



CHAPTER xliii.

An Act to empower the corporation of Portsmouth to execute street improvements to make better provision for the health local government and finance of the city and for other purposes. A.D. 1931.

[8th July 1931.]

WHEREAS the city of Portsmouth is a municipal borough subject to the Acts relating to municipal corporations and is a county borough within the meaning of the Local Government Act 1888 and the lord mayor aldermen and citizens of the city acting as the council (in this Act respectively referred to as "the Corporation" and "the city") are the urban sanitary authority for the city :

And whereas it is expedient that the Corporation should be empowered to construct the street improvements by this Act authorised and to acquire lands for that purpose and for the other purposes in this Act mentioned :

And whereas it is expedient that further powers should be conferred upon them with respect to their electricity undertaking as by this Act provided :

And whereas it is expedient that further and better provision should be made with reference to streets and buildings and sanitary matters and otherwise for the local government health improvement and finance of the city and that the powers of the Corporation in relation thereto should be enlarged and extended :

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— And whereas estimates have been prepared by the Corporation in relation to the following purposes in respect of which they are by this Act authorised to borrow money and such estimates are as follows (that is to say) :—

For the purchase of lands and for the £
construction of street improvements - 385,000

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

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

And whereas plans and sections showing the lines and levels of the works to be authorised by this Act and a book of reference to the plans containing the names of the owners or reputed owners and lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the town clerk of the city which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference :

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

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

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

PART I.

PRELIMINARY.

- Short title. 1. This Act may be cited as the Portsmouth Corporation Act 1931.
- Division of Act into Parts. 2. This Act is divided into Parts as follows :—
Part I.—Preliminary.
Part II.—Street improvements and lands.

Part III.—Electricity.

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Part IV.—Streets buildings and drains.

Part V.—Infectious disease and sanitary matters.

Part VI.—Human food.

Part VII.—Baths seashore parks entertainments &c.

Part VIII.—Town planning.

Part IX.—Sale of coke.

Part X.—Weighing machines.

Part XI.—Police and hackney carriages.

Part XII.—Finance.

Part XIII.—Miscellaneous.

3. The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845) so far as the same are applicable to the purposes of and are not inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act :

Incorporation of Acts.

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

4. Subject to the provisions of this Act and unless the subject or context otherwise requires the several words and expressions to which by the Acts wholly or partially incorporated with this Act and by the Public Health Acts meanings are assigned shall in this Act have in relation to the relative subject-matter the same respective meanings And in this Act—

Interpretation.

“ The city ” means the city of Portsmouth ;

“ The Corporation ” means the lord mayor aldermen and citizens of the city ;

“ The council ” means the council of the city ;

“ The Minister ” means the Minister of Health ;

“ The town clerk ” “ the treasurer ” “ the medical officer ” “ the surveyor ” and “ the sanitary inspector ” mean respectively the town clerk the treasurer the medical officer of health the surveyor and any sanitary inspector of the

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city and respectively include any person duly appointed by the Corporation to discharge temporarily the duties of any such officer;

“The street improvements” means the street improvements and works in connection therewith by this Act authorised;

“The Act of 1920” means the Portsmouth Corporation Act 1920;

“The Act of 1930” means the Portsmouth Corporation Act 1930;

“The Lands Clauses Acts” means those Acts and the Acquisition of Land (Assessment of Compensation) Act 1919;

“The arbitrator” means the arbitrator to whom any question of disputed compensation is referred under the provisions of this Act;

“The Public Health Acts” means the Public Health Act 1875 and the Acts amending and extending the same;

“Telegraphic line” has the same meaning as in the Telegraph Act 1878;

“The electricity undertaking” means the electricity undertaking of the Corporation as from time to time authorised;

“Infectious disease” means (except where otherwise stated) any infectious disease to which the Infectious Disease (Notification) Act 1889 is for the time being applicable within the city;

“Sunday school” means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether on a Sunday or not;

“Child” means a person under the age of sixteen years;

“Food” has the meaning assigned to it by section 34 of the Food and Drugs (Adulteration) Act 1928;

“Hackney carriage” has the same meaning as in the Town Police Clauses Act 1847 but does not include a public service vehicle or an omnibus;

“Public service vehicle” has the same meaning as in the Road Traffic Act 1930;

“Omnibus” has the same meaning as in the Town Police Clauses Act 1889 but does not include a public service vehicle; A.D. 1931.
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“Daily penalty” means a penalty for every day on which any offence is continued after conviction;

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

“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 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation; and

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

All distances and lengths stated in any description of works or lands shall be read and have effect as if the words “or thereabouts” were inserted after each such distance and length.

PART II.

STREET IMPROVEMENTS AND LANDS.

5. Subject to the provisions of this Act the Corporation may within the city make and maintain in the lines and according to the levels shown on the deposited plans and sections the street improvements hereinafter described together with all proper works Power to construct street improvements.

A.D. 1931. and conveniences in connection therewith (that is to say) :—

Street Work No. 1 (Kingston Road and Fratton Road)—

A widening of Kingston Cross Kingston Road and Fratton Road on the west side thereof between Kingston Crescent and a point opposite the centre of Alver Road.

Street Work No. 2 (Kingston Road)—

A widening of Kingston Road on the east side thereof between Queens Road and a point 25 yards south-west of Toronto Road.

Street Work No. 3 (Fratton Road)—

A widening of Fratton Road on the east side thereof between points respectively 83 yards north and 27 yards south of Hampshire Street.

Street Work No. 4 (Fratton Road)—

A widening of Fratton Road on the east side thereof between a point 4 yards south of Manor Road and Alver Road.

Street Work No. 5 (Gamble Road)—

A widening of Gamble Road on the east side thereof between Malthouse Road and Bedford Street.

Street Work No. 6 (Kingston Road to Beeston Street)—

A new street commencing by a junction with Kingston Road at a point opposite the north side of Lake Road and terminating in Beeston Street at a point opposite the centre of George Street.

Street Work No. 7 (Hawke Street)—

A widening of Hawke Street on the east side thereof between Queen Street and a point 46 yards south thereof.

Street Work No. 8 (Somers Road)—

A widening of Somers Road on the east side thereof between Margate Road and Cottage Grove.

Street Work No. 9 (Commercial Road and Elm Road)—

A widening of Commercial Road on the east side and of Elm Road on the north side between

a point in Commercial Road 21 yards north of Elm Road and a point in Elm Road 39 yards east of Commercial Road. A.D. 1931.
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Street Work No. 10 (Twyford Avenue)—

A widening of Kingston Crescent Twyford Avenue and Stamshaw Road on the east side of Twyford Avenue between a point in Kingston Crescent 21 yards south-west of Mills Road and a point in Stamshaw Road 25 yards south-west of Seagrove Road.

Street Work No. 11 (Kingston Crescent)—

A widening of Kingston Crescent on the south-east side thereof between points respectively 45 yards and 132 yards north-east of Garfield Road.

Street Work No. 12 (Castle Road)—

A widening of Castle Road on the north-west side thereof between Southsea Terrace and Elm Street.

6. The Corporation may in constructing the street improvements deviate laterally from the lines shown on the deposited plans to any extent not exceeding the limits of lateral deviation shown thereon and the Corporation may deviate vertically from the levels shown on the deposited sections to any extent not exceeding two feet upwards and two feet downwards. Limits of deviation.

7.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Corporation in connection with and for the purposes of this Part of this Act and as part of the works to be executed under the powers of this Part of this Act may execute or do any of the following works or things (namely) :— Power to make subsidiary works.

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

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

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- (c) execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings; and
- (d) raise lower alter and interfere with any drain sewer channel or gas or water main or pipe or electricity wire or apparatus within the said limits providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or water in any main or pipe or of electricity or telephonic communication in any wire or apparatus;

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

(2) The Corporation shall not raise lower alter or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

(3) Within the limits of deviation shown on the deposited plans the Corporation may raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and may remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the provisions of section 308 of the Public Health Act 1875 shall apply as if the acts done under the authority of this section were done in exercise of the powers of that Act.

Underpin-
ning of
houses near
works.

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

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so

required to be underpinned or otherwise strengthened : A.D. 1931.

- (2) Each such notice if given by the Corporation shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the town clerk :
- (3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be disputes or dispute the necessity of such underpinning or strengthening the question of the necessity shall be referred to the arbitration of an engineer 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 arbitrator shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building :
- (5) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any loss or damage which may result to them by reason of the exercise of the powers granted by this section :
- (6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening shall prove inadequate for the support or protection of the house or building against any further injury arising from the execution or use of the works of the Corporation then and in every such

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case unless such underpinning or strengthening shall have been done in pursuance of the requirements of and in the mode prescribed by the arbitrator the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided 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 section contained nor any dealing with any property in pursuance of this section shall relieve the Corporation from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act :
- (8) Every case of compensation to be ascertained under this section shall subject to the provisions of this Act be ascertained according to the provisions of the Lands Clauses Acts :
- (9) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

Power to
acquire
lands.

9. Subject to the provisions of this Act the Corporation may enter upon take use and hold such of the lands within the city delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of the works by this Act authorised or for the purpose of recouplement or exchange or for re-housing persons displaced under the provisions of this Act and may also enter upon take use and hold for the following purposes the lands hereinafter described situate within the city which are delineated on the deposited plans and described in the deposited book of reference (that is to say) :—

- (a) For the purposes of a stores and transport depot—

Certain lands adjoining the Portsmouth Greyhound Racing Track on the east and south sides thereof and bounded by a line commencing at a point on the north side of Langstone Road 57 yards west of the Eastern Road passing thence in a northerly direction for a distance of 33 yards thence in an easterly direction for a distance of $13\frac{1}{3}$ yards thence in a

northerly direction for a distance of 200 yards
thence in an easterly direction for a distance
of 167 yards and thence in a south-westerly
direction for a distance of 300 yards to the
said first-mentioned point;

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- (b) For the purposes (subject to the provisions
of the Public Health Acts 1875 to 1925) of an
open space intended to be used as a playground
for children—

Certain lands and premises bounded by
the houses and premises in Commercial Road
Victoria Street Baker Street All Saints Road
and Mile End Place together with the passage-
way known as Young's Court and the houses
adjoining that court.

10.—(1) Subject to the provisions of this Act the
Corporation may stop up so much of Providence Place
as extends for a distance of ninety-two yards west of
Victoria Place and so much of Norfolk Place as lies to the
east of a point thirty-three yards east of Commercial Road
and thereupon all rights of way thereover shall be ex-
tinguished and the site and soil thereof shall vest in the
Corporation but the Corporation shall not stop up such
portion of street or appropriate the site and soil thereof
unless they are owners in possession of all houses and
lands on both sides of the portion to be stopped up
except so far as the owners lessees and occupiers of such
houses and lands may otherwise agree Provided that the
Corporation shall make full compensation to all parties
interested in respect of any private rights of way ex-
tinguished by virtue of this section and such compensation
shall be settled in manner provided by the Lands Clauses
Acts with reference to the taking of lands otherwise
than by agreement.

