery of any penalties imposed by this Part of this Act may be taken by the local authority for the county district in which the offence was committed as well as by the Council Provided that proceedings shall not be taken by both the Council and the local authority for the same offence.

Local autho-
rities to
report to
Council.

27. The local authority of every county district in which are situate any premises where there is carried on an establishment for massage or special treatment licensed by the Council under this Part of this Act shall during the first week of October in each year or at such other date as the Council may approve send to the Council a report on the conduct and management of the establishment since the date of the grant or last renewal of the licence and such report may contain recommendations as to the renewal of the licence or otherwise and if it contains a recommendation that the renewal of the licence be refused shall state the grounds for such recommendation.

If a local authority during the period in which a licence shall be in force relating to premises situate in their county district shall detect a non-compliance with any of the conditions enumerated in subsection (1) of the section of this Part of this Act whereof the marginal note is "Grant of licences" or shall secure a conviction against the holder of the licence for any of the offences enumerated in the section of this Part of this Act whereof the marginal note is "Penalties for offences in

respect of establishments for massage &c.” the local authority shall thereupon report the non-compliance or offence to the Council with such recommendation as to revocation of the licence or otherwise as the local authority may deem expedient. A.D. 1931.

28. Subject as hereinafter provided the provisions of this Part of this Act shall not apply to an establishment for massage or special treatment carried on by a duly registered medical practitioner with respect to which there has been lodged with the Council a certificate in a form to be approved by the Council and signed by two duly registered medical practitioners practising or residing in the county not being in partnership with such first-mentioned medical practitioner or with each other and not having any financial or other interest in such establishment to the effect that the medical practitioner carrying on or proposing to carry on such establishment is a suitable person to carry on the same at the premises used or to be used therefor. Provided that any such certificate shall not be valid (a) with respect to any person or premises other than the person or premises specified therein or (b) for a period extending beyond the thirty-first day of January next following the date of the certificate. Saving for establishments carried on by medical practitioners.

29. Notwithstanding anything in this Part of this Act the provisions thereof shall not except as provided by the next succeeding section of this Act apply to— Saving for certain premises.

- (a) any hospital infirmary institution or other establishment maintained or controlled by any local authority or any other authority or body constituted by Parliament or incorporated by royal charter; or
- (b) any hospital recognised as a voluntary hospital by the Surrey Voluntary Hospital Consultative Committee or recognised by any committee or body administering either of the publicly subscribed funds known respectively as the Hospital Sunday Fund and the Hospital Saturday Fund as a hospital to which grants from either of such funds may be made; or
- (c) any nursing home which is for the time being registered under the Nursing Homes Registration Act 1927 or exempted from registration

A.D. 1931.

under that Act by a certificate granted by either the Council or any local authority having power to grant such a certificate or by the Minister and at which the persons administering massage or special treatment within the meaning of this Part of this Act have such technical qualifications as may be reasonably necessary; or

- (d) any premises used for the reception or treatment of persons for any purpose to which the provisions of this Part of this Act apply but not so used for the purpose of gain or reward; or
- (e) any premises being an establishment for massage or special treatment as defined by this Act merely by reason of face or scalp massage or manicure treatment being administered in those premises Provided that such massage or manicure treatment is not administered otherwise than to female customers only or in full view of all customers resorting to the premises.

Extension of
Part IV to
other pre-
mises and
businesses.

30. In any case in which the Council or any committee to whom the Council may delegate any powers under this Part of this Act have reason to believe that any premises (including premises referred to in the section of this Act of which the marginal note is "Saving for certain premises") situate in a county district in which this Part of this Act shall have come into force and to which premises the provisions or some of the provisions of this Part of this Act do not apply are advertised as being used for some legitimate business but are in fact being used for immoral purposes the Council or any such committee as aforesaid may subject to the approval of the Secretary of State by resolution determine that all or any of the provisions of this Part of this Act and of any byelaws made thereunder shall extend and apply to such premises and the business carried on therein as if such premises and business were included in the expression "establishment for massage or special treatment" within the meaning of this Part of this Act and as from the passing of any such resolution as aforesaid or as from such date (if any) as may be specified therein all or any of the provisions of this Part of this Act and any such byelaws as aforesaid shall extend and apply accordingly.

31. If any local authority shall by any enactment passed after the passing of this Act be empowered (either directly or by adoption) to exercise powers and duties in relation to establishments for massage or special treatment within their county district similar to the powers and duties of the Council under this Part of this Act then as from the date on which such local authority shall have commenced to exercise under such enactment the first-mentioned powers and duties the provisions of this Part of this Act shall cease to be in force or have effect in the county district of that authority or if those provisions shall not have come into force in that county district before the said date they shall not be brought into force therein by any resolution passed or to be passed by the Council.

A.D. 1931.

—
Saving for
future auto-
nomous
licensing
authorities.

32.—(1) The Council shall as soon as practicable after the passing of any resolution under this Part of this Act declaring that this Part shall come into force in any particular county district or county districts give public notice by advertisement in two or more newspapers circulating in such county district or county districts and in such other manner as the Council think expedient of the effect of this Part of this Act and of the county district or county districts in which it is to come into force in pursuance of such resolution and of the date when it will so come into force.

Notice of
Part IV.

(2) Copies of the newspapers containing any advertisement given in pursuance of this section shall be sufficient evidence that the provisions of this section have been complied with in regard to the county district or county districts to which the resolution of the Council referred to in the advertisement relates.

PART V.

CONTROL OF PUBLIC ENTERTAINMENTS.

33. In this Part of this Act—

The expression “music or dancing entertainment” means any public entertainment of music singing or dancing or other public entertainment of the like kind within the county; and

The expression “boxing entertainment” means any public contest exhibition or display of boxing within the county.

Definitions
for Part V.

A.D. 1931.

—
Date of
commence-
ment of
Part V.

34. This Part of this Act shall come into force on the first day of April nineteen hundred and thirty-two or such other date not being earlier than the first day of January nineteen hundred and thirty-two as the Council may by resolution passed within three months after the passing of this Act prescribe. The date on which this Part shall so come into force is hereinafter in this Part referred to as "the prescribed date."

MUSIC AND DANCING ENTERTAINMENTS.

Repeal of
existing
provisions
as to music
and dancing
licences.

35.—(1) On and after the prescribed date section 75 (Area to which Part VI applies) of the Act of 1925 and section 77 (Music and dancing licences) of that Act except paragraph (11) thereof shall become and be repealed.

(2) On and after the prescribed date Part IV (Music and dancing) of the Public Health Acts Amendment Act 1890 shall cease to be in force in any part of the county where that Part was in force immediately before the prescribed date and thereafter shall not be adopted by any local authority or be declared to be in force in any county district.

Music and
dancing en-
tertainments
to be given
only in
licensed
premises.

36. A music or dancing entertainment shall not be given elsewhere than in premises licensed for the purpose in accordance with the provisions of the two next succeeding sections of this Act.

Music and
dancing
licences.

37.—(1) The Council may grant to such persons as they think fit licences to keep or use the premises specified in the licence for all or any of the purposes included within the meaning of a music or dancing entertainment on such terms and conditions and subject to such restrictions as they by the respective licences prescribe.

(2) A licence granted under this section shall be in force for such period (to be stated in the licence) not exceeding thirteen months as the Council on the grant of the licence may determine unless it shall have been previously revoked as hereinafter provided.

(3) The Council may transfer any licence granted under this section to such person as they think fit.

(4) An applicant for a licence or a transfer or renewal of a licence under this section shall (except as provided in subsection (5) hereof) give not less than twenty-one

days' notice in writing of his intention to make such application to the Council and to the chief officer of police of the police division of the county or of the metropolitan police district in which the premises to which the application relates are situate and shall post and keep posted until the application be heard a copy of the notice of the application in a conspicuous position on the exterior of the premises so proposed to be licensed and when the Council are considering the application the police and any member of the public living in the vicinity of those premises whom the Council deem to be concerned shall be entitled to be heard. A.D. 1931.

(5) The Council may if and as they think fit on receipt of notice of not less than seven days grant to any person applying for the same a licence to keep or use any premises for all or any of the purposes included within the meaning of a music or dancing entertainment under this Part of this Act for any period not exceeding fourteen days which they shall specify in such licence notwithstanding that the notices required by the immediately preceding subsection shall not have been given.

(6) Any person making application under this section for the grant renewal or transfer of a licence shall when making the application pay to the Council such fee as the Council may fix not exceeding—

	£	s.	d.
(a) in respect of the grant or renewal of a licence	1	0	0
(b) in respect of the transfer of a licence		5	0

Provided that the fee payable by any applicant for the grant or renewal of a licence for the sole purpose of a charitable or other like entertainment shall not exceed five shillings.

(7) Any premises kept or used whether habitually or on any occasion for any of the purposes aforesaid without a licence under this section for the time being in force shall be deemed a disorderly house.

(8) Except where the period for which the licence is in force does not exceed fourteen days there shall be affixed and kept up in some conspicuous place on or immediately over the outer side of the main entrance of every premises licensed under this section an inscription

A.D. 1931. — so as to be easily legible in the words following
“Licensed in pursuance of the Surrey County Council
Act 1931” with the addition of words showing the
purpose or purposes for which the premises are licensed.

(9) Any premises so kept or used although licensed under this section shall not be used for any of the purposes aforesaid at any time during the period beginning at midnight and ending at midday except—

- (a) with the written permission of the Council if the premises be situate within the metropolitan police district; and
- (b) with the written consent of the petty sessional court of the petty sessional division in which the premises are situate if they be situate outside the metropolitan police district:

Provided that if on any special occasion a special order of exemption has been granted under section 57 of the Licensing (Consolidation) Act 1910 in respect of any premises licensed under this section no penalty shall be incurred on account of those premises being used for any of the purposes aforesaid on that occasion from midnight until the hour specified in the special order of exemption as the hour for closing.

(10) The affixing and keeping up of such inscription as aforesaid and the observance of the days and hours of opening and closing shall be inserted in and made a condition of every such licence except as mentioned in subsections (8) and (9) hereof.

(11) Nothing in this section shall affect the provisions of any other enactment respecting the prosecution of persons keeping disorderly houses.

(12) A copy of the terms conditions and restrictions on and subject to which any licence is granted under this section purporting to be authenticated by the common seal of the Council shall be conclusive evidence in all proceedings of the existence and of the due prescription of such terms conditions and restrictions without adducing proof of such seal or of the fact of such prescription.

Occasional
licences.

38.—(1) Notwithstanding anything in the last preceding section the Council may under the powers of that section grant a licence for the use of any premises specified

in the licence on one or more particular occasions specified in the licence for all or any of the purposes included within the meaning of a music or dancing entertainment under this Part of this Act and subsections (4) (5) (6) (8) (9) and (10) of that section shall not apply with respect to any such occasional licence or to the premises to which the licence relates.

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(2) Notwithstanding anything in the last preceding section an occasional licence shall only be in force and have effect on the particular occasion or occasions and during the hours specified in the licence.

(3) Any person making application for the grant of an occasional licence shall when making the application pay to the Council such fee as the Council may fix not exceeding ten shillings or if the licence is for the sole purpose of a charitable or other like entertainment not exceeding five shillings.

39. Nothing in the foregoing provisions of this Part of this Act shall apply to a music or dancing entertainment provided by a local authority in a park garden or other place under the control of the local authority or in any building thereon.

Saving for
local authority enter-
tainments.

ENTERTAINMENTS FOR CHILDREN.

40. Section 121 (Safety of children at entertainments) of the Children Act 1908 shall in its application within the county have effect as if—

Entertain-
ments for
children.

- (1) the words "and access to any part of the
" building in which children are accommodated
" is by stairs " in subsection (1) thereof were omitted therefrom; and
- (2) the words "or an exhibition to which the provisions of the Cinematograph Act 1909 apply" were inserted in subsection (3) and subsection (5) thereof after the words "music or dancing."

BOXING ENTERTAINMENTS.

41. A boxing entertainment shall not be given elsewhere than in premises licensed for the purpose in accordance with the provisions of the next succeeding section of this Act.

Boxing enter-
tainments to
be given only
in licensed
premises.

A.D. 1931.
—
Boxing en-
tertainment
licences.

42.—(1) The Council may grant licences to such persons as they think fit to use the premises specified in the licence for the purpose of a boxing entertainment on such terms and conditions and subject to such restrictions as they by the respective licences prescribe.

(2) A licence granted under this section shall be in force for such period (to be stated in the licence) not exceeding thirteen months as the Council on the grant of the licence may determine unless it shall have been previously revoked as hereinafter provided. Provided that the Council may if they think fit grant a licence hereinafter referred to as an "occasional licence" for the use of any premises for a boxing entertainment on such one or more particular occasions only as may be specified in the licence.

(3) The Council may transfer any licence granted under this section to such person as they think fit.

(4) An applicant for a licence or a transfer or renewal of a licence other than an occasional licence under this section shall give not less than twenty-one days' notice in writing of his intention to make such application to the Council and to the chief officer of police of the police division of the county or of the metropolitan police district in which the premises to which the application relates are situate.

(5) Any person making application under this section for the grant renewal or transfer of a licence shall when making the application pay to the Council such fee as the Council may fix not exceeding—

	£	s.	d.
(a) in respect of the grant or renewal of a licence for any period not less than one year	2	0	0
(b) in respect of the grant or renewal of a licence for any period less than one year ten shillings for every month for which it is granted or renewed so however that the aggregate of the fees payable in any one year in respect of the same premises shall not exceed	2	10	0
(c) in respect of the grant of an occasional licence	0	10	0
(d) in respect of the transfer of a licence	0	5	0

(6) Except where the licence is an occasional licence there shall be affixed and kept up in some conspicuous place on or immediately over the outer side of the main entrance of every premises licensed under this section an inscription so as to be easily legible in the following terms :—

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“ Licensed in pursuance of the Surrey County Council Act 1931 for use for boxing entertainments.”

(7) Any premises used for the purpose of a boxing entertainment although licensed under this section shall not be open for that purpose except on the days and between the hours stated in the licence.

GENERAL.

43.—(1) A police constable or any person appointed for the purpose by the Council may at all reasonable times enter any premises licensed under this Part of this Act in which he has reason to believe that a music or dancing entertainment or a boxing entertainment is being or is about to be given with a view to seeing whether the provisions of this Part of this Act applicable to such an entertainment and the terms conditions or restrictions on or subject to which any licence under this Part of this Act has been granted have been complied with.

Powers of entry and inspection.

(2) A police constable or any person appointed for the purpose by the Council may if he shall be authorised in that behalf by a warrant granted by a justice of the peace enter any premises in respect of which he has reason to suspect that an offence under this Part of this Act is being committed.

(3) Every person who refuses to permit any such constable or person to enter or inspect any such premises in accordance with the provisions of this section shall for every such offence be liable to a penalty not exceeding twenty pounds.

44. The Council if they think fit may (subject to the provisions of this Part of this Act) make regulations prescribing generally the terms conditions and restrictions on and subject to which licences under this Part of this Act may or are to be granted or transferred and if any such regulations be made every such licence shall (without prejudice to the powers of the Council to grant a

Power to make regulations.

A.D. 1931. licence on and subject to any special terms conditions or restrictions) be deemed to be granted subject to the regulations.

Prima facie evidence of any regulation so made may be given in any legal proceedings by the production of a copy purporting to be certified as a true copy by the clerk or some other officer of the Council authorised to give a certificate for the purpose of this section and no proof shall be required of the handwriting or official position or authority of any person giving such a certificate.

Power to
revoke
licences.

45. If the holder of a licence granted under this Part of this Act be convicted of any breach or disregard of any of the terms conditions or restrictions on or subject to which the licence has been granted the licence may be revoked by the Council.

Penalties
under
Part V.

46. Every occupier of any premises who after the prescribed date uses those premises or allows those premises to be used—

- (i) for a music or dancing entertainment or a boxing entertainment without a licence; or
- (ii) otherwise in contravention of the provisions of this Part of this Act or of the terms conditions or restrictions on or subject to which any licence relating to the use of the premises for a music or dancing entertainment or a boxing entertainment has been granted

shall be liable—

- (a) in respect of an offence under paragraph (i) of this section to a penalty not exceeding fifty pounds and to a daily penalty not exceeding five pounds; and
- (b) in respect of an offence under paragraph (ii) of this section to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

Saving for
residential
areas under
town
planning
schemes.

47. Nothing in this Part of this Act shall authorise the Council (except with the consent of the local authority) to grant a licence to use for any of the purposes included within the meaning of a music or dancing entertainment or of a boxing entertainment any premises which are situate within any area reserved for residential purposes only in any town planning scheme made under the Town

Planning Act 1925 or under the section of Part VIII of this Act of which the marginal note is "Extension of powers of local authorities to make or adopt town planning schemes" or under any preliminary statement or draft scheme as defined in that Part VIII. A.D. 1931.
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48. Nothing in this Part of this Act shall apply to any boxing entertainment held at Mitcham Fair in pursuance of any rights or franchises vested in the Mitcham Urban District Council by section 7 of the Mitcham Urban District Council Act 1923. Saving for Mitcham Fair.

49. The Council shall prior to the prescribed date cause public notice to be given of the effect of this Part of this Act and of the date when it will come into force by advertisement in two or more newspapers circulating in the county and otherwise in such manner as the Council think sufficient. Notice of Part V.

Copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

PART VI.

SALE OF COKE &C.

50. The provisions of sections 20 to 29 of the Weights and Measures Act 1889 and of any byelaws made by the Council thereunder (which provisions and byelaws relate to the sale of coal) shall also apply (except as hereinafter otherwise expressly provided) to the sale of coke within the county. Application to sale of coke of Weights and Measures Act 1889.

51. If any seller of coke or any person in charge of any vehicle from which coke is being sold or offered or exposed for sale wilfully makes any false statement as to the weight of the coke in any sack or wilfully increases such weight by damping such coke or wilfully does any other act by which the purchaser of the coke shall be defrauded he shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds. Penalty on fraudulent sale.

52. The provisions of this Part of this Act relating to coke shall apply also to any solid fuel derived from coal or of which coal or coke is a constituent as if it were coke. Part VI to apply to solid fuel.

A.D. 1931.

Part VI not to
apply in Guild-
ford and Reigate.Notice of
Part VI.

53. Nothing in this Part of this Act shall apply or have effect within the borough of Guildford or the borough of Reigate.

54. The Council shall forthwith after the passing of this Act cause public notice to be given of the effect of this Part of this Act by advertisement in two or more newspapers circulating in the county and otherwise in such manner as the Council think sufficient.

Copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

PART VII.

MOVEABLE DWELLINGS AND CAMPING GROUNDS.

Definitions
for Part
VII.

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

“Moveable dwelling” means (a) any tent (b) any structure capable of being moved from place to place and (c) any van cart carriage truck tramcar motor car caravan trailer or other vehicle used or intended to be used for the purpose of human habitation (whether temporarily or otherwise) but does not include—

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

(ii) any tent structure or vehicle temporarily used for the service of the Council or of any local authority or other public authority; or

(iii) any canal boat or other boat;

“Camping ground” means any area of land on which moveable dwellings are situated or which is provided for the placing of moveable dwellings;

“Occupier” in relation to a moveable dwelling shall be deemed to include owner.

Date of com-
mencement of
Part VII.

56. This Part of this Act shall come into force on the first day of April nineteen hundred and thirty-two.

57.—(1) Where it appears to any local authority— A.D. 1931.

(a) that the amenities of any part of their district are prejudicially affected by the presence of or conditions arising from any moveable dwelling or moveable dwellings in their district; or

Court may prohibit moveable dwellings in certain areas.