Power to
stop up
streets.

(2) (a) Whenever by reason or in consequence of
the stopping up under the powers of this section of any
street or road or part of a street or road any mains pipes
or other works or apparatus (in this subsection referred
to as "apparatus") of the Portsmouth Gas Company
(in this subsection referred to as "the company") are
rendered derelict useless or unnecessary the Corporation
shall forthwith after such stopping up pay to the company
such a sum as may be agreed between the Corporation
and the company or as failing such agreement may be

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determined by arbitration as hereinafter provided to be the value of the apparatus so rendered derelict useless or unnecessary and such apparatus shall thereupon become the property of the Corporation and in addition to such payment the Corporation shall pay to the company any expense reasonably incurred by them in consequence of such apparatus being so rendered derelict useless or unnecessary.

(b) Any difference which shall arise between the Corporation and the company under this subsection shall be referred to and determined by an arbitrator to be appointed failing agreement 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 or any statutory modification thereof from time to time in force shall apply to any such reference and determination.

Period for
compulsory
purchase of
lands.

11. The powers granted by this Act for the compulsory purchase of lands for the purposes of the street improvements shall cease on the first day of October one thousand nine hundred and thirty-six.

Removal of
human
remains.

12.—(1) If and when the Corporation shall acquire any portion of the burial ground of Saint Mary's Church they shall before applying or using any part thereof for any of the purposes of this Act remove or cause to be removed the remains of all deceased persons interred in the said portion of the burial ground so acquired.

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

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

without any faculty for the purpose but subject as hereinafter mentioned to any regulations made by the bishop of the diocese of Portsmouth to cause such remains to be removed to and re-interred in any consecrated burial ground or cemetery in which burials may legally take place.

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

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

(6) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Corporation in respect of the remains in any grave or if after such notice has been given the persons giving the same shall fail to comply with the provisions of this section and with any regulation of the bishop the Corporation may without any faculty for that purpose remove the remains of the deceased person and cause them to be interred in such other consecrated burial ground or cemetery in which burials may legally take place as the Corporation think suitable for the purpose subject to the consent of the bishop.

(7) All monuments and tombstones relating to the remains of any deceased person removed under this section shall at the expense of the Corporation be removed and re-erected at the place of re-interment of such remains or at such place within the city as the bishop may direct on the application (if any) of such heir executor administrator or relative as aforesaid or failing such application on the application of the Corporation and the Corporation shall cause to be made a record of such monuments and tombstones and of their situation when re-erected showing the particulars respecting each monument and tombstone as a separate

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entry and such record shall be deposited at the General Register Office Somerset House London with the miscellaneous records in the custody of the Registrar-General.

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

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

13. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers 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 Corporation 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 :—

- (1) The owner of and persons interested in any of the properties specified in the schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are in this section included in the term "the owner" and the said properties are in this section referred to as "the scheduled properties";
- (2) 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 Corporation 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 Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :
- (3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the arbitrator shall in addition to the other questions required to be determined by him

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determine whether the portion of the scheduled property 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 Corporation have compulsory powers of purchase) can be so severed :

- (4) If the arbitrator determine that the portion of the scheduled property 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 Corporation the portion which the arbitrator shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation 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 arbitrator :
- (5) If the arbitrator determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the arbitrator may in his 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 :
- (6) If the arbitrator determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not he shall determine that any other portion can be so severed) the Corporation 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 :
- (7) If the arbitrator determine that the portion of the scheduled property specified in the notice

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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 Corporation 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 arbitrator shall having regard to the circumstances of the case and his final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained 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.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

14. 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 Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the city for the correction thereof and if it 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 town clerk and such certificate shall be kept by the town clerk with the other documents to which the same relate and thereupon the deposited plans or book of reference shall be deemed to be corrected according to such certificate and the Corporation may take the lands and execute the works in accordance with such certificate.

Errors in
deposited
plans and
book of
reference.

15. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may (if they think fit) subject to the provisions of those Acts and of this Act grant to the Corporation 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 lands 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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Persons under disability may grant easements.

16. All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished. Provided that the Corporation shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by law with reference to the taking of lands otherwise than by agreement.

As to private rights of way over lands taken compulsorily.

17. In estimating the amount of compensation or purchase money to be paid by the Corporation 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.

18. In settling any question of disputed purchase money or compensation for lands acquired by the Corporation under this Act the arbitrator shall not award any sum of money for or in respect of any improvement or alteration made or any building erected after the first day of November one thousand nine hundred and thirty if in the opinion of the arbitrator the improvement alteration or building in respect of which the claim is made was made or erected with a view to obtaining or increasing compensation nor in the case of any estate or interest in the lands created after the said date which

Compensation in case of recently altered buildings.

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Increase of Rent and Mortgage Interest (Restrictions) Act 1920 not to apply.

19.—(1) Nothing contained in the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 or the enactments amending or extending that Act shall prevent the Corporation from obtaining possession of any lands houses or property delineated on the deposited plans which are vested in or which may under the powers of this Act be acquired by the Corporation and the possession of which is required by them for the purpose of exercising their powers under this Act.

(2) The Corporation shall pay to the tenant or occupier of every dwelling-house to which the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 or the enactments amending or extending that Act would have applied but for subsection (1) of this section who is dispossessed under the provisions of this Act such reasonable allowance on account of his expenses incident to removing from such dwelling-house as shall failing agreement between the tenant or occupier and the Corporation be determined on the application of either party by a court of summary jurisdiction whose decision shall be final.

Power to enter upon property for survey and valuation.

20. The Corporation and their surveyors officers contractors and workmen may at all reasonable hours in the daytime upon giving in writing for the first time twenty-four hours' and afterwards twelve hours' previous notice enter upon and into the lands and premises by this Act authorised to be taken and used by them for the purpose of surveying and valuing the same without being deemed trespassers and without being subject or liable to any fine penalty or punishment for entering or continuing upon any part of the said lands and premises.

Further powers of entry.

21. At any time after notice to treat has been served for any land which the Corporation are by this Act authorised to purchase compulsorily the Corporation may after giving to the owner and occupier of the land not less than fourteen days' notice enter on and take possession of the land or such part thereof as is specified

in the notice without previous consent or compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845 but subject to the payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

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22. For the protection of the Portsmouth Water Company and of the Portsmouth Gas Company (each of whom is in this section respectively referred to as "the company") the following provisions shall unless otherwise agreed in writing between the Corporation and the company apply and have effect (that is to say) :—

For protection of Portsmouth Water Company and Portsmouth Gas Company in respect of street improvements.

- (1) Not less than twenty-eight days before commencing any of the street improvements in any street or road in or under which any mains pipes or other works or apparatus (all of which are in this section referred to as "apparatus") of the company are situate the Corporation shall deliver to the company a plan section and description of such street improvement describing the proposed manner of executing the same :
- (2) The company may at any time within twenty-one days after the receipt of such plan section and description by notice in writing intimate to the Corporation their disapproval of the proposed manner of executing the intended works (so far as they involve interference with any apparatus of the company) or make reasonable requirements with respect to such plan section and description and in particular they may require the Corporation to execute such works (hereinafter referred to as "protective works") as may be reasonably necessary for the purpose of protecting the apparatus of the company against injury or damage or for preserving the continuity of the supply of water or gas as the case may be through or by means of such apparatus :

Provided that if the company shall not within the said period of twenty-one days give any such notice in writing to the Corporation

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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 Corporation shall not construct any such street improvements as aforesaid except in accordance with the said plan section and description as approved by the company or settled by arbitration in accordance with the provisions of this section :
- (4) Notwithstanding any other provision of this Act 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 water or gas as the case may be into or through any apparatus unless and until such good and sufficient apparatus (hereinafter referred to as "substituted apparatus") as may be reasonably necessary for continuing the supply of water or gas as the case may be shall have been first provided laid down and made ready for use :
- (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 Corporation but to the reasonable satisfaction and under the superintendence (if after reasonable notice in writing from the Corporation such superintendence be given) of the engineer of the company :
- (6) If within twenty-one days after the receipt of any such plan section and description as aforesaid the company shall give notice to the Corporation of their desire to lay down any substituted apparatus or to execute any protective works or any other alteration of their apparatus which may be agreed or settled by arbitration pursuant to this section it shall be lawful for the company instead of the Corporation to lay down such apparatus or execute such works or alteration and the cost reasonably incurred by the company in so doing shall on demand be repaid to the company by the Corporation :

- (7) If in the exercise by the Corporation of any of the powers of this Part of this Act any damage to any apparatus or property of the company or any interruption in the supply of water or gas as the case may be shall be caused by the Corporation their contractors agents workmen or servants or any person in the employ of them or any of them the Corporation 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 :
- (8) The Corporation shall bear and pay the cost reasonably incurred by the company in the reasonable 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 :
- (9) The reasonable expense of all repairs or renewals of any apparatus of the company which may be rendered necessary by reason of any subsidence resulting from the works of the Corporation whether during the construction thereof or within twelve months after the completion thereof shall be borne by the Corporation and paid by them on demand to the company :
- (10) Any difference which shall arise between the Corporation and the company under this section (other than a difference as to the construction or meaning of this section) shall be referred to and determined by an arbitrator to be appointed failing agreement 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 or any statutory modification thereof from time to time in force shall apply to any such reference and determination.

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PART III.

ELECTRICITY.

Power to
construct
electrical
sub-stations
under
streets.

23. Subject to the provisions of the Electricity (Supply) Acts 1882 to 1928 and the schedule to the Electric Lighting (Clauses) Act 1899 the Corporation may in or under any street repairable by the inhabitants at large or dedicated to public use and (with the consent of the persons liable to repair the same) in or under any street not so repairable or not dedicated to the public use construct and maintain sub-stations transforming stations and other works in connection with the electricity undertaking and may in any such street as aforesaid provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient. Provided that where in the opinion of the Corporation the consent of the person liable to repair any street not repairable by the inhabitants at large or not dedicated to the public use is unreasonably withheld the Corporation may appeal to a court of summary jurisdiction who shall have power to allow the construction and maintenance of such sub-stations transforming stations and works subject to such terms and conditions as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid :

Provided also that the Corporation shall not construct any such sub-station transforming station or work (a) in or upon any bridge carrying a street over a railway or under any bridge carrying a railway over a street or within fifteen feet of any portion of any abutment pier or wing wall of any such bridge without the consent of the Southern Railway Company but such consent shall not be unreasonably withheld (b) so as to interfere with or render less convenient the access to or exit from any station or depot of the said Company or (c) in any county road outside the city without the consent of the county council of the administrative county in which such road is situate. Any question as to whether or not any such consent of the Southern Railway Company has been unreasonably withheld shall be determined by the Minister of Transport.

Acquisition
of land for
sub-stations.

24. The Corporation may subject to the proviso to section 64 of the Housing Act 1925 be authorised from time to time to purchase land in the city compulsorily

for the purpose of the erection thereon of a station for transforming converting or distributing electricity by means of an order made by the Corporation and submitted to the Minister of Transport and confirmed by him in accordance with the provisions (so far as they are applicable) of the Second Schedule to the Housing Act 1930 and that schedule with any necessary modifications shall have effect for the purposes of this section with the substitution of the Minister of Transport for the Minister. A.D. 1931.

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

PART IV.

STREETS BUILDINGS AND DRAINS.

26.—(1) Whenever application shall be made to the Corporation to approve the laying out of or notice shall be given to the Corporation of intention to lay out a new street the Corporation 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 Corporation with plans 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 and particulars required as aforesaid shall be so furnished. Development scheme may be required in connection with new streets.

(2) In this section the expression "lay out a new street" includes the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street.

(3) If after the submission of the plans and particulars referred to in subsection (1) of this section the Corporation shall approve the laying out of any such new street either unconditionally or subject to any modification of such plans 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

A.D. 1931. — manner as to conflict substantially with such plans and particulars as approved and if any such owner 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.

(4) The said owner may at any time submit to the Corporation for their approval any alteration in the said plans and particulars and the Corporation may if they think fit approve such alteration.

(5) (a) Any person aggrieved by any requirement of or by the Corporation under this section or by any modification required in the said plans and particulars by the Corporation or by any refusal on the part of the Corporation to approve any such alteration as aforesaid therein may within fourteen days from the date of such requirement or of the intimation to him by the Corporation of such refusal appeal to a court of summary jurisdiction and such court may make such order in the premises and on such terms and conditions as to the court shall seem just.

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

(6) Nothing in this section shall be deemed to authorise any contravention of any byelaw or statutory provision from time to time in force.

Exchange
of parts of
streets
disused.

27.—(1) The Corporation may agree with the owner of any land in any street to give up land for the purpose of widening opening enlarging or otherwise improving such street or any other street in exchange for any part of any street which shall front other land belonging to such owner and shall be behind the general line of such street or which shall in the opinion of the Corporation be no longer required for public use or for approach to any property adjoining the same and for such other consideration (if any) as may be agreed and all public rights of way over any portion of any street so exchanged shall be extinguished.

(2) Notwithstanding any agreement under this section—

(a) the Postmaster-General shall continue to have the same powers and rights in respect of any

telegraphic line belonging to or used by him which remains in under upon over along or across the site of any part of a street exchanged for land as if the same had continued to be part of the street and if by reason or in consequence of any such agreement it becomes necessary to alter any such telegraphic line the enactments contained in section 7 of the Telegraph Act 1878 shall apply to the alteration as though the Corporation or the owner of the land (as the case may be) were "undertakers" within the meaning of the said Act;

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- (b) the Central Electricity Board shall continue to have the same powers and rights in respect of any electric line and other apparatus belonging to or used by them which remains in under upon over along or across the site of any part of a street exchanged for land as if the same had continued to be part of the street and if by reason or in consequence of any such agreement it becomes necessary to alter the position of any such electric line or other apparatus they shall be at liberty so to do and the expenses incurred by them in so doing shall be paid to them by the Corporation.

28.—(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 (including in that expression the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) are submitted to the Corporation for approval the Corporation 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 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 Corporation and the respective persons interested in such estate or lands be determined on the application of the Corporation or any such person by an arbitrator

Adjustment
of bound-
aries of
estates.

A.D. 1931. — to be appointed by the Minister and the Corporation 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 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 Corporation.

(3) Any lands or moneys 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 lands 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 lands 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 Corporation 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 Corporation may think reasonable.

29.—(1) The Corporation may at any time after A.D. 1931. prescribing the improvement line of any street in pursuance of the power conferred upon them by section 33 of the Public Health Act 1925 on giving six months' previous notice in writing to the owner require that any building or erection which or any part of which was beyond or in front of any such improvement line at the date when the same was so prescribed shall be pulled down set back or altered so that the same shall not project beyond or in front of such improvement line : Further powers as to future line of street.

Provided that this section shall not apply in respect of any improvement line prescribed by the Corporation before the thirtieth day of November one thousand nine hundred and thirty.

(2) The owner may and if so required by the Corporation shall notwithstanding any contract lease or agreement or any provision therein contained enter upon any land building or erection affected by any requirement of the Corporation under this section and carry out such requirement.

(3) In the event of any building or erection being pulled down set back or altered in accordance with any requirement of the Corporation under this section the Corporation shall make compensation to the owner lessee and tenant of any such building or erection and to any or either of them for any loss or damage sustained by such owner lessee or tenant in consequence of such building or erection being pulled down set back or altered as aforesaid.

(4) The amount of any compensation payable under this section and any other question under this section the determination whereof is not otherwise provided for by this Act shall in default of agreement be determined in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 but in estimating the amount of any such compensation the benefit arising from the widening or improvement of the street and accruing to the property in respect of which such compensation shall be payable shall be fairly estimated and set off against such compensation.

A.D. 1931.

(5) Any person who shall fail to comply with a requirement of the Corporation under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the court in addition to or instead of imposing a penalty may order the requirement to be carried out and the Corporation may thereupon enter upon the land building or erection affected and carry out the requirement.

Temporary
stoppage of
streets.

30.—(1) The Corporation during and for the purpose of the execution by them of any work which they may lawfully execute in any street may temporarily stop up divert and interfere with any street and may for any reasonable time by the erection of barriers or posts or otherwise prevent all persons other than those bona fide going to or from any house or building in the street from passing along and using the same and the Corporation shall provide reasonable access for foot passengers bona fide going to or from any such house or building. Provided that the Corporation shall at all times during the execution of any such work maintain a reasonably sufficient access both for vehicular and pedestrian traffic to or from any railway station or depot.

(2) Any person who shall take down alter or remove any such barrier or post or extinguish or remove any light used in connection therewith shall be liable to a penalty not exceeding five pounds.

Banners
and signs
over street.

31.—(1) If any flag banner streamer sign or lettering shall after the passing of this Act be suspended across the carriageway of any street without the permission in writing of the Corporation the owner or person responsible for such suspension shall be liable to a penalty not exceeding twenty shillings and shall forthwith (upon receiving notice in writing from the Corporation requiring him so to do) remove the flag banner streamer sign or lettering.

(2) Any person neglecting or refusing to comply with the requirement of any such notice and any person who shall have removed any such flag banner streamer sign or lettering as is referred to in any such notice (whether the removal be effected before or after the receipt of the notice) and shall after such removal

suspend the same or any similar flag banner streamer sign or lettering without the permission in writing of the Corporation or without complying with any conditions attaching to any such permission shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings and the Corporation may themselves remove any such flag banner streamer sign or lettering and any expense incurred by them in so doing may be recovered by them summarily as a civil debt from such person. A.D. 1931.

(3) For a period of two years from the passing of this Act the foregoing provisions of this section shall not apply to any such flag banner streamer sign or lettering as is referred to in subsection (1) of this section which was in use on the fifteenth day of November one thousand nine hundred and thirty.

(4) Any person aggrieved by any requirement of any notice of the Corporation (including the withholding of permission by the Corporation or the conditions attached to any such permission) under the provisions of this section may within fourteen days after the service of such notice appeal to a court of summary jurisdiction provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and such court may and is hereby empowered to make such order in the premises and on such terms and conditions as to the court shall seem just. Notice of the right to appeal shall be endorsed on every notice of the Corporation under this section.

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

32.—(1) It shall not be lawful for the owner or occupier of any property to construct in any pavement forming part of any street any work for the admission of light through such pavement to any room or premises situate under or adjoining the same (in this section referred to as "pavement lights") without the consent in writing of the Corporation but such consent shall not be unreasonably withheld. As to pavement lights.

(2) In giving their consent to the construction of any pavement lights the Corporation may attach thereto such terms and conditions as they may think fit.

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(3) Nothing in this section shall prejudice or affect the operation of any agreement with reference to pavement lights entered into by the Corporation prior to the passing of this Act.

(4) Any person who shall contravene the provisions of this section or the terms or conditions attached to any consent given thereunder shall be liable to a penalty not exceeding five pounds and any person who knowingly retains pavement lights constructed in contravention of the provisions of this section shall be liable to a daily penalty not exceeding forty shillings.

Power to
provide
tubs for
trees &c.

33. The Corporation may provide and maintain in any street repairable by the inhabitants at large tubs for trees or plants :

Provided that this power shall not be exercised so as to hinder the reasonable use of the street by the public or any person entitled to use the same or so as to become a nuisance or injurious to any adjacent owner or occupier.

Direction
signs.

34.—(1) The Corporation may cause to be put up or painted on a conspicuous part of any house building or place at or near to the corner of any street signs indicating the classified road number of the Minister of Transport and the direction or the distance to towns railway stations public buildings and other places of a public character.

(2) Before putting up or painting a sign on a house building or place the Corporation shall give notice thereof to the owner of such house building or place and such owner if aggrieved by such notice may appeal to a court of summary jurisdiction within one month after the service of such notice provided he give written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

Notice of the right to appeal shall be endorsed on every notice given by the Corporation under this section.

(3) Any person who shall wilfully and without the consent of the Corporation obliterate deface obscure remove or alter any such sign shall be liable to a penalty not exceeding forty shillings and the Corporation may recover the expenses of replacement and making good from such person.

(4) The exercise of the powers conferred on the Corporation by this section shall be subject to any regulations or orders made by the Minister of Transport or any general or special directions given by him with respect to traffic signs and signals in pursuance of the Road Traffic Act 1930.

A.D. 1931.

35.—(1) Every owner or occupier of premises desirous of forming or using a communication for horses or horse drawn or mechanically propelled vehicles (other than motor cycles) across any kerbed or paved footway so as to afford access to his premises from any street shall give at least fourteen days' notice in writing to the Corporation of his intention so to do and if so required by the Corporation within fourteen days of the receipt of such notice shall before permitting the use of such communication construct a carriage crossing over the footway of the street of such materials and in such manner as shall be satisfactory to the surveyor or shall comply with such other conditions as the Corporation in any case require. Any owner or occupier who makes default in complying with the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Crossings
over
footways.