(b) that annoyance is caused to the residents in or visitors to any part of their district by reason of the noisy indecent or other offensive conduct of the occupiers of or persons frequenting any moveable dwelling or moveable dwellings in their district;

the local authority may make complaint to a court of summary jurisdiction and the court may by order—

(i) require the removal by the occupier or occupiers thereof within such period as may be prescribed by the order of the moveable dwelling or of all or any particular one or more of the moveable dwellings to which the complaint relates; and

(ii) prohibit any moveable dwelling being placed on or limit the number or define the class of moveable dwellings to be at any one time situate within the whole or some part of an area to be specified in the order :

Provided that the area specified in an order made under the foregoing paragraph (ii) shall not extend beyond the distance of two hundred yards from the moveable dwelling or all of the moveable dwellings to which the complaint related and no limitation or definition in such an order shall operate so as to prevent the retention on the area specified in the order of any moveable dwelling not being a moveable dwelling to which the complaint related.

(2) Any person (not being a local authority) aggrieved by any order made by a court of summary jurisdiction under subsection (1) of this section may appeal to the next practicable court of quarter sessions holden in or for the county Provided that if the complaint in respect of which the order has been made was a complaint in respect of a moveable dwelling or moveable dwellings in the borough of Guildford the appeal under this subsection shall lie to the next practicable court of quarter sessions holden in or for

A.D. 1931. — that borough The costs of any appeal under this subsection shall be paid in such manner and by such parties to the appeal as the court may direct.

(3) If no appeal be lodged within the period allowed by the Summary Jurisdiction Acts against any order made under paragraph (ii) of subsection (1) of this section then as soon as practicable after the expiration of that period; and

if any such appeal be duly lodged and be dismissed by the court of quarter sessions then as soon as practicable after the decision of that court;

the order shall be published by the local authority or local authorities of the district or districts within which the area specified in the order is situate in one or more local newspapers circulating in their district or districts and by placards posted and maintained in conspicuous positions in some part of that area and such order shall come into force on the expiration of fourteen days from the completion of the publication of the order in accordance with the requirements of this subsection.

The local authority or local authorities shall also so long as any such order is in force keep posted in conspicuous positions in some part of the area specified in the order placards giving notice of the terms of the order.

(4) (a) Any occupier of a moveable dwelling who fails to comply with any order of the court made under paragraph (i) of subsection (1) of this section within the period prescribed by the order shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds and the local authority on whose complaint the order was made may themselves at any time after the expiration of the said period enter on the land and remove the moveable dwelling and recover the expense of so doing summarily as a civil debt from the occupier or occupiers.

(b) Any person who places or retains any moveable dwelling in contravention of any order of the court made under paragraph (ii) of subsection (1) of this

section shall be guilty of an offence and shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds and the local authority on whose complaint the order was made may themselves enter on the land and remove the moveable dwelling in respect of which the offence has been committed and recover the expense of so doing summarily as a civil debt from the person guilty of the offence. A.D. 1931.

(5) (a) Where a court of summary jurisdiction has made an order under paragraph (ii) of subsection (1) of this section an application for the rescission of the order may be made to the court (i) at any time by the local authority on whose complaint the order was made or (ii) at any date not being less than three years from the date on which the order was made by any person deeming himself aggrieved by it provided that he gives to the local authority not less than fourteen days' notice of his intended application and the court may on the hearing of any such application rescind the order.

(b) If the court rescinds the order notice of the rescission of the order shall as soon as practicable be published by the local authority or local authorities of the district or districts within which the area to which the order related is situate in one or more local newspapers circulating in their district or districts and the local authority or local authorities shall forthwith take down and remove all placards previously posted by them in that area in pursuance of subsection (3) of this section.

58.—(1) A local authority may subject to the approval of the Minister by agreement purchase or take on lease land within their district for and use any land so acquired or taken on lease or any other land for the time being belonging to them for the purpose of providing camping grounds for any or for any particular class or number of moveable dwellings as may be prescribed from time to time by the local authority. Provision of camping grounds by local authority.

(2) A local authority before applying for the approval of the Minister of the purchase taking on lease or use by them of any land under this section shall give notice of their proposal to every owner of

A.D. 1931. — land contiguous to the land proposed to be purchased taken on lease or used by them and also by advertisement in a local newspaper circulating in their district and in such other manner (if any) as the Minister may direct. The said notice shall state the matters mentioned in paragraph (d) of subsection (6) of this section and a date (not being less than twenty-one days from the date of the notice) by which and the manner in which any person aggrieved by the proposal may make representations thereon to the Minister and shall require that any such person shall at the same time send a copy of his representations to the clerk to the local authority.

(3) Before signifying approval of the purchase taking on lease or use by a local authority of any land under this section the Minister shall consider any representations on the proposal of the local authority which may be duly made and may subject to the provisions of this section signify approval of the said proposal with or without modifications or may withhold such approval.

(4) Before signifying such approval the Minister may and if any representation is duly made and is not withdrawn shall (unless the representation appears to him to be frivolous) direct a local inquiry to be held under the provisions of section 104 of the Act of 1925 as incorporated with this Act and the person holding the inquiry shall have regard to the matters mentioned in paragraphs (a) to (d) of subsection (6) of this section.

(5) The local authority shall give at least fourteen days' notice of the intention to hold such inquiry by advertisement in a local newspaper circulating in their district and shall also give similar notice in writing to each person who has duly made any representation and has not withdrawn the same.

(6) Before signifying approval of the purchase taking on lease or use by a local authority of any land under this section the Minister shall consider the report made to him by the person holding any such inquiry and shall also have regard to (inter alia)—

(a) the general interests of the public and the neighbourhood in relation to such proposal including the effect of the provision of the

proposed camping ground on the amenities of surrounding properties; A.D. 1931.

- (b) the ability of the occupiers of moveable dwellings to comply with any regulations respecting the use of camping grounds made by the local authority under this Part of this Act;
- (c) the distance between and area of camping grounds in the neighbourhood whether provided by the local authority under this section or not; and
- (d) the area and situation of and the conditions as to the provision of water supply sanitation and otherwise proposed to be prescribed by the local authority with respect to the proposed camping ground.

(7) Where a local authority have provided under this section a camping ground the occupier of any moveable dwelling may (subject to any limitation on the number or definition of the class of moveable dwellings which may have been prescribed by the local authority with respect to the use of that camping ground for moveable dwellings) encamp upon that camping ground on payment of such fee as may be prescribed by regulations to be made by the local authority under this Part of this Act.

59.—(1) Any local authority for the purpose of securing the amenities of their district in relation to the use of camping grounds and moveable dwellings situate thereon may make byelaws with respect to any camping grounds within their district whether provided by the local authority or not—

Byelaws as to camping grounds.

- (a) for securing the proper control and management of such camping grounds;
- (b) for securing the cleanliness of such camping grounds and moveable dwellings situate thereon;
- (c) for preventing the amenities of their district being prejudicially affected by the state or condition of any such camping ground;
- (d) for securing the good and orderly conduct of persons frequenting any such camping ground and of the occupiers of the moveable dwellings situate thereon;

A.D. 1931.

(e) for preventing annoyance to the residents in or visitors to their district by the conduct of the occupiers of or persons frequenting moveable dwellings situate on any such camping ground.

(2) The provisions of sections 182 to 186 of the Public Health Act 1875 shall apply to any byelaws made under this section.

Temporary
closing of
camping
grounds.

60.—(1) It shall be lawful for a local authority by order to close during such period as they may determine and as may be specified in the order the whole or any portion of any camping ground provided by them if in their opinion the camping ground or such portion thereof—

(a) is in such a condition as to endanger the health either of the occupiers or the inhabitants of any moveable dwellings on the camping ground or of the public; or

(b) is a nuisance; or

(c) constitutes an annoyance to the residents in or visitors to the locality; or

(d) prejudicially affects the amenities of the locality.

(2) Any order made by a local authority under this section shall be published in one or more local newspapers circulating in their district and by placards posted in a conspicuous position on or near the camping ground to which the order relates and such order shall not come into force until such date as may be stated in the order and not being earlier than fourteen days after the completion of the publication of the order in accordance with the requirements of this subsection.

Prosecution
of offences.

61. Offences under this Part of this Act may be prosecuted by the local authority of the district within which the offence was committed.

Savings
from certain
provisions
of Part VII.

62. The provisions of the sections of this Part of this Act of which the marginal notes respectively are—

“ Court may prohibit moveable dwellings in certain areas ”; and

“ Byelaws as to camping grounds ”

shall not apply to—

(a) any camping ground provided by or belonging to or used by any portion of His Majesty's

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—

- naval or military or air forces or which may be certified as under supervision of or by a territorial army association or an auxiliary air force association or a county joint association ;
- (b) any moveable dwelling or camping ground provided by or belonging to or used by any duly constituted religious or charitable society or body operating throughout Great Britain to the main object of which the provision ownership or use of moveable dwellings or camping grounds is merely subsidiary Any question whether a society or body is a society or body within the meaning of this paragraph shall be determined by the Charity Commissioners ;
- (c) any camping ground provided by or belonging to or used by the members of the Boy Scouts Association or the Girl Guides Association ;
- (d) any camping ground provided by or belonging to or used by the members of any other duly constituted society or body operating throughout Great Britain which by their rules undertake responsibility for the management of the camping grounds provided by or belonging to them or used by their members and for the good conduct of their members when in camp ;
- (e) any moveable dwelling situate on any such camping ground as is referred to in the foregoing paragraphs (c) and (d) while the dwelling is occupied or used by the members of any society body or association referred to in those paragraphs ; or
- (f) any person dwelling in a tent or van or other similar structure who is a roundabout proprietor travelling showman or stallholder (not being a pedlar or hawker) :

Provided that—

- (i) the exemption conferred by the foregoing paragraph (b) in respect of any moveable dwelling or camping ground referred to in that paragraph shall apply only for so long as the society or body by or to which such moveable dwelling or camping ground is provided or belongs or is used shall continue to make reasonable arrangements for the maintenance

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of good order amongst the persons using the moveable dwelling or for the proper management of the camping ground;

- (ii) the exemptions conferred by the foregoing paragraphs (c) (d) and (e) in respect of any camping ground or moveable dwelling referred to in those paragraphs shall apply only so long as the society body or association by or to which such camping ground is provided or belongs or is used or by the members of which such moveable dwelling is occupied or used are duly exercising responsibility for the management of the camping ground and for the good conduct of their members when in camp thereon;
- (iii) the exemption conferred by the foregoing paragraph (f) on any person referred to in that paragraph shall apply only so long as such person is not guilty of any misconduct; and
- (iv) if any society body or association referred to in the said paragraphs (b) (c) and (d) are using any camping ground provided by a local authority or if any person being a member of any such society body or association or a person referred to in the said paragraph (f) is occupying or using a moveable dwelling situate on any camping ground so provided the members of such society body or association or such person shall while camping on or occupying or using any moveable dwelling situate on that camping ground comply with any byelaws made by the local authority under this Part of this Act respecting that camping ground.

Saving for
market
rights.

63. Nothing in this Part of this Act shall affect the rights or privileges of any person in respect of any lawful fair or market.

Notice of
Part VII.

64. The Council shall prior to the date on which this Part of this Act will come into force cause public notice to be given of the effect of this Part of this Act and of the date when it will come into force by advertisement in two or more newspapers circulating in the county and otherwise in such manner as the Council think sufficient.

Copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

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PART VIII.

ROADS TOWN PLANNING AND AMENITIES.

65. In this Part of this Act words and expressions to which meanings are assigned by the Public Health Act 1875 (other than the expression "local authority") have the same respective meanings except where otherwise expressly enacted or except where the subject or context otherwise requires And—

Definitions
for Part
VIII.

"the Town Planning Regulations" means the Ministry of Health (Town Planning) Regulations 1921 (S.R. & O. 1921 No. 373) or any regulations that may hereafter be substituted therefor;

"preliminary statement or draft scheme" means a preliminary statement or draft scheme in course of preparation or prepared or adopted in pursuance of the Town Planning Regulations and includes any other statement or document which may at any time after the passing of this Act be substituted for a preliminary statement or draft scheme under the Town Planning Regulations;

"interim development order" means an order made under section 4 of the Town Planning Act 1925 or section 45 of the Housing Town Planning &c. Act 1919 or under any enactment hereafter passed superseding those sections or either of them;

"estate owner" has the meaning given to that expression by the Law of Property Act 1925.

POWERS OF COUNCIL.

66.—(1) With respect to any county road the Council may with the consent of the Minister of Transport given after consultation with the Minister of Health by order prescribe a building line (in this section called "the building line") along the whole or any part of the road Provided that—

Power to
prescribe
building
lines on
county
roads.

(a) any building line which the Council propose so to prescribe shall be distinctly marked and shown

A.D. 1931.
—

on plans to be signed by the county engineer and deposited with the clerk and with the clerk to the local authority of each county district to which the plans relate and such plans shall be at all reasonable times thereafter open for the inspection of the public without charge; and

- (b) one month at least before the Council prescribe the building line they shall give notice in writing thereof and of the deposit of the said plans to every estate owner of land who is affected and whose name and address they can with due diligence ascertain.

(2) After a building line has been prescribed as aforesaid it shall not be lawful except with the written consent of the Council to erect any new building or to bring forward any building construction or erection or any part thereof or any addition thereto other than boundary walls or fences or to make any permanent excavation in front of the building line. Any consent of the Council under this subsection may be given subject to such conditions as the Council think fit to impose and any conditions so imposed shall be binding upon any successor in title to the estate owner or occupier of any land to which they relate.

(3) Any estate owner or occupier who proves that his property is injuriously affected by the prescription of the building line shall be entitled to recover from the Council compensation for the injury sustained.

(4) Any question whether compensation is payable under this section or as to the amount of any compensation so payable shall in default of agreement be determined by an official arbitrator appointed under the Acquisition of Land (Assessment of Compensation) Act 1919. Provided that—

- (a) in respect of any land upon which no building was in existence or had been begun at the date of the service of the notice referred to in proviso (b) to subsection (1) of this section no compensation shall be payable under this section until a building is erected thereon to or behind the building line unless the claimant proves to the satisfaction of the official arbitrator that the prescription of the building line has so curtailed

the site as to render it less useful for the purposes of development; A.D. 1931.

- (b) in respect of any land upon which a building was in existence or had been begun at the date of the service of the said notice no compensation shall be payable under this section until such building is rebuilt except in respect of any addition or alteration to such building not involving rebuilding and which in the opinion of the official arbitrator is reasonably and bona fide intended and is prevented by the operation of subsection (2) of this section;
- (c) no compensation shall be payable to any person in respect of anything done by him or on his behalf after the date of the service upon him of the notice referred to in proviso (b) to subsection (1) of this section and before the prescription of the building line except in respect of anything done in pursuance of a contract made or for the purpose of finishing a building begun before that date; and
- (d) there shall be taken into account any benefit accruing to the person to whom compensation is payable by reason of any improvement made or about to be made to the road.

(5) Any person who shall contravene any provision of this section shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

(6) Copies of the plans to be deposited with the clerk as hereinbefore mentioned certified by the clerk to be true shall respectively be received in all courts of justice and elsewhere as prima facie evidence of the contents of any such plan so far as it relates to any line prescribed as aforesaid and a copy (certified as aforesaid to be true) of so much of those plans as relates to the district of any local authority shall on the request of the estate owner or occupier of any property in the district and on payment of a reasonable fee to be determined by the Council be delivered to the person so applying and all fees so received shall be carried to the credit of the county fund.

A.D. 1931.

(7) (a) If a town planning scheme shall not have been prepared under the Town Planning Act 1925 for any county district or part of a county district before the Council shall have prescribed a building line under the powers of this section in respect of a county road or part of a county road in such district or part of a district any local authority thereafter preparing a town planning scheme for the district or part of a district shall embody therein the building line so prescribed by the Council and the Council shall indemnify the local authority against all charges for compensation costs and other expenses which the local authority may incur by reason or in respect of that building line.

(b) If in respect of any particular county road or part of a county road situate on any land with respect to which a local authority has decided to prepare a town planning scheme or to adopt a proposed town planning scheme either—

- (i) a building line or widening line is included in the relevant preliminary statement or draft scheme and the Council shall disapprove of that building line or widening line on the ground that it is insufficient to meet the present or future requirements of traffic on that road and desire that a different building line or widening line shall be substituted therefor; or
- (ii) no provision for a building line or widening line is included in the relevant preliminary statement or draft scheme and the Council shall desire that a building line or widening line shall be so included;

then the Council may within three months after the receipt by them of the preliminary statement or draft scheme or within such extended period as the Minister may allow give notice in writing to the local authority of their desire and if they give such notice they shall submit to the local authority a plan signed by the county engineer on which shall be distinctly marked and shown the building line or widening line desired by the Council.

On the receipt of such notice and plan the local authority shall (as the case may require) substitute the building line or widening line so shown on the plan for the building line or widening line included in the

preliminary statement or draft scheme or include the building line or widening line shown on the plan in the preliminary statement or draft scheme and the Council shall indemnify the local authority against all charges for compensation costs and other expenses which the local authority may properly incur by reason or in respect of complying with the provisions of this paragraph. A.D. 1931.

(8) Section 85 of the Act of 1925 is hereby repealed and the reference to that section in section 81 (Building line in new roads) of the Middlesex and Surrey (Thames Bridges &c.) Act 1928 shall be construed as a reference to this section. Provided as follows:—

- (a) any notice or notices given by the Council under proviso (b) to subsection (1) of the said section 85 prescribing a building line (whether with respect to a road to which that section applies or a road in the county authorised by the said Act of 1928 to be made or widened) and being a notice or notices outstanding at the date of the passing of this Act shall not be affected by the repeal of the said section 85;
- (b) the Council may prescribe a building line or building lines in pursuance of any notice or notices to which the foregoing proviso (a) applies as if the said section 85 had not been repealed; and
- (c) the liability of the Council under subsection (4) of the said section 85 in respect of any building line prescribed under that section prior to the passing of this Act (whether with respect to a road to which that section applies or a road in the county authorised by the said section 81 to be made or widened) shall not be affected by the repeal of the said section 85 but any question whether compensation is payable in respect of any such building line under that subsection (4) or as to the amount of any compensation so payable shall in default of agreement be determined in manner prescribed by this section.

(9) Where an urban district council have claimed under section 32 of the Local Government Act 1929 to exercise the functions of maintenance and repair of any county road within their district then so long as

A.D. 1931. that council continue to exercise those functions the powers and obligations of this section in relation to that road may be exercised and shall be performed by that council and such powers shall not be exercisable by the Council but the Council may contribute to the expenses incurred by any such urban district council in exercising those powers.

(10) The provisions of this section shall not extend or apply to any building construction erection or lands belonging to a railway company and held by them for the purposes of any railway authorised by Act of Parliament or by an Order having the force of an Act.

(11) Nothing in this section shall affect any right of statutory undertakers for gas water electricity tramways or light railways to make any excavation for the purpose of laying constructing altering repairing or renewing any main pipe electric line duct or other apparatus.

(12) Nothing in this section shall affect any land which the Gas Light and Coke Company or the Wandsworth and District Gas Company are specifically authorised by Parliament to use for the manufacture or storage of gas except in so far as such company may consent thereto Provided that as regards any land which either of those companies may at any time after the passing of this Act be authorised so to use any consent required for the purpose of this subsection shall not be unreasonably withheld and any question whether or not consent so required is unreasonably withheld shall be determined by the Minister of Transport after consultation with the Board of Trade :

Provided also that this subsection shall not apply to any land which either of those companies shall be authorised so to use after the Council shall have prescribed under this section a building line affecting such land or shall have required a local authority under subsection (7) (b) of this section to substitute or include in a preliminary statement or draft scheme a building line or widening line affecting such land.