(2) The Corporation may within fourteen days after receipt of a notice under this section intimate that they themselves desire to execute the necessary works in which case the works shall be executed by the Corporation who may recover summarily as a civil debt the cost of so doing from the person desiring to form the communication across the footway.

(3) Nothing in this section shall in the case of any street repairable by the inhabitants at large impose on any such owner or occupier any obligation to maintain any crossing constructed in pursuance of this section.

36. Where in the opinion of the Corporation repairs the cost of which will not exceed ten pounds are required in the case of any street not being a highway repairable by the inhabitants at large to obviate or remove danger to any passenger or vehicle in the street the Corporation may execute such repairs as they deem necessary and may themselves pay such cost and the execution of such repairs and the payment of such cost shall not prejudice

As to
urgent
repairs of
private
streets.

A.D. 1931.

or affect the operation in regard to such street at any subsequent date of the provisions of any statutory provisions from time to time in force relating to private street works and private improvement expenses or similar matters or of section 19 of the Public Health Acts Amendment Act 1907.

Power to
place fences
near school
entrances.

37. The Corporation may from time to time place repair renew and maintain fences rails and posts on the sides of any footways or carriageways adjacent to the entrances to or exits from any school for the purpose of preventing danger from traffic along such carriageways to children going to or coming from such school and may remove the same when the Corporation shall think fit.

Police
telephone
call boxes
and fire
alarms.

38.—(1) The Corporation may (a) erect or fix and maintain police telephone call boxes in such positions in any street road or public place within the city as they think fit and (b) with the consent of the road authority and with the consent and at the cost of the local authority (which cost the local authority are hereby authorised to incur) erect or fix and maintain street fire alarms in such positions as may be agreed in any street road or public place in the district of any local authority with whom the Corporation have entered into an agreement for the use of their fire brigade Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

(2) The Corporation shall not under the powers of this section erect or fix any call box apparatus or fire alarm—

- (a) in or upon any bridge carrying a street over a railway of the Southern Railway Company or the approaches thereto belonging to or repairable by them or under any bridge carrying a railway of that company over a street; or
- (b) in any street belonging to and repairable by that company and forming the approach to any station or depot of that company; or
- (c) so as to obstruct the access to or exit from any station or depot of that company constructed and maintained under statutory authority;

except in each case with the consent in writing of the said company but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be referred to the arbitration of an engineer to be appointed failing agreement by the President of the Institution of Civil Engineers.

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39. Any person who shall cover over or wilfully or negligently obstruct or interfere with the convenient access to any fire alarm fire plug or hydrant or who shall remove or efface any plate or mark indicating the position of such alarm plug or hydrant shall be liable to a penalty not exceeding five pounds and the Corporation may recover from such person the expenses of replacement and making good.

Fire plugs.

40.—(1) If not less than three months before commencing any work involving the closing to vehicular traffic of any street or part of a street either absolutely or to the extent of one-third or more of the width of the carriageway thereof the Corporation shall give notice in writing of their intention to execute such work to all undertakers having statutory powers to break up that street when such work has been executed by the Corporation it shall not be lawful for any such undertakers within twelve months of the completion of such work to break up the street or part of a street so closed without the consent of the Corporation which consent shall not be unreasonably withheld and the Corporation may if they think fit and without prejudice to their other rights and powers attach to any consent given under this section such conditions as may be reasonable with respect to the times at which and the period within which the work of the undertakers shall be executed and completed :

Restrictions on rights of breaking up streets.

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

(2) Any dispute or difference which may arise between the Corporation and any undertakers under the

A.D. 1931. — provisions of the preceding subsection shall be referred to and settled by a single arbitrator to be agreed on between the parties or in default of such agreement appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and settlement.

(3) Nothing in this section shall prevent any such undertakers as aforesaid from carrying out works in any streets in cases of emergency or prevent any such undertakers from carrying out any works necessary to enable them to perform their statutory duties as such undertakers or their obligations under any contract subsisting at the date of the giving of the notice by the Corporation in default of which they would be liable to any penalty or damages or from making altering repairing or disconnecting communication pipes or service connections or laying service lines between premises and distributing mains or altering repairing or disconnecting any service line or from laying mains or pipes for the supply of property not previously supplied with gas or water as the case may be. In this section the expression "service line" has the meaning assigned thereto by the schedule to the Electric Lighting (Clauses) Act 1899.

As to
hoardings
and similar
structures.

41.—(1) (a) No wall fence hoarding or other similar structure (in this section referred to as "structure") of a greater height than six feet six inches above the level of the ground at the nearest boundary of the road or street shall be erected or brought forward on any land in any street—

- (i) beyond any building line prescribed by the Corporation in respect of the land under the provisions of any Act; or
- (ii) if there be no such line beyond any line which is enforceable by the Corporation for buildings under subsection (2) of section 100 of the Housing Act 1925; or
- (iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

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(b) Any person who shall offend against the provisions of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may take down or remove any structure erected in contravention of those provisions and recover the expenses incurred by them in so doing from the offender.

(2) (a) The Corporation may by notice in writing require the owner or occupier of any land upon which any structure exists at the passing of this Act which would (if erected after the passing of this Act) have contravened the provisions of subsection (1) of this section to remove or alter such structure within such time (not being less than six days) as may be specified in the notice in such a manner as to comply with those provisions and the Corporation shall on demand repay to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

(b) Any person who shall neglect or refuse to comply with a notice from the Corporation given in pursuance of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may at their own expense take down or remove any structure erected or maintained in contravention of those provisions.

(3) The provisions of this section shall not be enforceable with regard to any structure existing at the passing of this Act for a period of five years from such date and shall not apply to any wooden structure fence or hoarding of a moveable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair is complete.

42.—(1) For the purpose of preserving the amenities of the city it is hereby enacted that it shall not be lawful to erect in or within twelve feet of any street any hoarding or similar structure to be used either partly or wholly for advertising purposes to a greater height than twelve feet above the level of such street without the consent of the Corporation and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoarding or similar structure as the Corporation may determine.

Restrictions
on adver-
tisement
hoardings.

A.D. 1931.

(2) Any person acting in contravention of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) Any person aggrieved by the refusal of the Corporation to grant such consent or by the conditions attached to such consent may appeal to a court of summary jurisdiction after the expiration of two clear days after such refusal provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

(4) The consent of the Corporation under this section shall not be required for a hoarding or similar structure erected within any railway station or upon any property of the Southern Railway Company except in so far as such hoarding or similar structure fronts upon a public street.

Repair of
hoardings.

43. The Corporation may by notice in writing require the owner of or other person using any hoarding wall or similar structure for advertising purposes to maintain the same and any advertising matter thereon in good order and condition and if any owner shall neglect or refuse to comply with any such notice the Corporation may carry out such alterations or repairs as may be reasonably necessary and recover summarily as a civil debt from the owner any expense incurred by them in so doing.

As to
erection of
retaining
walls.

44.—(1) Before any person shall erect on any land a retaining wall of greater height than six feet abutting on or adjacent to or within twelve feet of any street or road he shall submit to the Corporation plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as may be approved by the Corporation.

(2) Any person who shall erect a retaining wall contrary to the provisions of this section or any owner who after erection shall after reasonable notice in writing from the Corporation requiring him so to do fail to put such wall in proper repair shall without

prejudice to any other right or remedy of the Corporation be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding twenty shillings.

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45.—(1) Every person intending to erect any stand or structure for affording sitting or standing accommodation for a number of persons shall not less than fourteen days prior to the commencement of the erection thereof submit to the Corporation a plan and section thereof together with particulars of the dimensions and descriptions of the materials to be used in the construction thereof and shall comply with such conditions as the Corporation may prescribe for securing the stability of such stand or structure and for securing the safety of persons to be accommodated thereon.

Restriction
on erection
of tem-
porary
stands &c.

(2) Any person acting in contravention of this section or offending against any such condition shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) The provisions of this section shall not apply to any person who is a roundabout proprietor travelling showman or stallholder not being a pedlar or hawker.

46.—(1) In any case in which the forecourt of any premises adjoining a street is a source of danger obstruction or inconvenience to the public or in which any steps or projection are or is placed in any such forecourt or any goods are placed therein whether for sale or not the Corporation may require the owner of the premises well and sufficiently to fence such forecourt from the street.

Fencing of
forecourts.

(2) Any person who shall fail to comply with any requirement under this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

47.—(1) If the Corporation shall by resolution determine that any stall structure or other erection on any forecourt is by reason of its character injurious to the amenities of the street in which such forecourt is situate they may by notice in writing require the owner of or person responsible for such stall structure or other erection within such period not being less than seven

Provisions
as to fore-
courts.

A.D. 1931. — days as may be specified in the notice to make such alterations to such stall structure or other erection as may be necessary to prevent the same from being injurious to the amenities of such street.

(2) Any person neglecting or refusing to comply with the requirement of any such notice shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) Any person aggrieved by any requirement of any notice of the Corporation under the provisions of this section may appeal to a court of summary jurisdiction within seven days after the service upon him of such notice by the Corporation provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs. Notice of the right to appeal shall be endorsed upon every such notice served by the Corporation.

Elevations
&c. of
certain
buildings
and chim-
neys.

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

(a) a building; or

(b) an addition to an existing building (including the reconstruction of an existing part of any such building); or

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

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

(2) Where by reason of any improvement made by the Corporation any land shall become land which adjoins or abuts on any street and the owner lessee or occupier of any such land shall construct—

(a) any door or entrance in an existing building communicating with that street; or

(b) any wall or fence by the side of that street;

he shall construct the door entrance wall or fence in such position and in accordance with such elevations

(also in this section collectively referred to as "elevations") as may be approved by the Corporation and the Corporation shall make compensation to the owner of any land for any loss or damage he may suffer by reason of the setting back or bringing forward of such wall or fence. A.D. 1931.

(3) For the purpose of assisting the Corporation in the exercise of the power of approving or disapproving elevations by this section conferred a standing advisory committee of three members (in this section referred to as "the advisory committee") shall be constituted for the city of whom one member shall be a Fellow of the Royal Institute of British Architects to be nominated by the President of the said institute one member shall be a Fellow of the Surveyors' Institution to be nominated by the President of the said institution and one member shall be a justice of the peace to be nominated by the council :

Provided that a member of the council shall be disqualified from being a member of the advisory committee.

(4) Subject as aforesaid the members of the advisory committee shall be appointed by the council and any vacancy occurring on the advisory committee shall be filled by the council on the nomination of the person or body by whom the member causing the vacancy was nominated The Corporation may pay the members of the advisory committee such reasonable fees and expenses as the Corporation think fit.