67.—(1) The Council may by resolution determine—

(a) within one year after the commencement of this Act that any of the roads referred to in subsection (2) of this section or any part of

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any of those roads or if any or any part of any of those roads shall not have been constructed before the passing of this Act the lands on which such road or part of a road is intended to be constructed; or

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- (b) at any time and from time to time after the passing of this Act that the land on which shall be situate any road or any part of a road intended to be constructed by the Council

shall be a main thoroughfare for the purposes of this section.

(2) The roads referred to in paragraph (a) of subsection (1) of this section are—

- (i) The London-Worthing class I. road (A.24) between Leatherhead and Dorking;
- (ii) The Leatherhead-Guildford class I. road (A.246) between Leatherhead and Guildford;
- (iii) The Guildford-Maidstone class I. road (A.25) between Dorking and Reigate;
- (iv) The Guildford-Farnham-Alton class I. road (A.31) between Compton Corner near Guildford and Farnham;
- (v) The London-Portsmouth class I. road (A.3) between its junction with the Leatherhead-Esher-Walton class I. road (A.244) in Esher and the county boundary near Grayshott;
- (vi) The Kingston by-pass road (A.3);
- (vii) The Sutton by-pass road (A.297 and A.217);
- (viii) The Guildford and Godalming by-pass road;
- (ix) The Dorking by-pass road;
- (x) The Leatherhead by-pass road;
- (xi) The Egham by-pass road;
- (xii) The Ewell by-pass road;
- (xiii) The new road between Hampton Court Bridge and Esher now under construction by the Council by virtue of the Middlesex and Surrey (Thames Bridges &c.) Act 1928.

(3) A copy of any such resolution and if it be a resolution with respect to a road (which term in this

A.D. 1931. subsection means if the resolution relates to a part of a road that part of a road) intended to be constructed by the Council a description of the line and width of such intended road shall as soon as possible after the date of such resolution be published by the Council in one or more newspapers circulating in the area in which the road or intended road the subject of such resolution is or will be situated and shall be sent by the Council—

(a) to the local authority for each county district in which the road is situate or intended to be constructed;

(b) to every owner lessee and occupier of any land within two hundred feet from any part of the road or of the site of the intended road; and

(c) if the road is situate or intended to be constructed on land included in a town planning scheme (whether under the Town Planning Act 1925 or the section of this Act of which the marginal note is "Extension of powers of local authorities to make or adopt town planning schemes") in course of preparation or made to the relevant authority.

(4) (a) After the date of the first publication of any such resolution it shall not be lawful without the consent of the Council (which consent shall not be unreasonably withheld) to construct form or lay out any street communicating with or any means of access (whether private or public) for vehicles or foot passengers to or from any main thoroughfare the subject of such resolution or to erect any building within two hundred feet from any part of any such main thoroughfare except for the purpose of finishing the construction or erection of any street means of access or building begun or of carrying out any contract entered into before that date Any consent of the Council under this subsection may be given subject to such conditions as the Council think fit to impose and any conditions so imposed shall be binding upon any successor in title to the owner lessee or occupier of any land to which they relate.

(b) The Council shall not under this subsection unreasonably withhold or impose any unreasonable conditions on the giving of their consent to the erection of any building by any statutory undertakers for the supply of gas water or electricity Any dispute between

the Council and any such statutory undertakers as to whether any such consent of the Council has been unreasonably withheld or any such conditions have been unreasonably imposed by the Council shall be determined by the Minister.

A.D. 1931.

(5) In any case in which the Council shall have decided to construct a new road which it is intended shall be constituted a main thoroughfare for the purposes of this section it shall be the duty of the Council to inform the owner of any land proposed to be acquired by the Council for the purposes of the said road of such intention when they first after the date of that decision communicate with him with respect to such intended acquisition.

(6) Any person who proves that his property is injuriously affected or that in relation to such property he suffers loss or injury by the provisions of subsection (4) of this section shall if he makes a claim within twelve months after the date of the first publication of the resolution in respect of which the injurious affection arises be entitled to obtain compensation in respect of such injurious affection from the Council.

(7) Any question whether compensation is payable under this section or as to the amount of any compensation so payable shall in default of agreement be determined by an official arbitrator appointed under the Acquisition of Land (Assessment of Compensation) Act 1919. Provided that in determining the amount of such compensation—

- (a) in respect of any land abutting on or in the neighbourhood of any road or part of a road constructed by the Council since the first day of December nineteen hundred and thirty or constructed or intended to be constructed by the Council after the passing of this Act the arbitrator shall consider only the extent to which such land would have been injuriously affected by the restrictions imposed by subsection (4) of this section if such road or part of a road had not been or would not be constructed by the Council;
- (b) the arbitrator may take into account and embody in his award any undertaking with regard to the giving or withholding of any consent under subsection (4) of this section which the Council have offered to give to the claimant

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and whether with respect to the land of the claimant or adjoining or neighbouring land and the terms of any undertaking so embodied in the award shall be binding on and enforceable against the Council.

(8) If any person constructs forms or lays out any street or means of access or erects any building in contravention of the provisions of this section he shall (without prejudice to any other proceedings which may be available against him) be liable on conviction by a court of summary jurisdiction to a penalty not exceeding fifty pounds and to a daily penalty not exceeding five pounds and in addition and whether he shall have been convicted of any such offence or not the Council may close up or remove any such street or means of access or demolish any such building.

(9) Where an urban district council have claimed under section 32 of the Local Government Act 1929 to exercise the functions of maintenance and repair of any county road within their district then so long as that council continue to exercise those functions the powers and obligations of this section in relation to that road may be exercised and shall be performed by that council and such powers shall not be exerciseable by the Council but the Council may contribute to the expenses incurred by any such urban district council in exercising those powers.

(10) Nothing in this section or in any resolution of the Council or any urban district council thereunder shall restrict the right of any person to construct form or lay out any street on land reserved for the purpose under or in pursuance of a town planning scheme approved by the Minister under the Town Planning Act 1925 or prior to such approval on land shown as the site of an intended street in any preliminary statement approved by the Minister or draft scheme or prejudice or affect any interim development order.

(11) Nothing in this section shall apply to—

- (a) any street or means of access forming the approach to any station or depot of a railway company; or
- (b) any building erected or intended to be erected by such a company in the exercise of statutory powers for the purposes of their railway.

68.—(1) The Council may from time to time acquire by agreement— A.D. 1931.

- Acquisition
of land for
county
roads or
amenities.
- (a) with the consent of the Minister of Transport any land which is situate on either side of and within two hundred and twenty yards from the centre line of any county road in the county or any road which is in course of being or intended to be constructed by the Council if in the opinion of the Council the acquisition of such land is necessary or expedient for the purpose of any improvement of or the construction of the road or intended road ;
- (b) with the consent of the Minister of Health any such land as is mentioned in paragraph (a) hereof if in the opinion of the Council the acquisition of such land is necessary or expedient for the purpose of preserving the amenities of the locality in which the road is or will be situate ; and
- (c) with the consent of the Minister of Health any land which is situate within one hundred and fifty yards from either bank of any river or stream in the county if in the opinion of the Council the acquisition of such land is necessary for the purpose of preserving the amenities of the locality in which the river or stream is situate.

(2) Whenever the Council are in their opinion unable to acquire by agreement on reasonable terms any land within the county which they desire and are authorised to acquire under subsection (1) hereof they may apply to the Development Commissioners for an order empowering them to acquire the land compulsorily in accordance with the provisions of the schedule to the Development and Road Improvement Funds Act 1909 as amended by the Acquisition of Land (Assessment of Compensation) Act 1919 so far as those provisions are not inconsistent with the following provisions of this section and the commissioners shall have power to make such order :

Provided that no order made under this subsection shall authorise the compulsory acquisition of any land which forms part of a common or public open space or is the property of the council of any county

A.D. 1931. borough or metropolitan borough or any county district whether within or beyond the county or is vested in or has been acquired by any authority company body or person for the purpose of any railway port harbour dock canal inland navigation water gas electricity or other public utility undertaking authorised by Act of Parliament or forms part of a park garden or pleasure ground or forms part of the home farm attached to and usually occupied with a mansion house or is otherwise required for the amenity or convenience of any dwelling-house:

(3) Any estate owner or occupier of land authorised to be acquired compulsorily by an order made under subsection (2) hereof who proves that his property is injuriously affected by the acquisition by the Council of that land shall be entitled to obtain compensation in respect of such injurious affection from the Council.

(4) The amount of any such compensation shall in default of agreement be determined by arbitration in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 Provided that in determining the amount of such compensation the arbitrator may take into account and embody in his award any undertaking with respect to the provision or preservation of means of access to the road or intended road or the river or stream (as the case may be) from the lands of the estate owner or occupier so claiming compensation which the Council have offered to the claimant and the terms of any undertaking so embodied in the award shall be binding on and enforceable against the Council.

(5) Nothing in any order made under subsection (2) hereof authorising the acquisition of any land for the purpose mentioned in paragraph (c) of subsection (1) hereof shall—

(a) deprive any riparian owner except with his consent of any legal right of using in any lawful manner the soil bed or waters of any river or stream if such right was vested in or exercised by him or by his predecessors in title at the passing of this Act; or

(b) deprive the public of any public right of way or access to or along any river or stream or

the banks thereof for any purpose if such right was exercised by the public at the passing of this Act; or

A.D. 1931.
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(c) extinguish or restrict any private right of way or access to or along any river or stream or the banks thereof for any purpose legally exerciseable by any person or his predecessors in title at the passing of this Act.

(6) Where under the provisions of this section the Council have acquired any land—

(a) the Council on being required so to do by the local authority for the county district in which such land is situate shall construct to the reasonable satisfaction of the local authority any road on such land which is included in any town planning scheme (whether under the Town Planning Act 1925 or the section of this Act of which the marginal note is "Extension of powers of local authorities to make or adopt town planning schemes") in course of preparation or made. Provided that any question between the Council and such local authority as to the reasonableness of any requirement of the local authority or as to the date at which any such road is to be constructed shall be determined by the Minister; and

(b) the Council shall provide such reasonable means of access across the land so acquired to other land adjoining such land as may be agreed by the local authority and the owner of such other land on the one hand and the Council on the other hand or in default of agreement determined by the Minister.

69.—(1) The Council may from time to time acquire by agreement such lands or such rights in or over lands within or in the immediate neighbourhood of the county as the Council may deem it desirable to acquire in order to prevent or regulate the erection of buildings which may be detrimental to the view from places of public resort within the county or in order to preserve the amenities of any such place of public resort or of any estate belonging to the Council.

Acquisition of lands and rights for preservation of view.

A.D. 1931.

(2) For the purposes mentioned in subsection (1) hereof the Council may also enter into and carry into effect agreements with the owners of or any persons interested in any such lands as aforesaid and may exchange any lands or rights in or over lands for the time being belonging to them for other lands or rights in or over lands the possession or control of which the Council may deem more important for the preservation from injury of the view from and the amenities of any such places of public resort or of any estate belonging to the Council.

(3) For the purposes aforesaid the Council may also with respect to any lands within or in the immediate neighbourhood of the county aid any person in asserting (by legal proceedings or otherwise) any rights which may have the effect of preventing building on any such lands.

Acquisition
of land for
open spaces.

70.—(1) The Council may for the purpose of providing an open space from time to time acquire by agreement any land (not being at the date of such acquisition an open space within the meaning of the Open Spaces Act 1906) in the county.

(2) If at any time the Council are unable to acquire by agreement on reasonable terms any open space within the county which they may reasonably require or any land within the county which they may reasonably require for the purpose of providing an open space they may be authorised to acquire such open space or land compulsorily by means of an order submitted to the Minister and confirmed by him in accordance with the First Schedule to this Act but nothing in this subsection shall authorise the compulsory acquisition of any land which is the property of any local authority or has been acquired by any authority company body or person for the purposes of a railway dock canal water gas electricity or other public undertaking.

(3) The Council may alter adapt and lay out any land acquired by the Council under this section or under an order made in pursuance of this section and remove any buildings from such land and otherwise deal with the land so as to make the land an open space within the meaning of the said Act of 1906 and hold the land accordingly as an open space under that Act and exercise with respect thereto all or any of their powers and duties

under that Act or the Council may convey any land so acquired to any local authority to be held by the local authority as an open space under that Act and any such land may be so conveyed on such terms and conditions as shall be agreed between the Council and the local authority.

A.D. 1931.

(4) Any local authority may defray the whole or any part of any expenses incurred by the Council in the execution of this section.

71.—(1) The Council may provide and place and maintain on any roadside waste open space park or recreation ground belonging to or maintained by them and with the consent of the owner thereof on any other land within the county to which the public have access bins or other receptacles for the reception or deposit of litter and may from time to time empty and cleanse any such bins or receptacles.

Council may
provide bins
for litter.

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

72. If—

- (i) any owner of land fronting adjoining or abutting on a street as defined by the Private Street Works Act 1892 and situate in a rural district conveys sells leases or otherwise disposes of the part or any portion of the part of that land which fronts adjoins or abuts on that street; and
- (ii) any expenses of private street works carried out by the Council in or in relation to that street under that Act are apportioned on such part or portion of that land; and
- (iii) the Council are unable to recover such expenses in whole or in part from the person to whom such part or portion of that land was conveyed sold leased or disposed of or by the sale of such part or portion of that land; and
- (iv) a court of summary jurisdiction is satisfied that such conveyance sale lease or disposal was intended for the purpose of evading the payment of any expenses under the said Act;

As to eva-
sion by
owners of
private
street works
expenses.

A.D. 1931. — then such expenses or so much thereof as has not been recovered by the Council may to such extent as the court may determine be recovered from that owner in the same manner as expenses of private street works may be recovered under the said Act as though he had not made such conveyance sale lease or disposal and as though the said amount of the said expenses had been apportioned on the land of that owner which before such conveyance sale lease or disposal was made fronted adjoined or abutted on such street.

POWERS OF LOCAL AUTHORITIES.

Extension of powers of local authorities to make or adopt town planning schemes.

73. Subject to the provisions of this Act any local authority may at any time and from time to time make or adopt a town planning scheme or town planning schemes with respect to any area within their district notwithstanding—

- (i) that the land or any part thereof is developed at the time of the making of such scheme; or
- (ii) that the land or any part thereof is neither in course of development nor appears likely to be used for building purposes;

and the provisions of the Town Planning Act 1925 shall subject to the provisions of this Part of this Act apply to the making or adopting of any such scheme and to any such scheme when made or adopted :

Provided that no provision contained in a scheme made under the authority of paragraph (ii) of this section for regulating building operations shall apply in relation to the erection of buildings required for agricultural purposes upon land which is for the time being used for those purposes unless that land is reserved by the scheme for any purpose the carrying out of which in the future will necessitate the removal of buildings from the land.

In this section the expression "agricultural purposes" shall be construed in accordance with the meaning assigned to the expression "agricultural land" in the Rating and Valuation (Apportionment) Act 1928.

Meaning of "town planning scheme."

74. In the following provisions of this Part of this Act the expression "town planning scheme" means (except where otherwise expressly enacted) a town planning scheme made pursuant to either the Town Planning Act 1925 or the last preceding section of this Act.

75. The purposes for which land may be purchased under a town planning scheme shall include—

A.D. 1931.

- (a) the purpose of improvement or satisfactory development of frontages to or lands abutting on or adjacent to any new street or any widening of an existing street; and
- (b) the purpose of securing the development or re-development of land in accordance with any provisions of the scheme where it appears to the local authority that there would be difficulty in securing such development or re-development in the manner provided by those provisions by reason of the land concerned being used in a manner at variance therewith or being held in parcels or plots of inconvenient size shape or arrangement.

Purposes for which land may be purchased for town planning schemes.

76.—(1) Section 92 of the Lands Clauses Consolidation Act 1845 shall not be incorporated in any order made in pursuance of a town planning scheme authorising a local authority to purchase lands compulsorily for the purposes of that scheme but if the owner of or any person interested in any house or other building or manufactory or of any land which forms part of a park or garden belonging to a house of which a local authority have served upon him notice to treat in respect of a specified portion only shall within twenty-one days after the service of such notice by notice in writing to the local authority allege that such specified portion cannot be severed from the remainder of the property without material detriment thereto the tribunal shall in addition to the other questions required to be determined by them determine whether the said specified portion of the property can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion for which the local authority have compulsory powers of purchase) can be so severed.

Properties of which parts only are required for town planning schemes.

(2) If the tribunal determine that the portion of the property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto such owner or other person as aforesaid may be required to sell and convey to the local authority the portion so

A.D: 1931. — determined to be severable without the local authority being obliged or compellable to purchase the whole the local authority paying such sum for the portion taken by them including compensation for any damage sustained by the owner or other person by severance or otherwise as shall be awarded by the tribunal.

(3) If the tribunal determine that the portion of the property specified in the notice to treat can notwithstanding the allegation of such owner or other person as aforesaid be severed from the remainder without material detriment thereto the tribunal may in their absolute discretion determine and order that the costs charges and expenses incurred by such owner or other person incident to the determination of any matters under this section shall be borne and paid by such owner or other person.

(4) If the tribunal determine that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the local authority may withdraw the notice to treat and thereupon they shall pay to such owner or other person as aforesaid all costs charges and expenses reasonably and properly incurred by him in consequence of such notice.

(5) If the tribunal determine that the portion of the property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the local authority if they shall not withdraw the notice to treat shall pay to such owner or other person as aforesaid all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances and their determination think fit.

(6) The provisions of this section shall be stated in every notice given under any such order as aforesaid to sell and convey any premises.

As to rights
of purchase
in certain
cases.

77. Paragraph 2 of Part II of the Third Schedule to the Town Planning Act 1925 shall in its application for the purposes of or in relation to any town planning scheme made under the authority of paragraph (i) of the

section of this Act of which the marginal note is "Extension of powers of local authorities to make or adopt town planning schemes" have effect as if the words "or which at the date of the order authorising the compulsory acquisition of the land forms part of any park garden or pleasure ground or is otherwise required for the amenity or convenience of any house" were omitted therefrom.

A.D. 1931.

78. In its application to any town planning scheme made by a local authority in relation to land required for the construction or improvement of any road (other than any land which is included in a scheme made under the section of this Act of which the marginal note is "Extension of powers of local authorities to make or adopt town planning schemes") paragraph 2 of Part II of the Third Schedule to the Town Planning Act 1925 shall be read and have effect as if—

Amendment
of restric-
tions on ac-
quisition of
land.

- (a) the words "resolution of the local authority to prepare or adopt the town planning scheme for the purpose of which the land is to be acquired compulsorily formed" were inserted therein instead of the words "order authorising the compulsory acquisition of the land forms"; and
- (b) the words "on such date was" were inserted therein instead of the word "is" where that word secondly appears:

Provided that except with the consent of the owner of such land this section shall not apply in the case of any land which at the date of the order authorising the compulsory acquisition of land forms part of any park garden or pleasure ground or is otherwise required for the amenity or convenience of any house but such consent shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be referred to and determined by an arbitrator to be appointed (failing agreement) by the President of the Chartered Surveyors' Institution and the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

79.—(1) No provisions in any town planning scheme made under the authority of paragraph (i) of the section of this Act of which the marginal note is "Extension

Limitation
on require-
ments under
schemes.

A.D. 1931. " of powers of local authorities to make or adopt town
" planning schemes " prescribing the space about build-
ings or limiting the number of buildings to be erected or
prescribing the height or character of buildings within
the meaning of subsection (2) of section 11 of the Town
Planning Act 1925 shall operate so as—

(a) to require the demolition removal or alteration
of any building existing at the date of the
passing of the resolution of the local authority
to prepare or adopt the scheme or of which the
erection was commenced before that date; or

(b) to affect the user of any building for any purpose
for which the building was used at the said
date unless the person entitled to the user
of the building shall after that date (i) com-
mence to use such building for any purpose
other than that purpose or (ii) voluntarily
cease for a continuous period of six months or
upwards to use such building for any purpose;

unless and until the scheme is brought into operation
by an order of the local authority approved by the
Minister.

(2) An order made and approved under subsection (1)
of this section shall specify the period within which any
building to which the order relates is to be demolished
removed or altered or any purpose for which the building
shall cease to be used and where an order is so made and
approved the word " property " in section 10 of the
Town Planning Act 1925 shall be read and construed as
including trade or business and the provisions of sub-
section (2) of section 11 of that Act shall not operate so
as to preclude a claim for compensation under the said
section 10 by any person alleging that his property or his
trade or business has been injuriously affected by the
demolition removal or alteration of the building or the
alteration or restriction of the purposes for which the
building may be used.

(3) Before applying to the Minister for approval
of an order under this section the local authority shall
serve a copy thereof on the owner or owners and occupier
or occupiers of all buildings to which the order relates and
shall consider any representations which such owner or
owners and occupier or occupiers may make to them

within such period (not being less than one month) as may be specified for that purpose in the order and may make such modifications in the order as they think necessary in consequence of any such representations.

A.D. 1931.

(4) On the submission of the order (with or without modification) to the Minister the local authority shall serve on the said owner or owners and occupier or occupiers a copy of the order as so submitted together with a notice that objections may be made to the Minister within a period of one month from the date of service of the copy of the order and notice.

80.—(1) The local authority may at any time within six months after they have passed a resolution to prepare or adopt a town planning scheme serve on the ratepayer of every rateable hereditament and on the owner of every hereditament being agricultural land or an agricultural building in the area to which the proposed scheme is to apply a notice containing—

Service of notices in relation to the making of or under schemes.

- (a) a statement that the hereditament is in the said area;
- (b) a statement as to the right of persons concerned or likely to be concerned to have their names and addresses registered for the purpose of the service of subsequent notices relating to the scheme or matters connected therewith; and
- (c) a request that the recipient will if he is a lessee or tenant of the hereditament in respect of which the notice is served send the notice to the person to whom he pays rent for the hereditament.

(2) The local authority if they have served the notices referred to in subsection (1) of this section shall compile a register of names and addresses in accordance with the provisions hereafter in this section contained.

(3) Until the coming into operation of the scheme the register of names and addresses shall be kept and maintained by the authority by whom it was compiled and after the coming into operation of the scheme it shall be kept and maintained by such authority as may be provided in the scheme and the scheme may provide for different portions of the register being kept and maintained by different authorities and for all authorities concerned

A.D. 1931. — having reasonable access to any part of the register and shall contain such provisions with respect to the keeping and maintenance of the register as appear to be necessary including provisions for securing that information as to the custody of the register or the different portions thereof is given to persons concerned.

(4) Any person who is or claims to be an owner or occupier of any property to which the resolution applies and any association representing any such persons as aforesaid may from time to time by notice in writing specifying the property of which he claims to be the owner or occupier or as the case may be the area with which the association is concerned require the authority who for the time being have charge of the register or of the appropriate portion thereof to register his or their name and address in respect of the specified property or area free of charge.

(5) A copy of any notices required by the Town Planning Regulations to be given by the local authority in connection with the said scheme shall be served on every person and association whose name and address appear in the register and notwithstanding anything in the Town Planning Regulations it shall not be incumbent on the local authority to serve a copy of any such notices on any person whose name and address do not appear in the register other than a local authority or Government department.

(6) The provisions of this section shall not apply in relation to the service of any notice relating to the compulsory acquisition of land for the purposes of a town planning scheme.

(7) In any notice advertised by the local authority pursuant to the Town Planning Act 1925 or the Town Planning Regulations of their intention to prepare or adopt any town planning scheme or of the approval by the Minister of any town planning scheme they shall give notice of the effect of the provisions of this section.

Definition of
"owner"
for certain
purposes.

81. For the purposes of the sections of this Act of which the marginal notes are respectively "Limitation on requirements under schemes" and "Service of notices in relation to the making of or under schemes" the word "owner" has the same meaning as in the Lands Clauses Acts.

82.—(1) Notwithstanding anything in this Part of this Act— A.D. 1931.

- (a) the provisions of the Town Planning Act 1925;
- (b) the foregoing provisions of this Part of this Act relating to town planning schemes; and
- (c) the provisions of the Epsom Rural District Council Act 1930 and of the Guildford Rural District Council Act 1930 relating to town planning;

—

Exercise of town planning powers by joint town planning authority.

may with respect to any town planning scheme made or proposed to be made by any local authority be exercised with the consent of that local authority by a joint committee established under section 40 of the Local Government Act 1929 or with the consent of any such local authority by the Surrey Joint Planning Committee to be constituted under the section of this Part of this Act of which the marginal note is “Joint planning committee.”

(2) (a) All expenses incurred by the Surrey Joint Planning Committee under the provisions of this section in connection with the preparation and submission to the Minister of a town planning scheme prepared by the committee with the consent of a local authority shall be paid by that local authority.

(b) All other expenses incurred by the Surrey Joint Planning Committee in the exercise of any powers conferred upon them under the provisions of this section shall be paid by the Council and the local authority giving such consent in such proportions as the Council and that local authority may agree :

Provided that if the Council and that local authority shall disagree only on the proportions in which the said expenses shall be paid but shall agree to refer the question to the Minister that question shall be determined by the Minister.

83. The powers of a council of a district under section 43 of the Local Government Act 1929 shall extend to enable the local authority of any county district to relinquish to the Council any of their powers and duties under the sections of this Act of which the marginal notes respectively are—

Local authorities may relinquish functions to Council.

“Extension of powers of local authorities to make or adopt town planning schemes”;

A.D. 1931.
—

“ Purposes for which land may be purchased for town planning schemes ” ;

“ Properties of which parts only are required for town planning schemes ” ;

“ As to rights of purchase in certain cases ” ;

“ Amendment of restrictions on acquisition of land ” ;

“ Limitation on requirements under schemes ” ;

and any of their powers and duties under a town planning scheme made under the authority of the first of those sections.

Develop-
ment
scheme
may be re-
quired in
connection
with new
streets.

84.—(1) Whenever application shall be made to a local authority to approve the laying out of or notice shall be given to a local authority of intention to lay out a new street within the meaning of their byelaws with respect to new streets the local authority may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new street to furnish the local authority with plans sections and particulars showing the general scheme (if any) for the development or laying out of such estate or lands and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans sections and particulars required as aforesaid shall be so furnished.

(2) If after the submission of the plans sections and particulars referred to in subsection (1) of this section the local authority shall approve the laying out of any such new street either unconditionally or subject to any modification of such plans sections and particulars neither the owner of the estate or lands nor his successors in title shall carry out the development of such estate or lands in such a manner as to conflict substantially with such plans sections and particulars as so approved. If any such owner or successors in title shall offend against the provisions of this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(3) The said owner or his successors in title may at any time submit to the local authority for their approval

any alteration in the said plans sections and particulars and the local authority may if they think fit approve such alteration.

A.D. 1931.

(4) (a) Any person deeming himself aggrieved by any requirement of the local authority under this section or by any modification required in the said plans sections and particulars by the local authority or by any refusal on the part of the local authority to approve any such alteration as aforesaid therein may within fourteen days from the date of such requirement or refusal appeal to a court of summary jurisdiction and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as the court may think fit.

(b) The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(5) Nothing in this section shall be deemed to authorise any contravention of any byelaw or statutory provision in force in the local authority's district.

85.—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new street within the meaning of the byelaws of a local authority with respect to new streets are submitted to a local authority for approval the local authority may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such estate or lands as may be necessary or convenient for such purposes and the provision so to be made and the terms and conditions upon which such provision is to be made shall failing agreement between the local authority and the respective persons interested in such estate or lands be determined on the application of the local authority or any such person by an arbitrator to be appointed by the Minister and the local authority may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by

Adjustment
of bounda-
ries of
estates.

A.D. 1931. — arbitration as aforesaid Provided that the payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

(2) Any award made under the provisions of this section shall operate to effect any adjustment or alteration of boundaries or exchange of lands or the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands which may be provided for by such award or be necessary for giving effect thereto and shall be duly stamped accordingly and the costs charges and expenses of any such arbitration shall unless and except in so far as the award shall otherwise provide be borne and paid by the local authority.

(3) Any land or money received by any person in or in respect of any adjustment or alteration of boundaries or exchange of lands under the provisions of this section shall be held by such person subject to the same trusts (if any) and any land so received shall also be held subject to the same covenants restrictions and conditions (if any) so far as the same are applicable as the land exchanged therefor Where any such covenants restrictions or conditions shall in any case be agreed to be inapplicable or be determined by the arbitrator to be inapplicable the same shall be indicated in any agreement or award made under the provisions of this section.

(4) For the purpose of the adjustment or alteration of the boundaries of any such estate or lands as aforesaid the local authority may themselves purchase any land and may sell or lease the land so purchased in whole or in part at such time or times at such price or prices and on such conditions as they may think fit or may appropriate the same for any public purpose approved by the Minister and until such sale or appropriation may occupy manage or let the same or any part thereof in such manner as the local authority may think reasonable.

Rounding
off corners
at street
junctions.

86. The powers conferred or hereafter conferred upon any local authority by section 17 of the Public Health Acts Amendment Act 1907 to vary the intended position of a new street so far as is necessary for the purpose of securing more direct easier or more convenient means of communication with any other street or intended street shall

be extended so as to enable them (subject to the provisions of that section) to require that the corners formed at the junction of a new street with another street (whether new or existing) shall be rounded off so as to be coincident with the arc of a circle tangential to the adjacent boundaries of the two streets and having such radius not being less than forty feet as may be determined by the local authority.

A.D. 1931.

87.—(1) On the deposit with a local authority of the plans of any new building intended or adapted for use as a dwelling-house (or where such plans have been approved before the passing of this Act but the erection of the building has not been begun at any time before such passing) the local authority may by notice in writing require the provision before the building is erected sold let or occupied (as the local authority shall specify) of sufficient means of communication between the building and a street which is either a highway repairable by the inhabitants at large or has been laid out and constructed in accordance with the byelaws for the time being in force with respect to new streets.

Means of
access to
buildings.

(2) If it appears to the local authority to be necessary that the means of communication to be provided under this section shall be in the form of a street the local authority may by their notice require a new street to be laid out and if the construction of such means of communication appears to them necessary they may by their notice require constructional work in connection with such means of communication not exceeding that required for a new street by the byelaws in force with respect to the construction of new streets.

(3) The local authority may if they think fit contribute towards the cost of the provision of means of communication or of the work required under this section.

(4) Where notice of a requirement under this section has been given by the local authority a person shall not begin to erect or proceed with the erection of any building to which the notice relates nor sell let or occupy such building (as the notice shall specify) until the notice of the local authority has been complied with or until security has been given to the satisfaction of the local authority that the notice will be complied with.

A.D. 1931.
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(5) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

(6) Any person aggrieved by any requirement of a local authority under this section may within fourteen days from the date of such requirement appeal to a court of summary jurisdiction provided he give twenty-four hours' written notice of the appeal and of the grounds thereof to the clerk to the local authority 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 a local authority under this section.

Meaning of
byelaws
with respect
to new
streets.

88. Where in any county district any byelaws with respect to new streets made by the local authority of the district have been superseded by the provisions of a town planning scheme in force in that district the foregoing sections of this Act of which the marginal notes respectively are—

“ Development scheme may be required in connection with new streets ”;

“ Adjustment of boundaries of estates ”; and

“ Means of access to buildings ”;

shall be read and have effect as if any reference in those sections to byelaws with respect to new streets meant the provisions of the town planning scheme by which the byelaws with respect to new streets have been superseded in that district.

Prohibition
on use of
unsuitable
land for
erection of
dwelling-
houses.

89.—(1) Any local authority may by order prohibit or restrict—

(a) the erection of buildings intended or adapted for use as dwelling-houses on any land within their district which is liable to flooding; or

(b) the erection of dwelling-houses on land which would by reason of the nature of the subsoil involve danger or injury to health.

(2) Before any order made under this section shall come into force the local authority shall submit the order

to the Minister for his approval and shall give notice of the proposals of the order by advertisement in a local newspaper circulating in their district and in the London Gazette and in such other manner (if any) as the Minister may direct. The said notice shall name a place where copies of the order can be obtained free of charge and shall state a date (not being less than twenty-one days from the date of the notice) by which and the manner in which any person aggrieved by the order may make representations thereon to the Minister and that any such person shall at the same time send a copy of his representations to the clerk to the local authority.

A.D. 1931.

(3) The Minister shall consider any order submitted to him by the local authority and any representations thereon which may be duly made and may approve the order submitted to him with or without modifications or may disapprove the order.

(4) Before approving any such order the Minister may and if any representation is duly made and is not withdrawn shall (unless the representation appears to him to be frivolous) direct a local inquiry to be held under the provisions of section 104 of the Act of 1925 as incorporated with this Act.

(5) The local authority shall give at least fourteen days' notice of the intention to hold such local inquiry with particulars of any proposed order by advertisement in a local newspaper circulating in their district and shall also give similar notice in writing to each person who has duly made any representation and has not withdrawn the same.

(6) The order shall take effect as approved by the Minister and shall come into force on a date to be fixed by him.

(7) The local authority shall give notice of the provisions of any order approved by the Minister under this section by advertisement in a local newspaper circulating in their district and otherwise in such manner as may be prescribed by the Minister.

(8) Any person who commits any breach of any order which has come into force under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

A.D. 1931.

—
Further
power to
make bye-
laws as to
new build-
ings &c.

90.—(1) (a) For the purpose of assisting in the exercise of the powers conferred by this section a standing advisory committee shall be constituted for each county district except the borough of Guildford and each such committee is with reference to the county district for which it is constituted referred to in this section as “the advisory committee.”

(b) The advisory committee for a county district shall consist of three members of whom one shall be a fellow of the Royal Institute of British Architects to be nominated by the President of that institute another shall be a fellow of the Chartered Surveyors’ Institution to be nominated by the President of that institution and the third shall be a justice of the peace to be nominated by the local authority of the county district.

(c) A person may be a member of the advisory committee for more than one county district but a member of a local authority shall be disqualified from being a member of the advisory committee for the county district of that authority and a member of the Council shall be disqualified from being a member of any advisory committee for any county district.

(d) Subject as aforesaid the members of the advisory committee shall be appointed by the local authority and any vacancy occurring on the advisory committee shall be filled by the local authority on the nomination of the person or body by whom the member causing the vacancy was nominated.

(e) A local authority may pay to the members of the advisory committee such reasonable fees and expenses as the local authority thinks fit.

(2) Section 157 of the Public Health Act 1875 is hereby extended so as to enable any local authority to make byelaws providing in such manner as they may think necessary for the deposit by a person intending to construct—

(a) a building within their district; or

(b) an addition to or an alteration of an existing building within their district (including the reconstruction of an existing addition to any such building); or

(c) a chimney in their district exceeding forty-five feet from the ground in height;

of drawings of the elevations and particulars as to the materials of such building addition alteration or chimney (in this section called collectively "elevations").

A.D. 1931.
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(3) Where elevations are required to be submitted to a local authority by a byelaw made under the said section 157 as extended by this section the local authority shall within one month after the submission to them of the elevations—

(a) approve the elevations; or

(b) if they shall consider that having regard to the general character of the buildings in their district or of the buildings proposed therein to be erected or of the building to which the addition is to be constructed or reconstructed or which is to be altered the building addition alteration or chimney to which the elevations relate would seriously disfigure the vicinity of the place where the building addition alteration or chimney is intended to be constructed whether by reason of the height of the building addition alteration or chimney or its design or the materials proposed to be used in its construction refer the question of the approval of the elevations to the advisory committee for their decision thereon and the reference shall be accompanied by a statement of the grounds on which the proposed building addition alteration or chimney is considered to be objectionable.

(4) The local authority shall forthwith send notice in writing to the person by whom the elevations were deposited of their approval thereof or if the building addition alteration or chimney is considered to be objectionable on any of the grounds mentioned in this section of the reference of the elevations to the advisory committee and the notice shall be accompanied by a statement of the objections to the building addition alteration or chimney.

(5) (a) The person by whom the elevations were deposited shall within fourteen days of his receiving notice of the reference to the advisory committee be entitled to send to the advisory committee a statement of his answers to the objections of the local authority

A.D. 1931. — and if he does so he shall at the same time send a copy thereof to the clerk to the local authority.

(b) (i) The advisory committee shall within one month after the receipt of the reference decide whether having regard to the considerations mentioned in subsection (3) (b) of this section they approve or disapprove the elevations and their decision shall be final and conclusive.

(ii) If the elevations are disapproved the decision of the advisory committee shall contain a statement of the grounds on which the proposed building addition alteration or chimney is considered to be objectionable.

(iii) In arriving at their decision the advisory committee may adopt such procedure as they think fit.

(6) The decision of the advisory committee shall be in writing signed by them and a copy of the decision shall as soon as may be after the determination of the reference be sent to the local authority and to the person by whom the elevations were submitted.

(7) If there be a division of opinion among the members of the advisory committee on any reference to them the matter shall be decided by a majority of votes of the members of the committee but save as aforesaid the advisory committee shall act by their whole number.

(8) Where the elevations of a building addition alteration or chimney have been disapproved under this section it shall not be lawful to erect the building addition alteration or chimney until the elevations thereof have been approved by the local authority and any person who acts in contravention of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(9) The costs of any reference to the advisory committee shall be paid as the advisory committee may direct. Where such costs or part thereof are payable by the person submitting the elevations they shall be recoverable by the local authority summarily as a civil debt and where such costs or part thereof are payable by the local authority they shall be recoverable by the person submitting the elevations in the like manner.

(10) The provisions of paragraph (b) of subsection (3) of this section shall not apply to a wooden hoarding which is used solely for the purposes of bill posting.

(11) This section shall not apply to a building (not being a dwelling-house showroom or office) belonging to any person or body of persons authorised by virtue of any Act of Parliament or any Order having the force of an Act of Parliament to manufacture gas or to supply electricity or water and used or intended to be used exclusively for such purposes under the provisions of such Act of Parliament or Order.

(12) This section shall not apply to or have effect within the borough of Guildford.

91.—(1) Any tent van shed or similar structure standing upon land abutting on a street shall for the purpose of the application of section 3 of the Public Health (Buildings in Streets) Act 1888 to the district of any local authority be deemed to be a house or building within the meaning of those words where they first occur in that section.

Provisions
as to struc-
tures.

(2) It shall not be lawful without the written consent of the local authority to place any tent van shed or similar structure used for human habitation so as to stand upon any square forecourt court alley or passage which is within their district and to which the public have access or which is required by law to be kept free from obstructions.

(3) Any person offending against the foregoing provisions of this section shall be liable to a penalty not exceeding forty shillings and in the case of a continuing offence to a daily penalty not exceeding twenty shillings.

(4) No part of a temporary building erected with the consent of a local authority in pursuance of section 27 of the Public Health Acts Amendment Act 1907 shall be deemed to be the front main wall of a house or building within the meaning of that expression in section 3 of the Public Health (Buildings in Streets) Act 1888.

92.—(1) If it appears to any local authority that two or more houses within their district may be drained more economically or advantageously in combination than separately and a sewer of sufficient size already exists or is about to be constructed within one hundred

Combined
drains.

A.D. 1931. — feet of any part of the premises the local authority may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the local authority if they so decide or by the owners in such manner as the local authority shall direct. The costs and expenses of such combined drain and the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the local authority shall determine and if such drain is constructed by the local authority such costs and expenses may be recovered by the local authority from such owners subject to a right of appeal under subsection (4) of this section.