(5) The Corporation shall within one month after the submission to them of elevations—

(a) approve the elevations; or

(b) if they shall consider that having regard to the general character of the existing buildings in the street or of the buildings proposed therein to be erected the building addition to existing building chimney door entrance wall or fence (each of which is in this section referred to as "erection") to which the elevations relate would seriously disfigure the street whether by reason of the height or position of the erection or its design or the materials proposed to be used in its construction refer the

A.D. 1931.
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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 erection is considered to be objectionable.

(6) The Corporation shall forthwith send notice in writing to the person by whom the elevations were deposited of their approval thereof or if the erection be 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 erection.

(7) (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 Corporation and if he does so he shall at the same time send a copy thereof to the town clerk.

(b) (i) The advisory committee shall within one month after the receipt of the reference decide whether having regard to the consideration mentioned in subsection (5) (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 erection is considered to be objectionable.

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

(8) 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 council and to the person by whom the elevations were submitted.

(9) In the event of a division of opinion among the members of the advisory committee upon 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. A.D. 1931.

(10) Where the elevations of an erection have been disapproved under this section it shall not be lawful to erect the same until the elevations thereof have been approved by the Corporation.

(11) 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 two pounds.

(12) 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 Corporation summarily as a civil debt and where such costs or part thereof are payable by the Corporation they shall be recoverable by the person submitting the elevations in the like manner.

(13) The provisions of 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 or to work a railway or to navigate or use any river canal dock harbour or basin or to demand any tolls or dues in respect of such river canal dock harbour or basin and used or intended to be used exclusively for such purposes under the provisions of such Act of Parliament or Order.

(14) The provisions of paragraph (b) of subsection (1) of this section in its application to buildings and additions to buildings existing at the passing of this Act shall not apply to a wooden hoarding which is used solely for the purpose of poster advertising.

49. Section 98 (Removal of dilapidated and neglected buildings) of the Act of 1920 shall be read and have effect as if the words "or such ground as aforesaid" were omitted from subsection (2) thereof. Amendment
of section 98
of Act of
1920.

50.—(1) In the case of any building which may appear to the Corporation on the report of any duly qualified officer to be dangerous to the inmates or As to
dangerous
buildings.

A.D. 1931.

persons working therein the Corporation may order a complete external and internal inspection and examination of any such building to be made by a competent person and for that purpose such person may on giving not less than twenty-four hours' notice to the occupier of the building and on producing written authority from the town clerk at any hour of the day between nine o'clock in the morning and six o'clock in the afternoon with such other persons as he may deem necessary enter upon such building and examine and inspect the same.

(2) If upon such examination and inspection it shall appear necessary that any works should be executed or alterations made for the purpose of putting such premises into a safe and proper condition for the purposes for which the same are used the Corporation in respect of such building and the works to be carried out therein shall have and may exercise all or any of the powers vested in the Corporation with respect to dangerous structures.

Byelaws
as to
alterations
of buildings.

51. The power given by subsection (4) of section 23 of the Public Health Acts Amendment Act 1890 to make byelaws with respect to the alteration of buildings shall be extended so as to authorise byelaws with respect to the alteration of buildings whether or not erected in accordance with byelaws and with respect to the submission of such plans and sections as can be required in relation to the erection of a new building :

Provided that any byelaws made under the powers of this section shall not apply to the alteration of a building (not being a dwelling-house showroom or office) belonging to the Portsmouth Water Company or the Portsmouth Gas Company and used or intended to be used for the purposes of their respective undertakings.

Extension
of section
157 of
Public
Health Act
1875.

52.—(1) Section 157 of the Public Health Act 1875 in its application to the city shall be extended so as to empower the Corporation to make byelaws with respect to the following matters (namely):—

- (i) the number of dwelling-houses which may be erected in one block or in one continuous row ;

- (ii) the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space; A.D. 1931.
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- (iii) the situation construction and height of walls or fences upon or across such open space;
- iv) the securing that waterclosets shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and the provision to be made for securing the protection of the same from frost and preventing the improper use of such closets and of the blocking of the pipes therefrom;
- (v) the provision of fixed baths in such classes of new dwelling-houses as may be prescribed in the byelaws;
- (vi) for requiring notice to be given to the Corporation of the erection or formation of bathrooms or the fixing of geysers or other hot water apparatus in connection with any premises and for securing that proper ventilation shall be provided and maintained for such apparatus and for any such apparatus fixed before the passing of this Act or the making thereunder of any byelaw relating to such matters;
- (vii) for prohibiting the placing of a gas meter in any pantry larder or cupboard used for the storage of food; and
- (viii) for requiring the construction across kerbed or paved footways in streets of means of access to and from garages.

(2) Before any byelaws are made under paragraphs (iv) and (v) of subsection (1) of this section the Corporation shall furnish a copy thereof to the Portsmouth Water Company who shall be entitled to object to the confirmation thereof and before any byelaws are made under paragraph (vi) of the said subsection the Corporation shall furnish a copy thereof to the said company and to the Portsmouth Gas Company who shall respectively be entitled to object to the confirmation thereof.

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Repeal of
section 27
of Act of
1883.Restriction
on illumi-
nated
advertis-
ments.

53. Section 27 (Inspection of works by surveyor) of the Portsmouth Corporation Act 1883 shall be repealed as from the date when byelaws covering the subject-matter of the said section come into operation.

54.—(1) For the purpose of preserving the amenities of the city or any part thereof it shall not be lawful to erect or place illuminated advertisements which flash or are at intervals extinguished and lit or re-lit on any building or structure which is situate in or abutting on or adjoining any street without the consent of the Corporation and such consent may be given subject to such terms and conditions as the Corporation may determine.

(2) Any person acting in contravention of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) Any person aggrieved by the refusal of the Corporation to grant such consent or by the conditions attached to such consent may appeal to a court of summary jurisdiction within fourteen days after service upon him of notice of such refusal provided he give written notice of such appeal and of the grounds thereof to the town clerk before lodging his appeal and the court shall have power to make such order as the court may think fit and to award costs.

Height of
obstructions
to view at
street
corners.

55.—(1) For the purpose of facilitating traffic by removing obstructions to view within a distance of twelve yards from the corner of any street the Corporation may give notice to the owner or occupier of any land situate within such distance prescribing the height not being less than four feet six inches above the ground level of such street at the nearest boundary of fences hoardings boundary walls banks hedges trees shrubs and similar obstructions within such distance of such corner and the following provisions shall have effect:—

(a) Unless such notice is withdrawn by the Corporation no person shall erect a fence hoarding boundary wall bank or similar obstruction or permit a hedge tree or shrub to grow at a greater height than that prescribed contrary to the requirements of the notice;

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—

(b) If required by the Corporation the owner or occupier of such land shall reduce the height of any fence hoarding boundary wall bank hedge tree shrub or similar obstruction which exceeds that prescribed by the notice to a height not exceeding that so prescribed.

(2) Any person who contravenes the provisions of paragraph (a) of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may reduce the height of such fence hoarding boundary wall bank hedge tree shrub or similar obstruction to the height prescribed by them.

(3) If any person for the period of one month after the service of a notice upon him by the Corporation of a requirement under paragraph (b) of subsection (1) of this section fails to comply therewith the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage.

(4) Where any tree hedge or shrub within fifteen yards of such corner obstructs such view as is referred to in subsection (1) of this section the Corporation may serve a notice on such owner or occupier requiring him to cut lop or top the tree hedge or shrub within fourteen days so as to prevent such obstruction and such notice shall be sufficient authority to the person so served to execute the work prescribed in the notice. In default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage.

(5) (a) Any person aggrieved by any notice given by the Corporation or any requirement of the Corporation under this section may within fourteen days from the date of the decision of the Corporation appeal to a court of summary jurisdiction.

(b) Any person so appealing shall give or cause to be given written notice of such appeal and of the grounds thereof to the town clerk before lodging his appeal and the court shall have power to make such order in the matter of the appeal as the court may think fit and to award costs.

(c) Notice of the right to appeal shall be endorsed on every notice or requirement of the Corporation under this section.

A.D. 1931.

(6) The provisions of this section shall not be enforceable with regard to any fence hoarding boundary wall or similar obstruction existing at the passing of this Act and used for advertising purposes for a period of five years from such date and shall not apply to any wooden structure fence or hoarding of a moveable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair is complete.

Height of
chimneys.

56.—(1) Every chimney erected after the passing of this Act for carrying smoke or steam or for the conveying away of any noisome or deleterious gases or effluvia from any buildings used for manufacturing or other purposes shall be raised to such height measured from the level of the centre of the street nearest thereto as the Corporation shall reasonably require having regard to the use of such chimney the position of dwelling-houses or other buildings near thereto the description of such buildings the levels of the neighbouring ground and any other condition requisite for consideration in determining such height.

(2) Any person who shall offend against any provision of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Means of
escape from
buildings.

57.—(1) Every building erected after the passing of this Act exceeding two storeys in height and in which the upper surface of the floor of any upper storey is above twenty feet from the street level and which is used or intended to be used as flats or as a tavern hotel hospital nursing home orphanage boarding-house common lodging-house offices or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant shall be provided on each of the storeys the upper surface of the floor whereof is above twenty feet from the street level with such means of escape in case of fire for the persons dwelling sleeping or employed in each such upper storey or resorting thereto as may be reasonably required by the Corporation under the circumstances of the case and the owner shall not permit such building to be occupied until the Corporation shall have issued a

certificate that the provisions of this section have been complied with in relation thereto. A.D. 1931.

(2) From and after the first day of January one thousand nine hundred and thirty-two the Corporation in the case of every existing building exceeding two storeys in height and used or intended to be used as flats or as a tavern hotel hospital nursing home orphanage boarding-house common lodging-house offices or school or as a shop or restaurant in which sleeping accommodation is or is intended to be provided for the use of persons employed in or about such shop or restaurant if in the opinion of the Corporation such building is not provided with proper and sufficient fire-fighting and first-aid fire appliances and proper and sufficient means of escape from each storey the upper surface of the floor whereof is above twenty feet from the street level in case of fire for the persons dwelling sleeping or employed in each such upper storey may at any time serve on the owner of such building a notice requiring him within a reasonable time to be specified in such notice to provide such portable appliances and means of escape as in the circumstances of the case can reasonably be required and the owner shall thereupon take the necessary steps to provide the appliances and means of escape so required.

(3) Where the means of escape in case of fire provided in connection with any such building as aforesaid shall become inadequate in consequence of any alteration in the circumstances or conditions affecting such building the owner of the building shall upon the requirement of the Corporation make such alterations in the said means of escape as may be reasonably necessary and shall if so required by the Corporation provide further or other means of escape.

(4) (a) Any person aggrieved by any requirement of the Corporation under subsection (2) or subsection (3) of this section may appeal to a court of summary jurisdiction within seven days after the receipt of the requirement provided he give twenty-four hours' notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

(b) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

A.D. 1931.