(2) Any combined drain constructed—

(a) by agreement with the owners in accordance with the provisions of this section but before the passing of this Act; or

(b) in pursuance of this section after the passing of this Act;

shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

(3) Provided that the local authority shall not except by agreement with the owners exercise the powers conferred by this section in respect of any house for the drainage of which plans shall have been previously approved by them.

(4) Any person deeming himself aggrieved by the amount of any costs and expenses proposed to be recovered by the local authority under this section or the amount to be borne and paid by him may appeal to a court of summary jurisdiction provided that such appeal be made within two months from the date of the service of notice by the local authority intimating the amount payable or their apportionment thereof. On any such appeal the court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court may seem just. The costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(5) The provisions of this section shall within the urban district of Surbiton be deemed to be in addition to and not in derogation of the provisions of the Surbiton Urban District Council Act 1910.

93. The provisions of the foregoing sections of this Part of this Act under the sub-heading "Powers of local authorities" in so far as those provisions are inconsistent with the provisions of any town planning scheme approved by order of the Minister before the passing of this Act shall not apply with respect to any land comprised in any such scheme. A.D. 1931.
—
Saving for existing town planning schemes.

VARIOUS PROVISIONS.

94.—(1) It shall not be lawful for any authority body or person to deposit or otherwise dispose of any refuse in any place within the county other than a place within the county district (if any) in which the refuse was collected or assembled without the consents first obtained in writing of the Council and of the local authority of the county district in which such deposit or disposal shall be intended to be made : Refuse dumps.

Provided that this subsection shall not apply—

- (a) until the expiration of twelve months from the passing of this Act to any deposit of refuse in existence at the passing of this Act; or
- (b) to the deposit or disposal of sewage by any local or other public authority acting under the powers of any Act of Parliament or Order having the force of an Act; or
- (c) to the disposal of manure at or on a farm garden or nursery and intended to be used solely for horticultural agricultural or farming purposes; or
- (d) to the deposit or disposal of refuse required solely for industrial purposes; or
- (e) to the tipping of spoil and refuse by a railway company for the purpose of constructing widening or maintaining any railway works.

(2) The Council and the local authority of the county district in which such deposit or disposal shall be intended to be made may grant or withhold their consent thereto or may make the granting of their consent subject to such terms and conditions as they think fit and may withdraw any such consent previously given Provided that if the Council and the local authority or either of them shall not notify the applicant for any such consent

A.D. 1931.

of their decision upon such application within twenty-eight days after the receipt thereof they shall be deemed respectively to have consented thereto unconditionally.

(3) Any person offending against the provisions of subsection (1) of this section or infringing any of the terms or conditions subject to which a consent under that subsection shall have been granted shall be liable to a penalty not exceeding two hundred pounds and in the case of a continuing offence to a daily penalty not exceeding fifty pounds.

(4) In this section "refuse" includes trade refuse house refuse filth rubbish dust and other like matter.

Agreements
with local
authorities
in relation
to town
planning
schemes.

95. The Council and any local authority may enter into and carry into effect agreements in relation to any town planning scheme and in particular for the inclusion therein of proposals for—

- (a) the planning of new roads and the prescription of building lines thereon;
- (b) the widening of existing roads and the prescription of building lines thereon;
- (c) the reservation of land for any purposes within the powers of the Council under any public general Act or local enactment;
- (d) the reservation of land as a public or private open space or as an agricultural or other form of open belt or as land not to be built upon;

and the Council may contribute such proportion of the expenses of the local authority in connection with any such proposals and any scheme in which such proposals are included as may be agreed.

Nothing in this section shall prejudice any right of the Minister with respect to the approval (with or without modifications) or disapproval of or the rights of any person to object to any town planning scheme in relation to which an agreement has been entered into under this section.

Joint plan-
ning com-
mittee.

96.—(1) There shall be established a joint town planning committee for the county (to be called "the Surrey Joint Planning Committee" and in this section referred to as "the committee") constituted as follows:—

- One member appointed by each local authority; and
- Six members appointed by the Council:

Provided that the committee may act notwithstanding any vacancy in their body and notwithstanding any refusal by some or any of the local authorities to appoint a member.

(2) The first members of the committee shall be appointed on or before the twenty-fifth day of October nineteen hundred and thirty-one and each member so appointed shall hold office for a term of three years from the date when the committee shall come into office as hereinafter provided and at the end of the term shall be eligible for reappointment. If a member of the committee dies or resigns during his term of office the authority by whom he was appointed may appoint another member in his place.

(3) The committee shall come into office on the third day of November nineteen hundred and thirty-one and shall hold their first meeting on that day which meeting shall be convened by the clerk at such time and in such place as the Council may determine. After their first meeting the committee may meet when and where they think fit and (subject to the provisions of subsection (4) of this section) may make such regulations as they think fit as to their procedure and do such other acts and things as they may deem necessary for the proper carrying out of the purposes for which they may have been constituted by this section.

(4) At all meetings of the committee each member present shall be entitled to one vote and every question at any such meeting shall be determined by the majority of the members present and voting. If there be an equality of votes the chairman or other person presiding at the meeting shall have a casting vote.

(5) The committee may appoint an honorary secretary or clerk.

(6) The administrative expenses of the committee shall be paid by the Council.

(7) The committee shall have power to consider and report upon or to suggest proposals for the planning within the county of—

- (a) roads designed for through communication;
- (b) lands adjoining rivers and streams;
- (c) open spaces of an area of fifty acres or more;

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(d) open spaces or parkways adjoining roads rivers and streams ;

(e) agricultural or other form of open belts or land not to be built upon.

(8) (a) After the establishment of the committee every local authority and every joint committee appointed under section 2 of the Town Planning Act 1925 or under section 40 or section 41 of the Local Government Act 1929 before depositing for public inspection under the Town Planning Regulations any preliminary statement or draft scheme and before submitting to the Minister for approval any preliminary statement or scheme deposited before the establishment of the committee shall if the town planning scheme to which the preliminary statement or scheme as submitted for approval or draft scheme respectively relates comprises any land in the county supply the committee with full particulars of any provisions in the preliminary statement or draft scheme or scheme which relate to or may affect any of the matters referred to in subsection (7) of this section and shall take into consideration any report thereon which the committee may make to them within two months of the date when such particulars were supplied.

(b) As soon as practicable after the establishment of the committee every local authority and every such joint committee as aforesaid shall give notice in writing to the committee of every preliminary statement or scheme which shall before the establishment of the committee have been submitted by the local authority or joint committee to the Minister for approval under the Town Planning Regulations and not yet approved by him if the town planning scheme to which the preliminary statement or scheme as submitted for approval relates comprises any land in the county with full particulars of any provisions of the preliminary statement or scheme which relate to or may affect any of the matters referred to in the said subsection (7) to enable the committee if they so desire to submit representations to the Minister on any such provisions before the approval of the preliminary statement or scheme.

(9) The committee may from time to time appoint such and so many sub-committees consisting of such number of members of the committee as they think fit and may delegate all or any of their powers under this

section to any such sub-committee but the acts of every such sub-committee shall require the approval of the committee.

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97.—(1) The provisions of the sections of this Part of this Act of which the marginal notes are—

Special provisions as to rural districts of Epsom and Guildford.

- “ Extension of powers of local authorities to make or adopt town planning schemes ” ;
- “ As to rights of purchase in certain cases ” ;
- “ Amendment of restrictions on acquisition of land ” ;
- “ Limitation on requirements under schemes ” ;
- “ Development scheme may be required in connection with new streets ” ;
- “ Adjustment of boundaries of estates ” ;
- “ Rounding off corners at street junctions ” ;
- “ Means of access to buildings ” ;
- “ Prohibition on use of unsuitable land for erection of dwelling-houses ” ;
- “ Further power to make byelaws as to new buildings &c.” ;
- “ Combined drains ”

shall not be exercised by the rural district council of Epsom or the rural district council of Guildford nor apply or have effect within or in relation to the rural district of Epsom or the rural district of Guildford.

(2) Part II (Town planning) of the Epsom Rural District Council Act 1930 and Part II (Town planning) of the Guildford Rural District Council Act 1930 shall each be read and have effect as if the sections of this Part of this Act of which the marginal notes respectively are—

- “ Purposes for which land may be purchased for town planning schemes ” ;
- “ Properties of which parts only are required for town planning schemes ” ; and
- “ Service of notices in relation to the making of or under schemes ”

were respectively substituted with any necessary modifications in each of those Acts of 1930 for sections 6 7 and 11 thereof respectively and those sections in each of those Acts are hereby repealed.

A.D. 1931.

(3) For the purposes of the application within the rural district of Epsom and the rural district of Guildford respectively of the section of this Act of which the marginal note is "Service of notices in relation to the making of or under schemes" the word "owner" shall have the same meaning as in the Lands Clauses Acts.

For protec-
tion of rail-
way com-
panies.

98. The provisions of the sections of this Part of this Act of which the marginal notes are—

"Development scheme may be required in connection with new streets";

"Adjustment of boundaries of estates";

"Rounding off corners at street junctions";

"Further power to make byelaws as to new buildings &c.";

"Provisions as to structures"

shall not extend or apply to any building (not being a dwelling-house) railway or work 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 or to any lands held or acquired or which may hereafter be held or acquired by any such company with the authority of Parliament so long as any such building railway work or land is used or held by such company primarily for railway purposes.

Appeals to
quarter
sessions.

99. Except where this Act otherwise expressly provides any person aggrieved by any order of a court of summary jurisdiction under any provision of this Part of this Act may appeal in manner provided by the Summary Jurisdiction Acts to a court of quarter sessions and in regard to any such order the Council may in like manner appeal.

PART IX.

BARNES STREET WORKS.

Definitions
for Part IX.

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

"The urban district" means the urban district of Barnes;

"The undertakers" means (subject to the provisions of the next succeeding section of this Act) and

of any agreement made thereunder) the Council and the Barnes Council; A.D. 1931.

“The street works” means the works authorised by the section of this Part of this Act of which the marginal note is “Power to construct street works.”

101.—(1) The Barnes Council and the Council may enter into and carry into effect agreements or arrangements for or in connection with any of the purposes of this Part of this Act including agreements for the exercise by one of them of any of the powers conferred by this Part of this Act on the undertakers and if any such agreement as last aforesaid shall be entered into the party to the agreement by whom any such powers are to be exercised shall in relation to those powers be “the undertakers” for the purposes of this Part of this Act. Agreements
between
Council and
Barnes
Council.

(2) Any agreement entered into under the powers of this section may provide for the variation of any of the provisions of this Part of this Act (so far as they relate only to rights or obligations of the Council and the Barnes Council) or of the provisions of any previous agreement between the Council and the Barnes Council.

WORKS.

102. Subject to the provisions of this Part of this Act the undertakers may in the lines and situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections execute make and maintain the following street works in the urban district :— Power to
construct
street works.

Work No. 1 A widening and improvement of Mortlake High Street on its north side between No. 99 Mortlake High Street and No. 111 Mortlake High Street;

Work No. 2 A widening and improvement of Mortlake High Street on its south side between Tinder Box Alley and the western boundary of No. 102 Mortlake High Street;

Work No. 3 A new street in continuation of Ripley Gardens in a straight line in a north-westerly direction to Mortlake High Street as widened by the said Work No. 2;

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Work No. 4 A new street commencing at the north-east corner of No. 92 Mortlake High Street and terminating at Sheen Lane;

Work No. 5 A widening and improvement of Mullin's Path on its west side between a point ten feet or thereabouts from the southern boundary of No. 30 Mullin's Path and Mortlake High Street;

Work No. 6 A widening and improvement of Mullin's Path on its west side between No. 1 Industry Row and the north-east corner of No. 1 Industry Place;

Work No. 7 A new street commencing at a point on the northern boundary of No. 2 Meadow View seven feet or thereabouts from Woodbine Villa and terminating in Mortlake High Street;

Work No. 8 A widening and improvement of Sheen Lane on its western side and of Lower Richmond Road on its southern side between the south-east corner of Mortlake Green and a point on the southern side of Lower Richmond Road opposite No. 22 Lower Richmond Road;

Work No. 9 A widening and improvement of North Worple Way on its north side extending from Sheen Lane to Wigan Hall;

Work No. 10 A widening and improvement of North Worple Way on its north side extending from Alder Road to the south-eastern corner of No. 78 North Worple Way.

Power to deviate.

103. In making the street works the undertakers may deviate from the lines and positions thereof respectively shown on the deposited plans to any extent within the limits of deviation shown on those plans and from the levels thereof respectively shown on the deposited sections to any extent not exceeding two feet upwards or downwards.

Power to make subsidiary works.

104.—(1) Subject to the provisions of this Part of this Act and within the limits of deviation shown on the deposited plans the undertakers in connection with the street works and for the purposes thereof may—

(a) make junctions and communications with any existing streets which may be intersected or

interfered with by or be contiguous to the street works or any of them; A.D. 1931.

- (b) make diversions widenings or alterations of lines or levels of any existing streets for the purpose of connecting them with the street works or any of them or of crossing under or over the same or otherwise;
- (c) construct and provide carriageways footways vaults cellars arches sewers drains subways and other works and conveniences;
- (d) stop up and appropriate the site and soil of so much of any streets as shall be rendered unnecessary by the exercise of the powers of this Part of this Act;
- (e) execute any works for the protection of any adjoining land or buildings;
- (f) remove alter divert or stop up any drain sewer channel or watercourse the undertakers providing a proper substitute before interrupting the flow of sewage in any drain or sewer or water in any channel or watercourse; and
- (g) alter any mains pipes wires and other works and apparatus for the purpose of conveying water gas or electricity to any house or other place.

(2) Any paving metalling or materials in on or under any street altered or diverted under the powers of this Part of this Act and any sewers drains and pipes rendered unnecessary by the substitution of other sewers drains and pipes therefor shall vest in the undertakers and all substituted sewers drains and pipes shall be under the same jurisdiction care management and direction as the existing sewers drains and pipes for which they may be so substituted.

(3) In the exercise of the powers conferred by this section the undertakers shall cause as little detriment and inconvenience as circumstances admit to any person and shall make reasonable compensation for any damage caused to any person by the exercise of those powers.

(4) Within the limits of deviation shown on the deposited plans the undertakers may raise sink or otherwise alter the position of any of the steps areas cellars windows pipes or spouts belonging to any house or

A.D. 1931. — building and may remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances will admit and shall make reasonable compensation for any damage caused by the exercise of the powers of this subsection.

(5) The undertakers shall not alter or remove any telegraphic line (as defined in the Telegraph Act 1878) belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of that Act.

(6) Nothing in this section 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.

Stopping up
of highways.

105.—(1) In connection with the street works the undertakers may stop up the highway in the urban district known as Vineyard Path and 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 site and soil thereof shall vest in the undertakers.

(2) The undertakers shall make full compensation to all parties interested in respect of any private rights of way extinguished under or by virtue of this section unless the undertakers provide equally convenient alternative rights of way.

Under-
pinning of
houses near
works.

106. And whereas in order to avoid in the execution and maintenance of the works authorised by this Part of this Act injury to the houses and buildings within one hundred feet of those works it may be necessary to underpin or otherwise strengthen the same therefore the undertakers at their own costs and charges may and if required by the owner or lessee of any such house or building shall (subject as hereinafter provided) underpin or otherwise strengthen the same and the following provisions shall have effect:—

(1) At least ten days' notice shall except in emergency be given to the owner lessee and occupier or by the owner or lessee of the house or building so intended or so required to be underpinned or otherwise strengthened:

- (2) Each such notice if given by the undertakers shall be served in manner prescribed by this Part of this Act and if given by the owner or lessee of the premises to be underpinned or strengthened shall be sent to the undertakers :
- (3) If any owner lessee or occupier of any such house or building or the undertakers (as the case may require) shall within seven days after the giving of such notice give a counter notice in writing that he or they disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer (in this section referred to as "the referee") to be agreed upon or in case of difference appointed at the instance of either party by the Minister of Transport and the Arbitration Act 1889 shall apply to the reference :
- (4) The referee shall forthwith upon the application of either party proceed to inspect the house or building and determine the matter referred to him and if he shall decide that such underpinning or strengthening is necessary he may and if so required by the undertakers or such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the undertakers may and shall proceed forthwith so to underpin or strengthen the said house or building :
- (5) The undertakers shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this section :
- (6) If any house or building shall have been underpinned or strengthened on the requisition of the undertakers and such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the undertakers then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the

A.D. 1931.

referee the undertakers shall make compensation to the owners lessees and occupiers of the house or building for such injury provided that the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :

- (7) Nothing in this Part of this Act nor any dealing with any property in pursuance of this section shall relieve the undertakers from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act :
- (8) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

Power to
sell mate-
rials.

107. The undertakers may sell or dispose of any materials of any houses buildings or structures acquired by them under the powers of this Part of this Act and not required for the purposes thereof and also all materials in under or upon any road street or other place altered by them for the purposes of this Part of this Act and any materials obtained in the alteration of or interference with any drain or sewer which are vested in the undertakers under the powers of this Part of this Act and the materials (if any) obtained in the course of the street works.

Temporary
stoppage of
streets.

108.—(1) The undertakers during and for the purpose of the execution of the works authorised by this Part of this Act may break up and also temporarily stop up divert and interfere with any street and may for any reasonable time prevent all persons other than those bona fide going to or from any house in the street from passing along and using the street.

(2) The undertakers shall provide reasonable access for foot passengers bona fide going to or from any such house.

Mainten-
ance of
new streets.

109.—(1) The new street (Work No. 4) by this Part of this Act authorised shall be deemed to be a county road under and for the purposes of the Local Government Act 1929 and shall as from the date of completion thereof be deemed to be a road with

respect to which the Barnes Council have claimed to exercise the functions of maintenance and repair. A.D. 1931.

(2) Each of the new streets (Works Nos. 3 and 7) by this Part of this Act authorised shall as from its completion and until it becomes a classified road within the meaning of the Local Government Act 1929 be deemed to be a road vested in the Barnes Council as highway authority and not to be a county road.

LANDS.

110. Subject to the provisions of this Part of this Act the undertakers may enter upon and take appropriate hold and use all or any of the lands shown on the deposited plans and described in the deposited book of reference which they may respectively require for the purposes of the works authorised by this Part of this Act including the improvement and development of frontages or of the lands abutting on or adjacent to any street or the provision of land for the purpose of re-housing or for other the purposes of this Part of this Act. Undertakers may acquire lands compulsorily.

111. The powers of the undertakers for the compulsory purchase of lands for the purposes of this Part of this Act shall cease on the thirty-first day of October nineteen hundred and thirty-five. Period for compulsory purchase of lands.

112. In estimating the amount of compensation or purchase money to be paid by the undertakers in respect of the acquisition under this Part of this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are continuous with such adjoining lands arising out of the construction of any new street or of the widening or improvement of any existing street or arising through such adjoining lands becoming lands fronting on any such new or existing street shall be fairly estimated and shall be set off against the said compensation or purchase money. Benefits to be set off against compensation.

113. For the purposes of determining any compensation payable in respect of lands taken under the powers of this Part of this Act the tribunal shall not award any sum of money for or in respect of any compensation in case of recently acquired interest.

A.D. 1931. — improvement alteration or building made or for or in respect of any interest in the land created after the twenty-seventh day of November nineteen hundred and thirty if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary or was made or created with a view to obtaining or increasing compensation under this Act.

Undertakers may acquire additional lands by agreement.

114. In addition to the other lands which the undertakers are by this Part of this Act authorised to purchase and acquire they may purchase take on lease or acquire lands by agreement and may hold the same for the purposes of this Part of this Act.

Power to reinstate owners of property.

115. The undertakers may enter into and carry into effect agreements with the owners of or other persons interested in any land which may be acquired under the provisions of this Part of this Act or which may be in the neighbourhood of any of the street works with respect to the reinstatement of such owners or other persons and with respect to the exchange of lands for that purpose and the undertakers may pay or receive money for equality of exchange.

Undertakers may enter upon property for survey and valuation.

116. The undertakers and their respective surveyors officers and workmen and any person duly authorised in writing under the hands of their respective clerks may at all reasonable times on giving in the first instance twenty-four hours' and subsequently twelve hours' previous notice in writing enter on and into the lands and buildings by this Part of this Act authorised to be taken and used or any of them for the purpose of surveying and valuing those lands and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing on or in any part of the said lands and buildings.

Owners may be required to sell parts only of certain premises.

117.—(1) Whereas in the construction of the works authorised by this Part of this Act or otherwise in the exercise by the undertakers of the powers of this Part of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the undertakers and that such portions or some other

portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect :—

A.D. 1931.

- (a) The owner of and persons interested in any of the properties whereof the whole or part is described in the Second Schedule to this Act and whereof a portion only is required for the purposes of the undertakers or each or any of them are hereinafter in this section included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties";
- (b) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the undertakers that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the undertakers such portion only without the undertakers being obliged or compellable to purchase the whole the undertakers paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise;
- (c) If within such twenty-one days the owner shall by notice in writing to the undertakers allege that such portion cannot be so severed then unless the undertakers agree to take the whole of the property (in which case the notice to treat shall be deemed to apply to the whole property) the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled properties specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the undertakers have compulsory powers of purchase) can be so severed;

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- (d) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the undertakers the portion which the tribunal shall have determined to be so severable without the undertakers being obliged or compellable to purchase the whole the undertakers paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal;
- (e) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner;
- (f) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it shall determine that any other portion can be so severed) the undertakers may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice;
- (g) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the undertakers in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and

expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall have regard to the circumstances of the case and its final determination think fit.

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(2) The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 and nothing in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

(3) The provisions of this section shall be stated in or endorsed on every notice given thereunder to sell and convey any of the scheduled properties.

118. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the undertakers after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county for the correction thereof and if it shall appear to the justices hearing the application that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk and a duplicate thereof shall also be deposited with the clerk to the Barnes Council and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the undertakers to take the lands and execute the works in accordance with the certificate.

Correction
of errors &c.
in deposited
plans and
book of
reference.

119.—(1) All private rights of way over any lands which the undertakers are authorised by this Part of this Act to acquire compulsorily shall be

Extinction
of private
rights of
way.

A.D. 1931. — extinguished as from the date of the acquisition of such lands by the undertakers if the undertakers shall by resolution so determine and give notice in writing of such their resolution to the owner of any right of way referred to therein.

(2) The undertakers shall make compensation to all persons interested in respect of any rights extinguished under the provisions of this section.

Application
of sections
of Part II to
undertakers.

120. The sections hereinafter mentioned of Part II of this Act shall so far as applicable extend and apply with reference to the undertakers to and with respect to any lands authorised to be acquired under this Part of this Act in as full and complete a manner as if those sections were re-enacted in this Part of this Act with the substitution of the undertakers for the Council and with any other necessary modification. The sections above referred to are those of which the marginal notes are—

“Persons under disability may grant easements &c.”;

“Retention and disposal of lands”;

“Proceeds of sale of surplus lands.”

Further
powers to
undertakers
of entry.

121. The provisions of section 106 (Power of entry on land acquired) of the Housing Act 1925 as amended by the Housing Act 1930 so far as they relate to land acquired for the purpose of Part II of that Act of 1925 shall apply to any land which the undertakers are authorised to acquire under this Part of this Act. Provided that in any notice served by the undertakers to treat for any such land the provisions of this section shall be stated.

Power to
develop
lands &c.

122.—(1) The undertakers may with respect to any lands acquired by them under the provisions of this Part of this Act and for the time being belonging to them and not required for the purpose for which they were acquired exercise all or any of the following powers (viz.) :—

(a) They may with the consent of the Minister lay out and develop any such lands and on any such lands may erect and maintain houses shops offices warehouses and other buildings and construct sewer pave flag channel and kerb streets roads and ways;

(b) They may grant any easements rights or privileges in under or over any such lands and may pull down and remove any house or other building situate on any such lands and use or dispose of the materials thereof;

(c) They may alter adapt and lay out such lands or any part or parts of them and remove any buildings from and otherwise deal with such lands so as to make them an open space within the meaning of the Open Spaces Act 1906 and may hold such lands or any part or parts of them accordingly as an open space under that Act and exercise with respect thereto all or any of their powers and duties under that Act.

(2) The undertakers may also sell lease exchange or otherwise dispose of any houses shops offices warehouses or buildings erected or situate on any such lands and subject to such terms conditions and restrictions as they may think fit including conditions and restrictions as to the buildings to be erected and the use to which such buildings may be put.

(3) The provisions of this section shall be in addition to and not in derogation of any other powers vested in or exerciseable by the undertakers.

(4) Notwithstanding the foregoing provisions of this section the undertakers shall not under the powers of this section—

(a) lay out or develop any lands or erect on any lands any houses shops offices warehouses or other buildings in any manner which infringes any then existing legal right of any owner lessee or occupier of adjoining lands; or

(b) except with the consent of the Minister sell lease or dispose of any such houses or other buildings at a price or rent or for a consideration of a value less than the current market value but nothing in this subsection shall require a purchaser or lessee from the undertakers to inquire whether the consent of the Minister is necessary or has been obtained.

(5) Nothing in this section shall be taken to dispense with the consent of any Government department to any sale lease appropriation or other disposition of any lands

A.D. 1931. — of the undertakers in any case in which such consent would have been required if this Act had not been passed.

MISCELLANEOUS.

Determina-
tion of com-
pensation.

123. Any question of disputed compensation payable under this Part of this Act or under any enactment incorporated with this Act shall be referred to and determined by arbitration in accordance with the provisions of the Lands Clauses Acts and those provisions with any necessary alterations shall (subject to the provisions of this Part of this Act) apply accordingly.

Authentica-
tion and
service of
notices &c.

124.—(1) Where any notice or other document under this Part of this Act or under the Lands Clauses Acts as incorporated with this Part of this Act requires authentication by the Council or the Barnes Council the signature of the clerk or other duly authorised officer of such council shall be sufficient authentication.

(2) Notices and other documents required or authorised to be served or given by the Council or the Barnes Council under this Part of this Act or under the Lands Clauses Acts as incorporated with this Part of this Act may be served by post or by delivering the same to or at the residence of the person to whom they are respectively addressed or where addressed to the owner or occupier of premises by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises who can be so served by fixing the same on some conspicuous part of the premises :

Provided that—

- (a) a notice to treat given under section 18 of the Lands Clauses Consolidation Act 1845 if served by post shall be served by registered post;
- (b) in the case of a company any such notice or document shall be delivered or sent by post to the secretary of the company at its registered office or at its principal office or place of business.

In proving service by post it shall be sufficient to prove that the notice or other document was properly addressed and put into the post.

(3) Any such notice as aforesaid which is required to be given to the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given without further name or description. A.D. 1931.
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125.—(1) In this section the expression "Mortlake Green" means the property numbered 188 on the deposited plans and being the land described in the schedule to the scheme made by the Charity Commissioners on the sixth day of December nineteen hundred and one and therein referred to as "Mortlake Playground." As to Mortlake Green.

(2) Notwithstanding anything in this Act or shown on the deposited plans the undertakers shall not take use or appropriate under the powers of this Part of this Act any part of Mortlake Green except in accordance with the provisions of this section.

(3) Notwithstanding anything in the said scheme or the deed dated the twenty-third day of February eighteen hundred and sixty and referred to in that scheme the undertakers may (subject to the provisions of subsection (4) hereof) appropriate for the purpose of the widening and improvement of Sheen Lane and of Lower Richmond Road (Work No. 8) authorised by this Act so much of Mortlake Green as may be required for that purpose.

(4) (a) Before the undertakers shall appropriate any part of Mortlake Green under the provisions of subsection (3) hereof the Barnes Council shall at their own expense and to the satisfaction of the Charity Commissioners throw into and constitute as part of Mortlake Green an area of land (forming part of the lands of the Council abutting on Mortlake Green on its west side) of not less extent than the area of Mortlake Green intended to be appropriated by the undertakers under subsection (3) hereof.

(b) The first mentioned area when so thrown into and constituted part of Mortlake Green shall be deemed to be part of the land described in the schedule to the said scheme and be subject to the provisions of that scheme and of the said deed dated the twenty-third day of February eighteen hundred and sixty and also to any

A.D. 1931. byelaw relating to the management and control of
Mortlake Green.

(c) The second mentioned area when so appropriated by the undertakers under subsection (3) hereof shall cease to be subject to the provisions of the said scheme deed and byelaws.

For protec-
tion of tenants
of rent-con-
trolled houses.

126. Nothing in this Part of this Act shall be deemed to affect the operation of the Rent and Mortgage Interest (Restrictions) Acts 1920 to 1925 in relation to any dwelling-house to which those Acts apply.

Notice to
Commis-
sioner of
Police.

127. Before breaking up or otherwise interfering with any street situate in the metropolitan police district in connection with the execution of any works under the powers of this Part of this Act the undertakers shall (except in cases of emergency) give seven days' notice in writing to the Commissioner of Police of the metropolis and make such arrangements with the commissioner as may be reasonably necessary so as to cause as little interference as may be reasonably practicable with the traffic in the street during the execution of such works.

For protec-
tion of Me-
tropolitan
Water
Board.

128. For the protection of the Metropolitan Water Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the board and the undertakers have effect (that is to say) :—

- (1) Not less than twenty-eight days before commencing any of the street works in any street or road in or under which any mains pipes hydrants plugs or other works or apparatus (in this section referred to as "apparatus") of the board are situate the undertakers shall deliver to the board a plan section and description of such works describing the proposed manner of executing them and showing the whole of the works proposed to be executed in connection therewith :
- (2) At any time within twenty-one days from the receipt of such plan section and description the board may by notice in writing to the undertakers intimate their disapproval of the proposed manner of executing such street works so far as they involve interference with the

apparatus of the board or make any reasonable requirements with respect to such plan section or description and in particular they may require the undertakers to provide and lay down such works and apparatus as may be reasonably necessary and if it is reasonably necessary so to do they may require the undertakers to remove raise sink or otherwise alter the position of any apparatus and support the same and to substitute temporarily or otherwise other apparatus in such manner as may be reasonably necessary and to lay or place under any apparatus cement concrete or other like substance Provided that if the board shall not within the said period of twenty-one days give any such notice in writing to the undertakers as aforesaid they shall be deemed to have approved the plan section and description as submitted and if within that period they give such a notice the plan section and description so far as they involve any interference with any apparatus of the board shall (if not agreed between the board and the undertakers) be settled by arbitration as hereinafter provided :

- (3) The undertakers shall not construct such street works as aforesaid except in strict accordance with the said plan section and description as so approved by the board or settled by arbitration :
- (4) The undertakers shall not remove raise sink or otherwise alter the position of any apparatus of the board or do anything which may impede the passage of water into or through any apparatus without the consent in writing of the board (which consent shall not be unreasonably withheld) or in any manner other than shall reasonably be approved by the board or until the undertakers shall have provided laid down and made ready for use by the board such good and sufficient apparatus (hereinafter referred to as "substituted apparatus") as the board may reasonably consider necessary for continuing the supply of water :
- (5) All works to be executed or provided under this section in connection with any apparatus of

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the board shall except as herein otherwise provided be so executed or provided by and at the expense of the undertakers but to the reasonable satisfaction and under the superintendence of the board if after reasonable notice in writing from the undertakers such superintendence shall be given :

- (6) Not less than twenty-one days before commencing the construction of any of the street works which will involve any interference with or endanger any apparatus of the board the undertakers shall give to the board notice in writing of their intention to commence such construction and shall state in the notice the place and time at which they propose so to commence. If within fourteen days after the receipt of such notice the board shall give notice to the undertakers of their intention themselves to lay down any substituted apparatus or to execute any other works to or in connection with any apparatus as provided by this section it shall be lawful for the board instead of the undertakers to lay down such apparatus or execute such works and the board shall thereupon lay down or execute the same with all reasonable dispatch and the reasonable cost incurred by them in so doing shall on demand be repaid to the board by the undertakers :
- (7) If in the exercise by the undertakers of any of the powers of this Part of this Act any damage to any apparatus or property of the board or any interruption in the supply of water by the board shall be caused the undertakers shall bear and pay the cost reasonably incurred by the board in making good such damage and shall make full compensation to the board for any loss sustained by them by reason of such interruption of supply and shall indemnify the board against all claims demands proceedings costs damages and expenses which may be made or taken against or recovered from or incurred by the board by reason or in consequence of any such damage or interruption :

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- (8) If by or in consequence of the exercise of any of the powers of this Part of this Act the carriageway of any street is widened so as to extend over any apparatus of the board which before such widening was situate under the footway or at the side of the street the board may relay such apparatus under the altered footway or at the side of the widened street or may lower such apparatus so as to provide adequate protection against vehicular traffic :
- (9) If in the exercise of any of the powers of this Part of this Act the undertakers lower or raise the level of any street so as to leave over any apparatus of the board a covering of less than three feet or more than five feet the board may relay such apparatus at such depth that the covering over such apparatus will not be less than such minimum covering or more than such maximum covering or where the apparatus is situate in the carriageway of such street may divert the apparatus under the footway of the street and lay the apparatus at such depth as aforesaid :
- (10) The undertakers shall repay to the board the costs charges and expenses reasonably incurred by the board pursuant to subsections (8) and (9) of this section :
- (11) The undertakers shall repay to the board the reasonable cost to the board of providing and laying a new main having an internal diameter of four inches in the position shown by a red colour on the plan signed on behalf of the undertakers by Francis Percy Kindell and on behalf of the board by Henry Edward Stilgoe together with all necessary connections to the existing apparatus of the board :
- (12) If under the powers of this Part of this Act the undertakers shall stop up temporarily any street in which any apparatus of the board shall be situate the board shall during such stopping up be entitled to reasonable means of access to such apparatus for the purpose of inspecting repairing and renewing the apparatus :

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- (13) Notwithstanding the stopping up permanently under the powers of this Part of this Act of the portion of Vineyard Path which is situate between the points marked "A" and "B" on the plan referred to in subsection (11) hereof the board shall at all times be entitled to reasonable means of access to any apparatus of the board situate thereunder for the purpose of inspecting repairing and renewing such apparatus :
- (14) The board may if they deem fit employ watchmen or inspectors to watch any works to be executed by the undertakers under this section or any other provision of this Part of this Act whereby any apparatus of the board will or may be interfered with or affected and the reasonable expenses thereof shall be borne by the undertakers and be paid by them upon demand to the board :
- (15) The expenses of all repairs or renewals of any apparatus of the board which may be rendered necessary by or in consequence of the acts or defaults of the undertakers their contractors agents workmen or servants or of subsidence resulting from the works of the undertakers whether during the construction of such works or within the period of two years after the completion thereof shall be borne by the undertakers and paid by them on demand to the board :
- (16) The undertakers shall bear and pay to the board the amount of any expenses reasonably incurred by the board in connection with the removal or any alteration of any private communication pipes rendered necessary by reason or in consequence of the exercise of the powers of this Part of this Act and shall indemnify the board against all claims and demands by the owners of such communication pipes or the owners or occupiers of premises supplied by means thereof :
- (17) The undertakers shall pay to the board the charges reasonably incurred by them of and incidental to the cutting off of any apparatus rendered derelict by the stopping up of any

street or road under the powers of this Act from any other apparatus of the board and of and incidental to any other works or things rendered necessary or expedient in consequence of any apparatus of the board being so rendered derelict :

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- (18) If any difference shall arise between the undertakers and the board under this section (other than a difference as to the construction or meaning of this section) such difference shall be referred to and determined by an arbitrator to be agreed upon by them or (failing such agreement) to be appointed on the application of either party (after notice in writing to the other of them) 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.

129. For the protection of the Gas Light and Coke Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the undertakers and the company apply and have effect (that is to say) :—

For protection of Gas Light and Coke Company.

- (1) Not less than twenty-eight days before commencing any of the works authorised by this Part of this Act in or so as to affect any street or road in or under which any works or apparatus of the company (all of which are in this section referred to as "apparatus") are situate the undertakers shall deliver to the company a plan section and description of such works describing the proposed manner of executing them and showing the whole of the works proposed to be executed in connection therewith :
- (2) The company at any time within twenty-one days after the receipt of such plan section and description may by notice in writing intimate to the undertakers their disapproval of the proposed manner of executing the intended works (so far as they involve interference with or might endanger any apparatus of the company) or make reasonable requirements with respect to such plan section and description

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and in particular they may require the undertakers to provide and lay down such works and apparatus as may be reasonably necessary and if it is reasonably necessary so to do they may require the undertakers to remove raise lower or otherwise alter the position of any apparatus of the company and support the same and where reasonably necessary to substitute temporarily or otherwise other apparatus in such manner as may be reasonably specified by the company and to lay or place under any apparatus cement concrete or other protective substance :

Provided that if the company shall not within the said period of twenty-one days give any such notice in writing to the undertakers or make any such requirement as aforesaid they shall be deemed to have approved the plan section and description as submitted to them :

- (3) The undertakers shall not execute any such works as aforesaid except in accordance with the said plan section and description as approved by the company or if not so approved as may be settled by arbitration :
- (4) No apparatus of the company shall be removed raised sunk or otherwise altered in position nor shall anything be done which may impede the passage of gas into or through any apparatus or interfere with the access thereto without the consent of the company or in any manner other than the company shall approve unless and until such good and sufficient apparatus (hereinafter referred to as "substituted apparatus") as the company may reasonably consider necessary for continuing the supply of gas shall have been first provided laid down and made ready for use Provided that the consent or approval of the company under this subsection shall not be unreasonably withheld :
- (5) All works to be executed or provided under this section or under any other provision of this Part of this Act in connection with any apparatus of the company shall except as herein

otherwise provided be so executed or provided by and at the expense of the undertakers but to the reasonable satisfaction and under the superintendence (if after reasonable notice in writing from the undertakers such superintendence be given) of the engineer of the company :

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- (6) Not less than twenty-one days before commencing the execution of any such works as aforesaid the undertakers shall give to the company notice of their intention to commence such execution and shall state in the notice the place and time at which they so propose to commence. If within twenty-one days after the receipt of any such notice the company shall give notice to the undertakers of their intention themselves to lay down any substituted apparatus or to execute any other works in connection with any of their apparatus as provided by this section it shall be lawful for the company instead of the undertakers to lay down such apparatus or execute such works and the company shall thereupon lay down or execute the same with all reasonable dispatch and the cost reasonably incurred by the company in so doing shall on demand be repaid to them by the undertakers :
- (7) If in the exercise by the undertakers of any of the powers of this Part of this Act any damage to any apparatus of the company or any interruption in the supply of gas shall be caused the undertakers shall bear and pay the cost reasonably incurred by the company in making good such damage and shall make full compensation to the company for any loss sustained by them by reason of such interruption of supply and shall indemnify the company against all claims demands proceedings costs damages and expenses which may be made or taken against or recovered from or incurred by the company by reason or in consequence of any such damage or interruption. The undertakers shall also pay to the company any reasonable expenses which the company may reasonably and properly

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incur in connection with any alteration of private communication pipes rendered necessary by the execution of any such works as aforesaid :

- (8) (a) The undertakers shall not lower the level of any street or alter the position of any apparatus of the company situate below the surface of any street or land so as to leave over such apparatus in any part a covering of less than three feet where the existing covering is not less than three feet or less than the existing covering where the same is less than three feet unless the undertakers shall in such case protect such apparatus from frost or injury by artificial covering to the satisfaction of the engineer of the company ;

(b) The undertakers shall bear and on demand pay to the company any additional cost which the company may from time to time reasonably incur in connection with the excavation of any soil or other material above any such apparatus as last aforesaid so far as such additional cost is caused by any increase under the powers of this Part of this Act of the covering over such apparatus beyond—

(i) the existing covering ; or

(ii) five feet

whichever is the greater :

- (9) If any loss of gas shall be sustained by the company by reason of any act or omission of the undertakers or of any of their contractors agents workmen or servants or any person in the employ of them or any of them the undertakers shall pay to the company the value of any gas so lost as aforesaid :
- (10) The undertakers shall bear and pay the cost reasonably incurred by the company in the employment of watchmen and inspectors with reference to and during the execution under the powers of this Part of this Act of any works affecting or likely to affect any apparatus of the company :

(11) The expense of all repairs or renewals of any apparatus of the company which may be rendered necessary by or in consequence of the acts or defaults of the undertakers their contractors agents workmen or servants or any person in the employ of them or any of them or rendered necessary by reason of any subsidence resulting from the works of the undertakers whether during the execution thereof or within twelve months after the completion thereof shall be borne by the undertakers and paid by them on demand to the company :

(12) If under the powers of this Part of this Act the undertakers alter the carriageway of any street so as to extend over any apparatus of the company which before such alteration was situate under the footway of such street or otherwise in the exercise of such powers cause any apparatus of the company which is situate under the footway to be placed under the carriageway thereof the company where it is reasonably necessary may either—

(a) relay such apparatus under the altered footway ; or

(b) lower such apparatus so as to provide adequate protection therefor against injury ;
as may be agreed between the company and the undertakers or settled by arbitration as hereinafter provided and the undertakers shall repay to the company the expense reasonably incurred by them in so doing :

(13) Whenever by reason or in consequence of the stopping up permanently under the powers of this Part of this Act of any street or road or part of a street or road any apparatus of the company is rendered derelict useless or unnecessary the undertakers shall forthwith after such stopping up pay to the company such a sum as may be agreed between the undertakers and the company or as failing such agreement may be determined by arbitration as hereinafter provided to be the value of the apparatus so

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rendered derelict useless or unnecessary and such apparatus shall thereupon become the property of the undertakers :

- (14) The undertakers shall pay to the company their reasonable charges of and incidental to the cutting off of any apparatus from any other apparatus so far as such cutting off is rendered necessary by the exercise of any of the powers of this Part of this Act :
- (15) Notwithstanding the stopping up temporarily of any street under the powers of the section of this Act of which the marginal note is "Temporary stoppage of streets" it shall be lawful for the company their engineers and workmen and others in their employ to enter upon any such street and to execute and do all such works and things in upon or under such street as may be necessary for inspecting repairing maintaining removing or renewing any apparatus of the company in or under such street :
- (16) If any difference shall arise between the undertakers and the company under this section (other than a difference as to the construction or meaning of this section) such difference shall be referred to and determined by an arbitrator to be agreed upon between them or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) 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 determination.