(5) The owner of the building shall notwithstanding any agreement with the occupier have power to take such steps as are necessary for complying with any requirements of the Corporation under this section.

(6) The appliances and means of escape in case of fire provided in any building in pursuance of this section shall not be altered without the consent in writing of the Corporation and shall at all times be maintained and kept by the occupier of the building in good and efficient condition and (in the case of such means of escape) free from obstruction.

(7) This section shall not apply to any premises to which sections 14 and 15 of the Factory and Workshop Act 1901 or any enactment amending those sections apply.

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

(9) Where an existing building is newly converted after the passing of this Act into flats it shall be deemed to be a new building within the meaning of this section.

(10) Section 97 (Means of escape from buildings in case of fire) of the Act of 1920 is hereby repealed.

Means of
ingress to
and egress
from large
shops de-
partmental
stores and
clubs.

58.—(1) The provisions of section 36 of the Public Health Acts Amendment Act 1890 shall extend and apply to—

- (a) shops departmental stores and warehouses to which the public are admitted and where more than twenty persons are employed; and
- (b) any club registered under the provisions of section 91 of the Licensing (Consolidation) Act 1910 in the city whether existing before or after the passing of this Act.

(2) The provisions of the said section 36 shall be read and construed so as to provide that in such premises as aforesaid portable first-aid fire appliances must be installed to the satisfaction of the Corporation:

Provided that in the application of the provisions of the said section 36 to any club the said section shall be read and have effect as if the words "for the use of the public" were omitted from subsection (1) thereof.

(3) This section shall not apply to any premises to which sections 14 and 15 of the Factory and Workshop Act 1901 or any enactment amending those sections apply.

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(4) Any person aggrieved by a requirement of the Corporation under the said section 36 in its application in pursuance of the provisions of this section to any such premises as are referred to in paragraph (a) or (b) of subsection (1) of this section may within fourteen days after the date on which the Corporation give notice of their requirement to such person appeal to a court of summary jurisdiction and such court may make such order in the premises and on such terms and conditions as to the court may seem fit and may award costs. Provided that such person shall give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk.

(5) Notice of the right to appeal shall be endorsed on every notice of the Corporation under this section.

(6) For the purposes of this section section 7 of the Public Health Acts Amendment Act 1890 shall not apply.

59. Section 23 of the Public Health Acts Amendment Act 1890 in its application to the city shall have effect as if the words "and floor area" had been inserted therein after the word "height" in subsection (1) of that section.

Area of habitable rooms.

60.—(1) The Corporation may prohibit the construction in or in connection with any dwelling-house of any cellar or room the floor level of which shall be lower than the highest known level of the sub-soil water on under or adjacent to the land on which such dwelling-house shall be erected.

Cellars not to be constructed below sub-soil water level.

(2) Any person offending against any prohibition of the Corporation under the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

61. The power of the Corporation to make byelaws with respect to secondary means of access under section 23 of the Public Health Acts Amendment Act 1890 shall extend to enable them to require every person who shall erect fronting a street or intended street

Byelaws as to secondary means of access.

A.D. 1931. terraces or other continuous blocks of houses not giving access through their own grounds to the backs of such houses to make and construct a back road and side roads at the back and at each end of such terraces or continuous blocks of houses of such widths as may be prescribed by such byelaws.

Provisions
as to tents
vans &c.

62. Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of the application of section 3 of the Public Health (Buildings in Streets) Act 1888 to the city be deemed to be a house or building within the meaning of those words where they first occur in the said section.

Prohibition
of tents
vans &c.

63.—(1) (a) No tent van shed or similar structure used or intended to be used for human habitation shall be placed or kept on any land without the previous approval of the Corporation.

(b) It shall not be lawful for any person without the previous consent of the Corporation to let or permit to be used any land for occupation by any tent van shed or similar structure used or intended to be used for human habitation unless and until such land is provided with sufficient roads and sewers and furnished with a separate supply of water to the satisfaction of the Corporation.

(2) Any person aggrieved by the withholding by the Corporation of any approval or consent under the provisions of this section may within twenty-one days from the date of the decision of the Corporation appeal to a court of summary jurisdiction and such court may 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.

(3) This section shall not apply to (a) a tent van shed or similar structure unless it is used or intended to be used by the occupier as a sole or principal means of habitation for an unbroken period of at least three months or (b) any person dwelling in a tent or van or other similar structure who is a roundabout proprietor travelling showman or stallholder travelling with a travelling show not being a pedlar or hawker.

(4) Any person offending against the provisions of this section shall be liable to a penalty of five

pounds and to a daily penalty not exceeding twenty shillings. A.D. 1931.

64.—(1) Section 36 of the Public Health Act 1875 shall with the necessary modifications apply to a part of a house occupied by a separate family as it applies to the whole of a house. Closet accommodation in houses occupied by more than one family.

(2) The provisions of subsections (1) (2) and (3) of section 7 of the Housing Act 1925 shall apply with any necessary modifications as if the same were set out in this section.

65.—(1) If it appear to the Corporation that two or more houses 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 feet of any part of the premises the Corporation 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 Corporation if they so decide or by the owner or owners in such manner as the Corporation shall direct and 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 Corporation shall determine and if such drain is constructed by the Corporation such costs and expenses may be recovered by the Corporation from such owners subject to a right of appeal under subsection (4) of this section. Combined drains.

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

(3) The Corporation 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 aggrieved by the amount of any costs and expenses proposed to be recovered by the Corporation 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 Corporation intimating the amount payable or their apportionment thereof. On any such appeal the court

A.D. 1931. — may make such order in the premises and on such terms and conditions as to the court may seem just and the costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

Amendment
of section
103 of Act
of 1920.

66. Section 103 (Provision in lieu of section 19 of Public Health Acts Amendment Act 1890) of the Act of 1920 shall be read and have effect as if the words “any houses or premises who derive benefit from the execution of such works” were inserted therein in lieu of the words “the houses.”

Improper
construction
or repair of
watercloset
or drain.

67.—(1) If a watercloset drain or soil pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such nuisance or injury or danger to health could not have been avoided by the exercise of reasonable care be liable to a penalty not exceeding twenty pounds.

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if the person charged proves to the satisfaction of the court that he has used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

Wilful
damage to
drains
water-
closets &c.

68. If any person cause any drain watercloset pailcloset earthcloset privy or ashpit to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds :

Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises or other person aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

A.D. 1931.

69. Section 16 of the Public Health Acts Amendment Act 1907 shall apply within the city as if the words "and approved by" were omitted therefrom.

As to plans
deposited
with
Corporation.

70. Nothing in this Part of this Act except the sections of which the marginal notes are—

Saving for
Southern
Railway
Company.

Temporary stoppage of streets;

Banners and signs over street;

As to pavement lights;

Direction signs;

Crossings over footways;

Police telephone call boxes and fire alarms;

Fire plugs;

As to hoardings and similar structures;

Restrictions on advertisement hoardings;

Repair of hoardings;

Restriction on erection of temporary stands &c.;

Restriction on illuminated advertisements; and

Height of obstructions to view at street corners;

shall 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 the Southern 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 that company with the authority of Parliament so long as such building railway work or land is used or held by that company primarily for railway purposes Provided that the provisions of the section of this Act of which the marginal note is "As to hoardings and similar structures" shall not apply to a wall (not being a wall of a dwelling-house) constructed by or belonging to or which may hereafter be constructed by or belong to the said company in the exercise of their statutory powers so long

A.D. 1931. — as such wall is used or held by that company primarily for railway purposes.

PART V.

INFECTIOUS DISEASE AND SANITARY MATTERS.

Power to exclude children from entertainments.

71.—(1) If the Corporation or any committee of the council acting on the advice of the medical officer with the view of preventing the spread of infectious disease require the exclusion of children from places of public entertainment or assembly for a specified time such requirement shall be at once complied with.

(2) Any person responsible for the conduct or management of any place of public entertainment or assembly wilfully failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding five pounds.

Restriction on attendance of children at Sunday schools and places of assembly when infectious disease prevails.

72.—(1) No person of or exceeding the age of sixteen years who has the custody charge or care of a child who is or has been attending any school or any part thereof which for the time being is closed by order of the Corporation or of the education committee of the council with the view of preventing the spread of infectious disease or of a child who is suffering from an infectious disease or who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or school medical officer shall permit such child to attend any Sunday school or place of public entertainment or assembly in the city without having procured from the medical officer or school medical officer a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or place of public entertainment or assembly without undue risk of communicating disease to others.

(2) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding forty shillings.

(3) Section 107 (To prevent spread of infectious disease amongst children in Sunday schools) of the Act of 1920 is hereby repealed.

73.—(1) The occupier of any building which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

A.D. 1931.
Information
to be
furnished
in case of
infectious
disease.

(2) Any occupier refusing to furnish such information or knowingly furnishing false information shall be liable to a penalty not exceeding forty shillings.

(3) For the purposes of this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889 and the expression "infectious disease" shall include pulmonary tuberculosis in addition to the diseases referred to in the section of this Act of which the marginal note is "Interpretation."

74.—(1) If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for washing or mangling from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly.

Names of
laundrymen
to be
furnished.

(2) Any person who offends against the provisions of this section shall be liable to a penalty not exceeding forty shillings.

75. If a person who is suffering from an infectious disease or who is living in a house in which there is a case of infectious disease knowingly engages in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household in such a manner as to be likely to spread the infectious disease he shall be liable to a penalty not exceeding forty shillings.

Prohibition
on infected
person
carrying on
business of
preparing
&c. food.

A.D. 1931.

Corporation may supply antidotes against infectious disease.

Discontinuance of offensive trade.

76. The Corporation may supply (with or without charge therefor) to any medical practitioner antidotes and remedies against infectious disease.

77.—(1) In any case in which premises are being used for the carrying on of an offensive trade within the meaning of section 112 of the Public Health Act 1875 as extended by section 51 of the Public Health Acts Amendment Act 1907 and by section 44 of the Public Health Act 1925 and in the opinion of the Corporation it is inexpedient in the interests of public health or having regard to any change since the date of the establishment of such offensive trade in the character of the neighbourhood in which such premises are situate that such trade should be carried on in such premises the owner or occupier of the same may be required by the Corporation after six months' notice in writing under the hand of the town clerk to cease to use such premises for the carrying on of such offensive trade :

Provided that the formation or expression by the Corporation of an opinion under this subsection shall be deemed to be a determination of the Corporation within the meaning of the section of this Act of which the marginal note is "As to appeals" and that the provisions of the said section of this Act shall accordingly apply with respect to such opinion as well as to any requirement by the Corporation under this subsection.