PART X.

FINANCE.

Power to
Council to
borrow.

130.—(1) The Council may from time to time (in addition to any other sums which they are authorised to raise) borrow or raise on interest for and in connection with the purposes set forth in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within the respective periods (which for the

purposes of this Part of this Act shall respectively be "the prescribed period") mentioned in the third column thereof:—

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Purpose.	Amount.	Period for repayment.
(a) The purchase of lands for and in connection with the works authorised by Part IX of this Act.	£ 28,000	Sixty years from the date or dates of borrowing.
(b) The construction of the works authorised by that Part IX.	15,000	Thirty years from the date or dates of borrowing.
(c) The payment of the costs charges and expenses referred to in the final section of this Act.	The sum requisite.	Five years from the passing of this Act.

Provided that the sums so authorised to be borrowed for purposes (a) and (b) in the above table shall be respectively reduced by the respective sums which the Barnes Council may borrow for those purposes under the section of Part XI of this Act of which the marginal note is "Power to Barnes Council to borrow."

(2) (a) The Council may also with the consent of the Minister borrow such further money as may be necessary for the purchase of the Norbury Park Estate and for any of the purposes of this Act.

(b) Any money borrowed under this subsection shall be repaid within such period as may be authorised by the Minister and that period shall be the prescribed period for the purposes of this Part of this Act.

(3) Any money borrowed under subsection (1) or subsection (2) of this section shall be charged indifferently on the county fund and the revenues of the Council.

(4) Any money to be borrowed under this section shall (subject to the provisions of this Part of this Act) be borrowed under and subject to the provisions (so far as applicable) of section 69 of the Local Government Act 1888 as amended by the Local Government Act 1929 but the consent of the Minister shall not be required to the borrowing or to the period of repayment of moneys borrowed under this section except as regards money borrowed under subsection (2) of this section.

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Sinking
fund.

131.—(1) If the Council determine to repay by means of a sinking fund any money borrowed by virtue of any statutory borrowing power (other than money borrowed by the issue of stock) such sinking fund shall be formed and maintained by payment out of the county fund to the sinking fund throughout the prescribed period of either—

(a) such equal annual sums as will together amount to the money for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a “non-accumulating sinking fund”; or

(b) (i) such equal annual sums as will with accumulations at a rate not exceeding three and a half per centum per annum or such higher rate as the Minister may from time to time approve be sufficient to pay off within the prescribed period the money for the repayment of which such sinking fund is formed and (ii) such annual sums as are equivalent to interest on the amount which should from time to time be standing to the credit of the sinking fund at the rate per centum per annum on which the annual payments to the fund under paragraph (i) hereof are based. A sinking fund so formed is hereinafter called an “accumulating sinking fund.”

(2) Every sum paid to a sinking fund shall (subject to the provisions of this Act) unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Council being at liberty from time to time to vary and transpose such investments.

(3) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the sinking fund is formed. Provided that if it is an accumulating sinking fund the Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(4) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this section shall be paid by the Council out of the county fund in addition to the payments provided for by this section and charged to that fund.

(5) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of subsections (1) and (3) of this section will not be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose and if it appears to the Minister that any such increase is necessary the Council shall increase the payments to such extent as the Minister may direct.

(6) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(7) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of subsections (1) and (3) of this section will in the opinion of the Minister be more than sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed the Council may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed.

(8) If the amount in any sinking fund at any time together with (if an accumulating sinking fund) the payments thereto by way of interest under paragraph (b) (ii) of subsection (1) and under subsection (3) of this section will in the opinion of the Minister be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed the Council may with the consent of the Minister discontinue the payment of the equal annual sums to such sinking fund until the Minister shall otherwise direct.

(9) Any surplus of any sinking fund remaining after the discharge of the whole of the money for the repayment of which it was formed shall be applied

A.D. 1931. — to such purpose or purposes as the Council with the consent of the Minister may determine.

(10) All money which at the date of the passing of this Act is standing to the credit of any sinking fund in respect of money borrowed by the Council (other than money borrowed by the issue of stock) and not applied in repayment thereof shall be transferred to a sinking fund established under this section and the money so transferred shall be taken into account in calculating the future payments to be made to that sinking fund.

Power to use one form of mortgage for all purposes.

132.—(1) Where the Council have from time to time any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the common seal of the Council and may be made in the form contained in the Third Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Council at any time after the date of the first grant of a mortgage under this section.

(4) Nothing in this section shall alter or affect the obligations of the Council to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods and by the means within and by which they would have been repayable respectively if this section had not been enacted.

(5) Nothing in this section shall alter or affect the obligations of the Council to provide for the payment of interest upon the sums secured by mortgages granted under this section.

(6) There shall be kept at the office of the Council a register of the mortgages granted under this section

and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed. A.D. 1931.

Every such register shall be open to inspection by any mortgagee or other person entitled to any mortgage granted under this section during office hours at the said office without fee or reward and the clerk or other the person having the custody of the register refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(7) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate rights and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Third Schedule to this Act or to the like effect and shall not contain any recital trust power or proviso whatsoever.

(8) There shall be kept at the office of the Council a register of the transfers of mortgages granted under this section and every deed of transfer shall within thirty days after its date if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere be produced to the clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Council shall not be in any manner responsible to the transferee.

(9) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate rights and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any moneys secured thereby.

(10) If the clerk wilfully neglects or refuses to make in the register any entry by this section required

A.D. 1931. to be made he shall be liable to a penalty not exceeding twenty pounds.

Consolidated loans fund.

133.—(1) Notwithstanding anything in any Act or Order relating to the Council on and after the thirty-first day of March nineteen hundred and thirty-two the Council may (if they think fit) establish a fund to be called “the consolidated loans fund” to which shall be paid—

- (a) all moneys borrowed by the Council by the issue of any security of the Council and all moneys borrowed without security in connection with the exercise of any statutory borrowing power;
- (b) all moneys of a capital nature received by the Council whether from the sale of capital assets or otherwise except such as are applied by the Council with due authority to another capital purpose; and
- (c) the appropriate sums provided in each year out of other funds of the Council to comply with the terms and conditions as to repayment attaching to its several borrowing powers or otherwise provided for the repayment of debt:

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

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

- (a) in the redemption or purchase for extinction of any securities of the Council or the repayment of any moneys borrowed by the Council; and
- (b) in the exercise of any statutory borrowing power by crediting the required amount to the appropriate account of the Council:

And the moneys of the consolidated loans fund not used or applied in these ways or about to be so used or applied within a reasonable time shall be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund The moneys of the

consolidated loans fund shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection.

A.D. 1931.

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

(4) The Council may pay into the consolidated loans fund any moneys forming part of any reserve renewals depreciation contingent insurance superannuation or other similar fund (hereinafter respectively referred to as "the lending fund") and not for the time being required subject to the following conditions:—

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

(b) An amount equal to interest on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Council to be equal as nearly as may be to the average rate of interest payable by the Council on their current borrowings shall be credited to the lending fund.

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

(6) Nothing in this section shall apply to moneys borrowed from the Public Works Loan Commissioners.

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

134. The interest received in any year from the investment of any sums forming part of any sinking fund or redemption fund shall notwithstanding the provisions of any Act or Order relating to any such fund form part of the revenue for that year of

As to interest accruing on sinking and other funds.

A.D. 1931. — the county fund but the contributions to be made to any redemption fund out of the county fund shall in that year be increased by a sum equal to the interest that would have accrued to the redemption fund during that year if interest had been accumulated in the fund at the rate per centum per annum on which the annual payments to the fund are based.

Section 80 (Application of interest on sinking funds) of the Middlesex and Surrey (Thames Bridges &c.) Act 1928 shall cease to apply to the Council.

Power to use sinking fund instead of borrowing.

135.—(1) Where the Council are authorised by any statutory borrowing power to raise moneys for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said moneys either wholly or partially by using for such purpose so much of any moneys for the time being forming part of a sinking fund as shall be available for the repayment of any loan of the Council.

(2) The Council when exercising the powers conferred on them by this section shall—

- (a) withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund;
- (b) credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund;
- (c) debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The provisions of this section shall not apply to any sinking fund formed under the Local Loans Act 1875. A.D. 1931.
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(4) The Council shall furnish all such information (if any) to the Minister with regard to the exercise of the powers contained in this section as the Minister shall require.

136.—(1) In addition to any other form of borrowing the Council may borrow any sums which they have power to borrow under this Act or any other Act or Order by the issue of bonds to be called "Surrey County bonds" (and in this Act referred to as "bonds") in accordance with the provisions of this Act. Power to issue bonds.

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

(3) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899 as amended by section 10 of the Finance Act 1907.

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

137. All securities of the Council and the dividends and interest thereon shall be charged indifferently on the county fund and all the revenues of the Council and shall rank equally one with another without any priority whatsoever. As to ranking of securities of Council.

138.—(1) The Council may close the register of transfers of any class of security of the Council for a period not exceeding thirty days next before any date on which any interest or dividend on the class of securities to which such register relates are payable. Closing of registers.

(2) Any transfer of any security of the Council made during the period when the register of transfers of such security is so closed shall as between the Council and the persons claiming under the transfer (but not otherwise) be considered as made subsequently to the payment of the dividend or interest on such security as the case may be.

[A.D. 1931.

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Council not
to regard
trusts.

139.—(1) The Council shall not be bound to see to the execution of any trust whether express implied or constructive to which any security of the Council may be subject but the receipt of the person in whose name any security of the Council stands in the register of such security shall be a sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such security may be subject and whether or not the Council has had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such security or any part thereof or interest thereon not entered on its register.

(2) No notice of any trust relating to any security of the Council shall be entered in any register or other book kept by the Council or be receivable by the Council.

Receipt in
case of per-
sons not sui
juris.

140. If any money is payable to a holder of any security of the Council being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Council.

Interest on
securities
held jointly.

141. Where more persons than one are registered as joint holders of any security of the Council any one of them may give an effectual receipt for any interest thereon unless written notice to the contrary has been given to the clerk or the chief financial officer.

Dividends
to executors
&c.

142. The Council shall not be required to pay to any executors or administrators any interest or dividend on any security of the Council held by their testator or intestate until the probate of the will or the letters of administration has or have been left with the Council for registration.

Evidence of
transfer or
transmission
of securities.

143. It shall not be obligatory on the Council to receive or register any transfer assignment certificate of death burial bankruptcy or marriage probate letters of administration or other document evidencing a transmission of any security of the Council (except securities issued under the Local Loans Act 1875) except upon the production to and temporary deposit with the clerk of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited.

144.—(1) The Council before allowing any transfer of any security of the Council or before paying any interest or dividend on any such security may if the circumstances appear to them to make it expedient require evidence of the title of any person claiming a right to make the transfer or to receive the interest or dividend.

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Evidence of
title.

(2) That evidence shall be a statutory declaration by one or more competent persons or of such other nature as the Council may require.

145. The following sections of the Act of 1925 shall extend and apply to the purposes of this Act as if they were with all necessary modifications re-enacted in this Act (namely) :—

Application
of financial
provisions of
Act of 1925.

Section 92 (Return to Minister of Health with respect to repayment of debt);

Section 93 (Expenses of Council).

146.—(1) Any expenses incurred by a local authority under or in pursuance of this Act shall be deemed to be expenses incurred by the authority for the purpose of the Public Health Act 1875 and the powers of that Act for borrowing money shall be available for the purpose of meeting any expenses which are expenses to which capital is properly applicable.

Expenses of
local autho-
rities.'

(2) The interest and sinking fund charges in respect of any money borrowed by a local authority for meeting any expenses so incurred by them and being expenses to which capital is properly applicable and any expenses so incurred by a local authority and not being expenses to which capital is properly applicable shall be paid out of the general rate fund and general rate of the district of the authority or such other fund or rate as the Minister may approve.

(3) The provisions of this section shall not apply to expenses incurred by the Barnes Council under Part IX (Barnes street works) of this Act.

PART XI.

BARNES FINANCIAL PROVISIONS.

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

Definitions
for Part XI.

“ the general rate ” and “ the general rate fund ”
respectively mean the general rate and the

A.D. 1931.

general rate fund of the urban district of
Barnes;

“the revenues of the Barnes Council” includes the revenues of the Barnes Council from time to time arising from any land undertaking or other property for the time being of the Barnes Council and the rates or contributions leviable by or on the order of the Barnes Council.

Power to
Barnes
Council to
borrow.

148.—(1) The Barnes Council may from time to time independently of any other borrowing powers borrow at interest for and in connection with the purposes set forth in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all money so borrowed within the respective periods mentioned in the third column thereof (which for the purposes of this Part of this Act and of any enactment incorporated therewith or applied thereto shall respectively be “the prescribed period”):—

Purpose.	Amount.	Period for repayment.
(a) The purchase of lands for and in connection with the works authorised by Part IX of this Act.	£ 28,000	Sixty years from the date or dates of borrowing.
(b) The construction of the works authorised by that Part IX.	15,000	Thirty years from the date or dates of borrowing.

Provided that the sums mentioned in the foregoing table shall be respectively reduced by the respective amounts which may be borrowed by the Council for the same purpose under the section of Part X of this Act of which the marginal note is “Power to Council to borrow.”

(2) The Barnes Council may also with the consent of the Minister borrow such further money as may be necessary for any other of the purposes of Part IX of this Act and any money so borrowed 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 Part of this Act and the enactments incorporated therewith or applied thereto.

(3) In order to secure the repayment of any money borrowed or re-borrowed by the Barnes Council under this Part of this Act and the payment of interest thereon the Barnes Council may mortgage or charge all the revenues of the Barnes Council.

A.D. 1931.
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149. The Barnes Council may raise all or any money which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions relating to sinking funds incorporated with this Part of this Act shall apply to sinking funds formed for the repayment of moneys borrowed by the Barnes Council under the Local Loans Act 1875 instead of the provisions of section 15 (Discharge of loan by sinking fund) and section 16 (Annual return as to sinking fund) of that Act.

Mode of
raising
money.

150. Sections 236 to 239 of the Public Health Act 1875 (as to the form register and transfer of mortgages and appointment of receiver) shall extend and apply mutatis mutandis to mortgages granted under this Part of this Act.

Provisions
of Public
Health Act
1875 as to
mortgages
to apply.

151. The Barnes Council shall pay off all money borrowed by them on mortgage under the powers of this Part of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months or when the money is repaid by half-yearly instalments within six months from the date of borrowing.

Mode of
payment off
of money
borrowed.

152. The provisions of the sections hereunder mentioned of Part X (Finance) of this Act shall so far as applicable extend and apply to and for the purposes of this Part of this Act and to the Barnes Council in respect thereof as if those provisions were re-enacted in this Part of this Act with the substitution of "the Barnes Council" for "the Council" and "general rate fund" for "county fund" and with any other necessary

Application
to Barnes
Council of
provisions
of Part X.

A.D. 1931. — modifications The sections above referred to are those of which the marginal notes are—

- “ Sinking fund ”;
- “ As to interest accruing on sinking and other funds ”;
- “ Power to use sinking fund instead of borrowing ”;
- “ Closing of registers ”;
- “ Interest on securities held jointly ”;
- “ Dividends to executors &c. ”;
- “ Evidence of transfer or transmission of securities ”;
- “ Evidence of title. ”

Incorporation of provisions of London County Council (General Powers) Act 1924.

153. The provisions of the sections hereunder mentioned of the London County Council (General Powers) Act 1924 shall extend and apply to and for the purposes of this Part of this Act and to the Barnes Council in respect thereof as if those provisions were re-enacted in this Part of this Act with any necessary modifications (viz.) :—

- Section 21 (Protection of lender from inquiry);
- Section 22 (Barnes Council not to regard trusts);
- Section 23 (Power to Barnes Council to re-borrow);
- Section 24 (Receipt in case of persons not sui juris);
- Section 25 (Application of moneys borrowed);
- Section 26 (Return respecting instalments to Minister of Health);
- Section 27 (Saving for existing charges):

Provided that for the purposes of this Part of this Act the said section 23 shall be read and have effect as if the words “ or (d) by means of a sinking fund ” were added at the end thereof.

Expenses of Barnes Council of execution of Part IX.

154. All expenses incurred by the Barnes Council in carrying into execution the provisions of Part IX (Barnes street works) of this Act except such of those expenses as are to be paid out of borrowed money shall be paid out of the general rate fund and the general rate.

PART XII.

A.D. 1931.

MISCELLANEOUS.

155. The provisions of section 11 (Water taken not to be supplied outside company's district) of the Woking Water and Gas Act 1899 shall not apply to any supply of water given by the Woking Water and Gas Company with the consent of the West Surrey Water Company to the Council for the purposes of the estate of the Council known as Botleys Park and the institution for mental defectives situate on that estate.

Modification
of section 11
of Woking
Water and
Gas Act
1899.