(2) Any person who fails or neglects to comply with any requirement of the Corporation under the provisions of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) If the Corporation require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person compensation for any loss sustained by him in consequence of the action of the Corporation. Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Corporation shall have been given for a period only unless the Corporation shall have required that the user of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

(4) The powers of this section shall be in addition to and not in derogation of the existing powers of the Corporation with reference to offensive trades. A.D. 1931.
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78.—(1) Every medical practitioner attending on a person who is or is suspected to be suffering from food poisoning shall forthwith on becoming aware that such person is or is suspected to be so suffering send to the medical officer a notification of the case stating the name of such person and the place at which such person is. Medical practitioners to notify cases of food poisoning.

(2) The Corporation shall pay to every medical practitioner for each notification duly sent by him in accordance with this section a fee of two shillings and sixpence if the case occurs in his private practice and of one shilling if the case occurs in his practice of medical officer of any public body or institution.

(3) Every person required by this section to give notice who fails to give the same in accordance with this section shall be liable to a penalty not exceeding forty shillings.

79.—(1) If the medical officer shall certify that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state and that he is employed within the city in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household and that his continuance in such employment would in the judgment of the medical officer be detrimental to the public health the Corporation may request such person to stop his employment and on such request being made the Corporation may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage. Power to prohibit persons in advanced state of tuberculosis from selling &c. food.

(2) If any such person shall fail to comply with such request the Corporation may apply to a court of summary jurisdiction for an order requiring him to stop his employment and the court shall have power to make such an order if after consideration of all the circumstances it thinks fit to do so and may direct that such compensation as it deems equitable shall be paid by the Corporation to such person.

(3) If any such person fail to comply with any such order he shall be liable to a penalty not exceeding

A.D. 1931. — forty shillings and to a daily penalty not exceeding ten shillings.

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

Registra-
tion of
houseboats.

80.—(1) The Corporation on payment to them for the registration of any houseboat of the sum appointed by them and on the delivery to them on a form prescribed by the byelaws made by the Corporation in pursuance of the powers of the section of this Act of which the marginal note is “Byelaws with regard to houseboats” of such particulars concerning such houseboat (including the name and address of the owner thereof) as such byelaws may require shall assign to such houseboat a number and shall register such houseboat in a book to be kept by the Corporation for that purpose at the Guildhall in the city together with the several particulars aforesaid and the number assigned to such houseboat and shall grant to the owner of such houseboat a certificate of such registration bearing the number assigned to such houseboat and such certificate shall be in force for the period prescribed by such byelaws and (unless renewed) no longer but the Corporation shall from time to time grant a renewal of such certificate for the period and on payment of the sum in respect of every renewal respectively for the time being prescribed and appointed by such byelaws and every such certificate and any renewal thereof is in this section referred to as a “houseboat certificate”.

(2) The sum to be paid for the registration of any houseboat as aforesaid or for the renewal of any houseboat certificate shall not exceed one pound and the period for which any houseboat certificate shall be in force shall not be less than one year.

Byelaws
with regard
to house-
boats.

81. The Corporation may from time to time make byelaws with regard to the use of houseboats for purposes of habitation for all or any of the following purposes (namely) :—

The registration and regulation of such houseboats :

The prevention of the passing from or out of any such houseboat of any sewage or any other offensive or injurious matter whether solid or fluid :

For compelling with a view to the prevention of pollution the alteration of such houseboats in such manner as the Corporation may think fit and the provision in such houseboats of such sanitary appliances as the Corporation may require :

A.D. 1931.

Provided that nothing in this Act shall authorise the laying of moorings for any houseboat within the limits of the Dockyard Port of Portsmouth without the permission in writing of the King's Harbour Master.

82. The provisions of section 43 of the Public Health Act 1925 shall extend and apply to any houseboat which is used for human habitation in such a way as to be a nuisance or injurious to health or to cause a nuisance or give rise to conditions injurious to health.

Extension of section 43 of Public Health Act 1925 to houseboats.

83. The expression "cattle" where used in section 162 (Slaughtering prohibited except in Corporation slaughter-houses when provided) of the Act of 1920 shall include any bull cow ox heifer calf sheep goat or other ruminating animal or swine.

Definition of "cattle" in section 162 of Act of 1920.

84.—(1) (a) The Corporation may by written notice to the owner and occupier of any registered slaughter-house which from its situation or construction is in the opinion of the Corporation injurious or dangerous to the public health or which shall have remained unused as a slaughter-house for a period of nine months require that the premises shall cease to be used as a slaughter-house on and after such date (not being less in the case of a slaughter-house which is in the opinion of the Corporation injurious or dangerous to public health than six months from the service of such notice) as may be specified in the notice and no person shall after such date slaughter in the way of trade any cattle horse sheep or pig on the said premises.

Power to close slaughter-houses if injurious to public health.

(b) Provided that not less than three months before making any such requirement in the case of any slaughter-house which from its construction is in their opinion injurious or dangerous to the public health the Corporation shall give notice in writing to the owner or occupier thereof specifying the respects in which such slaughter-house is in their opinion so injurious or dangerous and also specifying their requirements with regard thereto and if within the said period of three months the owner

A.D. 1931. or occupier of such slaughter-house shall have removed the grounds of objection thereto no such written notice as is first above mentioned shall be given to them by the Corporation.

(c) Provided also that such owner or occupier may within one month after receiving any such notice in writing from the Corporation object thereto on the ground that the requirements contained therein are unreasonable and unnecessary in the interests of public health and any such objection shall failing agreement between the Corporation and the owner or occupier making the same be determined on appeal to the Minister by the Minister and unless and until the Minister shall have determined that the said requirements are reasonable and necessary no such written notice as is first above mentioned shall be given to the owner or occupier of the slaughter-house in question.

(2) The Corporation shall make compensation to the owner and occupier of any registered slaughter-house (other than a slaughter-house which has remained unused as a slaughter-house for a period of nine months) who shall be injuriously affected by any requirement of the Corporation under subsection (1) of this section such compensation in case of difference to be settled in manner provided by the Public Health Act 1875 Provided always that in the case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in pursuance of this section.

(3) If any person acts in contravention of the provisions of subsection (1) of this section he shall be liable for each offence to a penalty not exceeding five pounds.

Power to
purchase
slaughter-
houses.

85.—(1) The Corporation may by agreement purchase any slaughter-house and premises connected therewith or any part of such slaughter-house or premises or the Corporation may agree with the occupier of such slaughter-house or premises with the consent in writing of any other person having an interest therein entitling him to require the user of such premises as a slaughter-house for the discontinuance of the user thereof as a slaughter-house and may remove such slaughter-house from the register of slaughter-houses.

(2) The purchase of such slaughter-house and premises and any arrangement as aforesaid for the discontinuance of the user thereof shall be deemed to be purposes of the Public Health Act 1875 and for the purposes of such purchase the Corporation may exercise the powers of borrowing conferred by that Act.

A.D. 1931.

86. Section 62 of the Public Health Act 1875 shall be read and have effect as if the words "or the medical officer of health" were inserted therein after the words "the surveyor."

Houses
without
water
supply.

87. When the medical officer certifies in writing that any dwelling-house is in an insanitary condition and that the occupier thereof is unable through infirmity or mental incapacity to remedy such condition and that his health is thereby endangered a court of summary jurisdiction may on the application of the Corporation (who shall give to the occupier seven days' notice of their intention to make such application) make an order for the removal of such occupier to an institution or other dwelling for such period as the court may by such order direct as being necessary to enable the Corporation to cleanse and disinfect the dwelling-house and the Corporation may carry out the removal and such cleansing and disinfection of the dwelling-house as may be necessary.

Cleansing of
dwelling-
houses in
certain
cases.

88. It shall be lawful for a court of summary jurisdiction upon complaint by the Corporation upon a report by the medical officer or sanitary inspector that any smoke gas or vapour from any chimney flue or pipe of a wash-house or outbuilding forming part of or in proximity to a dwelling-house is a nuisance to any of the inhabitants of the city to make an order requiring the owner of such chimney flue or pipe to cause the same to be raised or such other means to be adopted as may seem fitting to such court and as shall not involve an expenditure exceeding twenty pounds for preventing or mitigating such nuisance within such time as shall be specified in such order and any such owner as aforesaid who shall neglect or refuse to obey such order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Power to
order altera-
tion of
chimneys.

A.D. 1931.

As to powers
of requiring
sanitary con-
veniences for
manufactories
&c.

Power to
require
provision of
portable
ashbins.

89. The Corporation may exercise the powers of an urban authority under section 22 of the Public Health Acts Amendment Act 1890 (which relates to the provision of sanitary conveniences in workshops and manufactories) on the report of the medical officer or the sanitary inspector as well as on the report of the surveyor.

90.—(1) The Corporation may by notice in writing require the owner or occupier of any premises within the time specified in the notice not being less than twenty-eight days—

(a) to provide portable receptacles for refuse of such number size and material as may be prescribed by the notice in substitution for any ashpit or other fixed or movable receptacle for refuse which is in use at the date of the notice; and

(b) to remove or to fill in to the satisfaction of the Corporation any fixed ashpit for which a portable receptacle will be substituted.

(2) Where by a notice under subsection (1) of this section the Corporation require a portable receptacle for refuse to be provided in substitution for an ashpit or other receptacle for refuse which is in use at the date of the notice the Corporation shall contribute towards the reasonable cost approved by them of the receptacle such sum (not being less than one-half of the cost thereof) as they may consider just and proper according to the circumstances and the remainder of the cost shall be borne by the person to whom the notice was addressed and the Corporation may if they think fit bear the whole of the cost of providing the substituted receptacle and shall subject as hereinafter provided pay the whole of the cost of providing the receptacle and of removing or filling in the fixed ashpit where the existing receptacle is reasonably serviceable :

Provided that if the medical officer or the sanitary inspector shall have certified that the existing receptacle for refuse is a nuisance or injurious to health or that an existing portable receptacle is worn out and unfit for use the whole of the cost of the substituted receptacle shall be borne by the person to whom the notice was addressed.

A.D. 1931.
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(3) If any notice under subsection (1) of this section is not complied with or is not fully complied with the Corporation may after the expiration of the time specified in such notice provide the required receptacles and do any work thereby required to be done which has not been done by the owner or occupier and may recover from the owner or (if there be more than one owner) from the owners in such proportions as shall be determined by the Corporation the expenses incurred by them in so doing less any part of the said expenses which is to be borne by the Corporation under subsection (2) of this section.

(4) (a) Every owner or occupier by or for whom a receptacle for refuse has been provided whether in pursuance of a notice under this section or not shall maintain the receptacle in good order and condition and when necessary renew it.

(b) Any person who fails to comply with this subsection shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings.