156.—(1) The Minister may by order provide for the repeal of the Surrey Smallpox Hospital Order 1904 and the Surrey Smallpox Hospital Order 1905 made by the Local Government Board and the dissolution of the Surrey Smallpox Hospital Committee and for the transfer to the Council of all or any of the property liabilities powers rights and duties of the said committee.

Dissolution
of Surrey
Smallpox
Hospital
Committee.

(2) Such order may contain such provisions as the Minister may think fit with respect to—

- (a) the adjustment of any property income debts liabilities and expenses affected by the order;
- (b) the transfer of or payment of compensation to any officers and servants of the said committee;
- (c) the expenditure incurred by the Council in the execution or discharge of any powers rights and duties transferred by the order or some part thereof being chargeable on part of the county only;
- (d) such other provisions as may be necessary or desirable to give effect to and carry out the purposes of the order.

(3) Such order shall not be made without the consent of the Council and the councils of the county districts comprised within the Surrey Smallpox Hospital district and when made shall have effect as if enacted in this Act.

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Stopping up
of footpath
at Bletch-
ingley.

157. The Council may as and when they think fit stop up and extinguish all public rights of way over the footpath in the parish of Bletchingley in the rural district of Godstone crossing the lands constituting the site of the former Godstone Union Workhouse which footpath is numbered 371 on the Ordnance map (scale 1/2500) Surrey sheet XXVII—14 :

Provided that the Council shall not stop up or extinguish any public rights of way over the said footpath until they have provided to the satisfaction of the rural district council of Godstone an alternative footpath giving access between the north end of the said footpath (at the junction of two footpaths from Brewer Street and Place Farm) and the Main Street of Bletchingley Village. Such alternative footpath shall be of a width of four feet at the least the whole surface of which shall be properly paved and constructed and shall thereafter be repaired and maintained by the Council.

As to salary
pension &c.
payable to
persons
mentally
disabled.

158. When any sum in respect of salary wages pension superannuation or other allowance or annuity is payable by the Council to any person being or having been an employee or pensioner of the Council or to any widow or child of a deceased employee or pensioner and the person to whom such sum is payable is certified by a justice or minister of religion and by a medical practitioner to be unable by reason of mental disability to manage his or her affairs the Council may pay the whole or so much as they may think fit of the said sum to the institution or person having the care of the disabled person and may pay the surplus (if any) or such part thereof as the Council may think fit for or towards the maintenance and benefit of the wife or husband and relatives of the disabled person. The Council shall be discharged from all liability in respect of any sums paid in accordance with the provisions of this section whether before or after the passing of this Act.

Council may
grant gra-
tuities in
certain
cases.

159. The Council may if they think fit on the death of any employee of the Council while in the Council's employment grant to the widow or children or any dependant of the employee such gratuity as the Council may think fit but not exceeding a sum

equal to one year's salary of the employee at the time of his death. In this section "salary" has the same meaning as in the Local Government and other Officers' Superannuation Act 1922. A.D. 1931.
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160.—(1) On the death of an employee to whom a sum not exceeding one hundred pounds is due on account of salary wages superannuation allowance or grant if probate of the will of the employee or letters of administration to his estate are not produced within such time (not being less than one month after his death) as the Council may think reasonable then at the expiration of that time the Council shall pay the sum to the person or persons entitled in distribution to the residuary estate of the employee in accordance with the provisions of paragraphs (i) to (v) inclusive of section 46 (1) of the Administration of Estates Act 1925 and section 9 of the Legitimacy Act 1926 and in default of any such person to the Solicitor for the Affairs of His Majesty's Treasury. As to pay-
ments to
deceased
employees. Provided that—

- (a) the Council may if they think fit pay to any person who has paid the funeral expenses of the deceased employee such amount (not exceeding the total amount of such expenses) as the Council shall deem it reasonable to allow;
- (b) if the Council receive notice of any claim of a creditor of the deceased employee before the expiration of one month from the death of the employee they shall retain the whole amount due to the deceased employee in their hands or a sufficient sum thereof to satisfy the claim (whichever amount shall be the less) until the claim has been satisfied disproved or withdrawn.

(2) The Council before paying or distributing any moneys under this section to or among any person or persons other than the legal personal representative of the deceased employee shall require—

- (a) where the total estate of the deceased employee including the amount of such moneys does not after deduction of debts and funeral expenses exceed one hundred pounds a declaration to that effect by the person or one of

A.D. 1931.

the persons to or among whom the Council propose to pay or distribute such moneys; and

- (b) where the total estate of the deceased employee including the amount of such moneys but after deduction of debts and funeral expenses exceeds one hundred pounds the production of a certificate from the Commissioners of Inland Revenue of the payment of the estate duty and of a duly stamped receipt for the legacy or succession duty payable in respect of such moneys or of a certificate stating that no legacy or succession duty is payable.

Extension of Superannuation Act to registration officer.

161. The Council may with the approval of the Minister and on such terms and conditions as the Council may think fit apply the provisions of—

- (i) the Poor Law Officers' Superannuation Act 1896; or
- (ii) the Local Government and other Officers' Superannuation Act 1922; or
- (iii) the Local Government and other Officers' Superannuation Act 1922 as modified by the Local Government Act 1929

to any superintendent registrar registrar of births and deaths and registrar of marriages within the county:

Provided that nothing in this section shall authorise the Council to modify any existing rights of any such registrar except with his consent.

Evidence of appointments authority &c.

162. Where in any legal proceedings taken by or on behalf of or against the Council or any officer servant solicitor or agent of the Council or any committee of the Council under the Act of 1925 or this Act or any other local enactment or any public general Act for the time being in force in the county it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution or order of the Council or any resolution order or report of any committee of the Council a certificate of such appointment authority resolution order or report purporting to be authenticated

by the signature of the clerk shall be prima facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document. .A.D. 1931.
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163. Any consent given by the Council under the provisions of the Act of 1925 or this Act or any other local enactment shall be given in writing and unless otherwise prescribed shall be under the hand of the clerk or other duly authorised officer of the Council. Consents of
Council.

164. Where under the Act of 1925 or this Act or any other local enactment or any public general Act for the time being in force in the county the Council give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent. Breach of
conditions
of consent
of Council.

165. Where the payment of more than one sum by any person is due to the Council under any Act or Order from time to time in force within the county any summons or warrant issued for the purposes of any such Act or Order in respect of that person may contain in the body thereof or in a schedule thereto all the sums payable by him. Several
sums in one
summons.

166. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of the Act of 1925 or this Act or of any byelaw or regulation made by the Council thereunder may be laid and made by any officer of the Council duly authorised in that behalf or by the clerk or by any police officer acting for or within the county. Informa-
tions by
whom to be
laid.

167.—(1) Notwithstanding anything in the Metropolitan Police Courts Act 1839 or in any other Act to the contrary whenever in consequence of proceedings taken by the Council or any officer of the Council in respect of an offence under the Act of 1925 or this Act or any byelaw or regulation made thereunder a pecuniary penalty is inflicted the amount of the penalty shall be Application
of penalties.

A.D. 1931. payable and paid to the Council and shall be carried to the credit of the county fund or such other fund as the Council shall direct.

(2) When any pecuniary penalty is inflicted under the Act of 1925 or this Act or any byelaw or regulation made thereunder on proceedings taken by a local authority the amount of the penalty shall (unless otherwise enacted) be payable and paid to the local authority and carried by them to the credit of the general rate and general rate fund of the district of the local authority or to such other fund as the Minister may sanction.

(3) Section 98 (Application of penalties) of the Act of 1925 is hereby repealed.

Powers of
Act cumu-
lative.

168. All powers rights and remedies given to the Council or any local authority by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Council or such local authority or committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Protection
of Council
and their
officers from
personal
liability.

169. No matter or thing done and no contract entered into by the Council and no matter or thing done by any member of the Council or by any officer of the Council or other person whomsoever acting under the direction of the Council shall if the matter or thing were done or the contract were entered into bona fide for the purpose of executing any local enactment subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by the Council or any such member officer or other person acting as aforesaid shall be borne and repaid out of the county fund and county rate Provided that nothing in this section shall exempt any member of the Council from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of the Council and which such member authorised or joined in authorising.

170. The following sections of the Act of 1925 shall extend and apply to and for the purposes of this Act as if those sections were re-enacted in this Act with any necessary modifications:—

- Section 95 (Committees of Council);
- Section 97 (Power to enter into agreements);
- Section 99 (Recovery of penalties &c.);
- Section 101 (Authentication and service of notices &c);
- Section 102 (Authority to enter);
- Section 104 (Inquiries by Ministry of Health):

A.D. 1931.
—
Application
of general
provisions of
Act of 1925.

Provided that in its application to and for the purposes of this Act the said section 104 shall have effect as if the words “and a sum to be fixed by the Minister” not exceeding five guineas a day for the services of “such inspector” were added at the end of that section.

171. In respect of the exercise of any powers or duties conferred on the Minister of Transport or the giving by him of any consents under this Act the provisions of Part I of the Board of Trade Arbitrations &c. Act 1874 shall apply as if the Minister of Transport were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words “under the seal of the Minister of Transport” were substituted for the words “by writing under the hand of the President or of one of the secretaries of the Board.”

Inquiries by
Minister of
Transport.

172. Notwithstanding anything in this or any other Act or in any town planning scheme the provisions of any town planning scheme made under the Town Planning Act 1925 or this Act or under any other local enactment shall extend and apply to any land or premises acquired by the Council under the powers of the sections of this Act of which the marginal notes are—

Saving for
town
planning
schemes.

- “Further powers to acquire land”;
- “Extension of powers to acquire land under Education Act 1921”;
- “Acquisition of land for county roads or amenities”;
- “Acquisition of lands and rights for preservation of view”;
- “Acquisition of land for open spaces.”

A.D. 1931.

—
For protec-
tion of
Southern
Railway
Company.

173. Nothing in this Act shall authorise the compulsory acquisition of any land which has been acquired or has been authorised to be compulsorily acquired by the Southern Railway Company for railway purposes. Provided that the Council or the Barnes Council (as the case may be) may purchase and that company if so required by the Council or the Barnes Council shall sell so much of the land numbered on the deposited plans 190 in the urban district of Barnes as may be required for the purpose of the construction of Work No. 9 by this Act authorised.

Crown
rights.

174.—(1) Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular 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 belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Commissioners of Works without the consent in writing of the Commissioners of Crown Lands or of the Commissioners of Works (as the case may be) on behalf of His Majesty first had and obtained for that purpose.

(2) No land vested in or occupied by the Crown or any public department shall be included in any town planning scheme made under the provisions of this Act without the consent of the public department owning or managing such land which consent may be given on such terms as may be agreed.

Costs of Act.

175. The cost charges and expenses of and incidental to preparing applying for and obtaining this Act as taxed by the taxing officer of one of the Houses of Parliament shall be paid by the Council out of the county fund or out of moneys to be borrowed under this Act.

The SCHEDULES referred to in the
foregoing Act.

A.D. 1931.

FIRST SCHEDULE.

ACQUISITION OF LAND FOR OPEN SPACES.

1. Where the Council propose to purchase land compulsorily they may submit to the Minister of Health (in this Schedule referred to as "the Minister") an order putting in force as respects the land specified in the order the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

2. Any such order shall be of no force unless and until it is confirmed by the Minister and the Minister may confirm the order either without modification or subject to such modifications as he thinks fit and an order when so confirmed shall be final.

3. The order shall be in the form prescribed by the Minister and shall contain such provisions as the Minister may prescribe for the purpose of carrying the order into effect and of protecting the Council and the persons interested in the land and shall incorporate subject to the necessary adaptations—

(a) The Lands Clauses Acts (except sections 127 to 132 of the Lands Clauses Consolidation Act 1845) as modified by the Acquisition of Land (Assessment of Compensation) Act 1919; and

(b) Sections 77 to 85 of the Railways Clauses Consolidation Act 1845 as originally enacted:

Provided that the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the seal of the Council and shall be sufficient without the addition of the sureties mentioned in that section.

4. The order shall be published by the Council in such manner and such notice shall be given both in the locality in which the land is proposed to be acquired and to the owners lessees and occupiers of that land as may be prescribed by the Minister.

5. (a) If within such period as may be prescribed by the Minister notice is given to him by a person interested in the land objecting to the acquisition thereof and specifying the grounds on which he so objects the Minister shall (if the notice is not withdrawn) forthwith cause a public inquiry into the objections of which notice is so given to be held by a competent and impartial person in the locality in which the land is proposed to be acquired.

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(b) The Council and all persons interested in the land who shall have given notice of objection as aforesaid shall be permitted to appear and be heard at the inquiry upon the objections specified in the notices given by such persons respectively.

(c) The Minister shall before confirming the order duly consider the report of the person by whom the inquiry was held.

(d) The costs of or in relation to the inquiry shall be paid by such of the parties concerned in the inquiry and in such proportions as the Minister may direct and the amount directed by the Minister to be paid by any such party shall be recoverable summarily from that party as a civil debt.

(e) If no such notice of objection as aforesaid is given to the Minister or if all such notices are withdrawn before an inquiry is held the Minister may after holding such inquiry (if any) as he may think fit confirm the order unless he is of opinion that the order ought not to be confirmed.

6. In construing for the purposes of this Schedule or any order made thereunder any enactment incorporated with the order the section of this Act of which the marginal note is "Acquisition of land for open spaces" together with the order shall be deemed to be the special Act and the Council shall be deemed to be the promoters of the undertaking.

7. Where the land is glebe land or other land belonging to an ecclesiastical benefice the order shall provide that sums agreed upon or awarded for the purchase of the land or to be paid by way of compensation for the damage to be sustained by the owner by reason of severance or other injury affecting the land shall not be paid as directed by the Lands Clauses Acts but shall be paid to the Ecclesiastical Commissioners to be applied by them as money paid to them upon a sale under the provisions of the Ecclesiastical Leasing Acts of land belonging to a benefice.

SECOND SCHEDULE.

PROPERTIES OF WHICH PART ONLY MAY BE TAKEN.

Area.	Nos. on deposited plans.
Urban district of Barnes.	30 31 32 79 80 81 82 83 84 85 86 87 88 89 90 119 140 143 144 145 146 147 148 153 154 155 156 157 158 159 160 161 163 164 174 175 176 177 190 192 193 194 197 198 199 200 201.

THIRD SCHEDULE.

A.D. 1931.

FORM OF MORTGAGE.

COUNTY OF SURREY.

By virtue of the Surrey County Council Act 1931 and of other their powers in that behalf them enabling the Surrey County Council (hereinafter referred to as "the Council") in consideration of the sum of _____ pounds (hereinafter referred to as "the principal sum") paid to the Council by _____ (hereinafter referred to as "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the county fund and of the revenues of the Council in the said Act defined as the principal sum doth or shall bear to the whole sum which is or shall be charged on the said fund and revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the principal sum shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of _____ per centum per annum from the _____ day of _____ nineteen hundred and _____ until payment of the principal sum such interest to be paid half-yearly on the _____ day of _____ and the _____ day of _____ in each year And it is hereby agreed that the principal sum shall be repaid at the offices of the Council [(subject as hereinafter provided) on the _____ day of _____ nineteen hundred and _____ or (if not repaid on that date) at any time thereafter on the expiration of six calendar months' notice in writing by the Council to the mortgagee or by the mortgagee to the Council] [by _____]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon between the Council and the mortgagee and mentioned in an endorsement to be made hereon under the hand of the clerk to the Council for the time being and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

A.D. 1931.

In witness whereof the Council have caused their common seal to be hereunto affixed this _____ day of _____ nineteen hundred and _____

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named _____
consenting the within-mentioned time for repayment of the within-mentioned principal sum of _____
_____ is hereby extended to the _____
day of _____ nineteen hundred and _____
[and the interest to be paid thereon on and from the _____
day of _____ nineteen hundred and _____
is hereby declared to be at the rate of _____ per centum per annum.]

Dated this _____ day of _____ nineteen hundred and _____

FORM OF TRANSFER OF MORTGAGE.

I [the within-named] _____
of _____
in consideration of the sum of _____ pounds
paid to me by _____
of _____
(hereinafter referred to as "the transferee") do hereby transfer to the transferee [his] executors administrators and assigns [the within-written security] [the mortgage number _____ of the county fund and of the revenues of the Surrey County Council bearing date the _____ day of _____] and all my right and interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this _____ day of _____ nineteen hundred and _____

FOURTH SCHEDULE.

A.D. 1931.

PROVISIONS AS TO BONDS.

1. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than five years as the Council may from time to time determine.

2. (a) Bonds may be issued at such price and at such rates of interest as the Council may from time to time determine.

(b) Bonds shall not be issued of greater aggregate nominal amount than will together produce according to the price of issue the actual amount of money for the time being authorised to be borrowed by the Council.

(c) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the county fund and the revenues of the Council on or before the date for repayment specified in the certificate issued in respect of the bond.

3. Bonds shall be repayable at par (unless previously cancelled by purchase in the open market or by agreement with the bondholder) at the county hall Kingston-upon-Thames on the dates specified in the certificates issued in respect of the bonds and no interest shall be payable thereon in respect of any period after the date on which the bond is repayable.

4.—(1) The chief financial officer shall keep a register to be called the "Register of Surrey County bonds" of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars:—

(a) The name address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided;

(b) The date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

5.—(1) The Council shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

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(2) If a certificate is worn out or damaged the Council on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Council on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may give a new certificate in lieu of the certificate lost or destroyed.

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect :—

No.

— PER CENT. SURREY COUNTY BOND.

This is to certify that
of _____ is the
registered holder of a bond for _____ pounds
issued by the county council of the administrative
county of Surrey and repayable at par on the
day of _____ nineteen hundred and
at the county hall Kingston-upon-Thames.

Signed

Chief Financial Officer of the County Council.

Date

6. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the Council shall not prevent the holder of the bond from disposing of and transferring the bond.

7.—(1) The transfer of a bond shall be by deed in the following form or in a form substantially to the like effect :—

FORM OF DEED OF TRANSFER.

— PER CENT. SURREY COUNTY BOND[S].

I

in consideration of the sum of _____
paid by _____ (hereinafter called
“the transferee”) do hereby assign and transfer to the
transferee :—

To hold unto the transferee his executors administrators
and assigns subject to the several conditions on which I
held the same immediately before the execution thereof
and I the transferee do hereby agree to accept and take
the said bond[s] subject to the conditions aforesaid.

As witness our hands and seals this _____ day of
_____ nineteen hundred and _____

(2) A bond may be transferred in whole or in part so however that any part transferred shall not be for an amount other than an amount for which a bond may be issued by the Council.

(3) The deed of transfer shall be delivered to and retained by the Council and the Council shall enter a note thereof in a book to be called the "Register of transfers of Surrey County bonds" and shall endorse on the deed of transfer a notice of that entry.

(4) The Council shall on receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the Council as aforesaid the Council shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

8.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of title as the Council may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the Council shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been produced the Council shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

9.—(1) Unless the holder of a bond otherwise requests the Council may pay the interest thereon by posting a warrant to the holder at his address as shown in the register.

(2) The posting by the Council of a letter containing an interest warrant addressed to a holder as aforesaid shall as respects the liability of the Council be equivalent to the delivery of the warrant to the holder himself.

10.—(1) If at any time any interest due on any bonds remains unpaid for two months after demand in writing the persons entitled thereto may apply to the High Court for the appointment of a receiver and the court may if it thinks fit appoint a receiver on such terms as it thinks fit.

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(2) The receiver shall have the like power of collecting receiving recovering and applying moneys and of assessing making and recovering all rates for the purpose of obtaining the same as the Council or any other officer thereof would or might have and such other powers and duties as the court thinks fit and shall apply all moneys so collected and received after paying all such costs as the court may direct for the purposes for which he was appointed and shall pay any balance remaining in his hands into the county fund.

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