(5) The owner or occupier of all premises in connection with which a portable receptacle for refuse has been or may hereafter be provided shall if so required by the Corporation pay to the Corporation on each first day of April after being so required such sum not exceeding three shillings as the Corporation may from time to time by resolution determine for or towards the maintenance repair and renewal by them of such receptacle. Such payments shall be in satisfaction of any obligation of such owner or occupier in regard to the maintenance and renewal of such receptacle and shall be recoverable summarily as a civil debt.

(6) Nothing in this section shall apply to any premises occupied by the Southern Railway Company from which the Corporation do not remove the refuse.

(7) Section 119 (Regulation dustbins) of the Act of 1920 is hereby repealed.

91.—(1) It shall not be lawful for any person (other than a person appointed by the Corporation for the purpose of emptying dustbins or other receptacles for refuse) to sort over or disturb the contents of any

Prohibiting
sorting of
contents of
dustbins.

A.D. 1931. — such receptacle when placed in any street or in any forecourt adjoining any street for the purpose of the removal of such contents by the Corporation.

(2) Any person acting in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds.

PART VI.

HUMAN FOOD.

Registra-
tion of
ice-cream
manufac-
turers and
premises.

92.—(1) (a) No person shall carry on the business of a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity unless he be registered by the Corporation.

(b) No premises shall be used for the manufacture for sale or sale of ice-cream or other similar commodity unless such premises are registered by the Corporation.

(c) Any person who offends against the provisions of this subsection shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(2) (a) The Corporation may refuse to register any such person or premises or (after giving one month's notice in writing to the person registered or in whose name any such premises are registered) revoke the registration of such person or premises and as regards the former on the ground that the public health is or is likely to be endangered by any act or default of such person who is registered or who seeks to be registered as a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity in relation to the quality storage or distribution of the ice-cream or other commodity and as regards the latter upon the ground that the premises are not suitable to be used for the purposes aforesaid :

Provided that before refusing or revoking such registration the Corporation shall serve upon the applicant for registration or the person in whose name such premises are registered a notice to appear before them not less than seven days after the date of the notice to show cause why the Corporation should not for reasons to be specified in the notice refuse to register or revoke the registration of the person or premises.

(b) If the Corporation should refuse to register or should revoke the registration of any such person or premises they shall deliver to the person applying for such registration or in whose name the premises are registered a statement in writing of the ground or grounds upon which such refusal or revocation is based. Notice of the right to appeal next hereinafter mentioned shall be endorsed on every such notice. A.D. 1931.

(c) Any person aggrieved by any such refusal may appeal to a court of summary jurisdiction provided that such appeal be made within fourteen days from the date of a refusal to register or of the notice of a refusal to retain.

(d) Any person so appealing shall give or cause to be given written notice of such appeal and of the grounds thereof to the town clerk before lodging his appeal and the costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(e) On any such appeal the court may by order confirm the refusal or direct the Corporation to register the person or premises or to retain them upon the register and the Corporation shall comply with any such direction.

(3) The provisions of this section shall have no application to any premises occupied as a factory or workshop respecting which notice is required by subsection (1) of section 127 of the Factory and Workshop Act 1901 to be given and shall not in any way affect the operation of that Act.

(4) The provisions of this section shall not apply to any premises used as a club hotel or restaurant or railway refreshment rooms or licensed as a theatre or music hall.

(5) The provisions of this section shall come into force on the first day of January one thousand nine hundred and thirty-two and the Corporation shall cause public notice to be given of the provisions of this section by advertisement published once in each of three successive weeks in at least two newspapers published or circulating in the city in the months of August and September or one of them immediately preceding the date when such provisions shall become operative.

A.D. 1931.
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Byelaws as
to inspec-
tion of
meat.

93.—(1) If and when the Corporation shall have put into force a system of marking meat under the powers of Part III of the Public Health (Meat) Regulations 1924 the Corporation may make and enforce byelaws for preventing meat or any part of the carcase of an animal brought into the city and intended for food from being offered for sale or sold or deposited for sale or for preparation for sale until after inspection by an officer of the Corporation.

(2) Before making any such byelaws the Corporation shall give not less than one month's notice to the secretary of the Portsmouth and District Master Butchers' Association of the Corporation's intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the Corporation shall confer with the said association thereon before they submit them to the Minister for confirmation and such association shall be entitled to make representations to the Minister with regard thereto.

(3) Before making any such byelaws applicable to any part of the county of West Sussex the Corporation shall give not less than one month's notice to the West Sussex County Council of the Corporation's intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws.

(4) No byelaw made by the Corporation under subsection (1) of this section shall apply to meat or any part of a carcase to which the Public Health (Imported Food) Regulations 1925 apply or which has been inspected and passed as fit for the food of man by the medical officer of health of the district in which the animal has been slaughtered or by a duly qualified inspector being an official of or authorised to act on behalf of the sanitary authority of such district but the Corporation shall be entitled to require reasonable proof that the meat has been inspected and passed as aforesaid.

(5) With a view to facilitating the carrying into effect of any byelaws made in pursuance of this section the Corporation may with the consent of the local authority concerned enter any slaughter-house which is situate outside the city but within a circle having a radius of fifteen miles from the Guildhall in the city for the purpose of inspecting any carcase or any part thereof intended for sale or consumption in the city.

(6) Nothing in this section shall affect the operation of the Diseases of Animals Acts 1894 to 1927 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder

A.D. 1931.

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94.—(1) The Corporation may make byelaws for promoting and securing sanitary and cleanly conditions in the transport of any article intended to be sold for food.

Byelaws
as to
transport
of food.

(2) At least one month before applying to the Minister for confirmation of any byelaws made under this section applicable to the transport by a railway company of any article intended for food the Corporation shall give notice to the company of the Corporation's intention to make such application and such notice shall be accompanied by a copy of the proposed byelaws and the company shall be entitled to make representations to the Minister with regard thereto.

95.—(1) On any inspection of any room carried out by the medical officer sanitary inspector or any other officer of the Corporation under the provisions of subsection (5) of section 72 of the Public Health Act 1925 such officer shall have power to take samples of any such materials commodities or articles of food found therein making reasonable payment therefor and if he intend to submit any sample to analysis he shall forthwith notify to the occupier of such room or his agent his intention to have the same analysed by the public analyst and shall divide the sample into three parts to be then and there separated and each part to be marked and sealed or fastened up in such manner as its nature will permit and shall if required to do so deliver one of the parts to such occupier or agent The officer shall afterwards retain one of the said parts for future comparison and submit the third part if he deem it right to have the sample analysed to the public analyst.

Taking of
samples on
inspection
of premises
used for
storage of
food.

(2) The expression "public analyst" in this section means the analyst appointed by the Corporation in pursuance of section 15 of the Food and Drugs (Adulteration) Act 1928.

96.—(1) Where it is shown that any animal or article liable to be seized under sections 116 to 119 of the Public Health Act 1875 and section 28 of the Public Health Acts Amendment Act 1890 and found in the

Penalty on
original
vendor of
unsound
food.

A.D. 1931.

possession of any person was sold to him by another person for food (the proof that the same was not sold for food resting with the party charged) and when so sold was in such a condition as to be liable to be so seized and to be condemned under section 117 of the Public Health Act 1875 the person who so sold the same shall be punishable as mentioned in the said section 117 unless he prove that at the time he sold the said animal or article he did not know and had no reason to believe that the said animal or article was in such condition.

(2) Where any animal or article of food has been condemned by a justice under the said section 117 as amended by the said section 28 the person to whom the same belongs or did belong at the time of deposit of such animal or article for the purpose of sale or of preparation for sale as well as the persons in those sections mentioned shall also be punishable as mentioned in the said section 117 unless he proves that at the time of such deposit he did not know and had no reason to believe that the said animal or article was in such a condition as to be liable to be so condemned.

(3) Before any animal or article liable to be condemned under the said section 117 as amended by the said section 28 and this section is dealt with by a justice the medical officer or the sanitary inspector shall inform the person in whose custody or possession the same was at the time when it was inspected by the medical officer or sanitary inspector of the intention of the medical officer or sanitary inspector to have the same dealt with by a justice and any person who may be liable in respect of such animal or article to a prosecution under the provisions aforesaid shall be entitled to attend the proceedings before the justice and to be heard with his witnesses upon the application for the condemnation of any such animal or article.

Further
powers in
relation to
unsound
food.

97. Sections 116 to 118 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the medical officer or the sanitary inspector to inspect examine and search any cart or other vehicle or any basket sack bag or parcel whether open or closed in which he has reason to suspect that there is any animal or any of the articles referred to in the said sections

intended for sale or in the course of delivery after sale for food and the provisions of such sections shall apply accordingly Provided that in the exercise at any railway station or upon any railway premises of the Southern Railway Company of the powers conferred upon him by this section the medical officer or the sanitary inspector shall conform to such reasonable requirements of the said company as are necessary to prevent the working of their traffic being obstructed or interfered with and with respect to any cart or other vehicle belonging to such company the powers conferred upon the medical officer or the sanitary inspector by this section shall be so exercised as not unreasonably to obstruct or interfere with the collection or delivery of goods by the said company.

A.D. 1931.

PART VII.

BATHS SEASHORE PARKS ENTERTAINMENTS &C.

98. Subject to the provisions of this Act—

(1) The Corporation may construct on lands owned by them and with the consent of the owner thereof on lands leased to the Corporation and may maintain alter extend enlarge improve repair furnish and equip open or covered swimming baths bathing pools and huts with all necessary conveniences and appliances :

(2) The Corporation may make and enforce bye-laws for the management use and regulation of the said baths bathing pools and huts and for regulating the conduct of the persons resorting thereto in like manner as byelaws under the Baths and Washhouses Acts 1846 to 1899 as amended by section 86 of the Public Health Act 1925 may be made and enforced and the provisions of section 32 of the Baths and Washhouses Act 1846 so far as the same are applicable and are not inconsistent with the provisions of this Act shall extend and apply to such baths bathing pools and huts and the Corporation may demand and take for the use of such baths bathing pools and huts or for the admission of persons thereto such reasonable charges as they may think fit.

As to
baths and
bathing
pools.

A.D. 1931.

Works
below high-
water mark
not to be
constructed
without
consent of
Board of
Trade.

99. The Corporation shall not under the powers of this Act construct on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

Protection
of bathers.

100. The Corporation may employ and pay boatmen for the purpose of protecting persons whilst bathing on or from the seashore within the city.

Removal of
sand &c.
from sea-
shore.

101.—(1) Any person who at any time digs carries away or removes any sand marl gravel shingle rock soil or other material from any portion of the seashore or beach above or below high water mark for the time being owned by or leased to the Corporation or from any sea defence work or embankment esplanade footway or carriageway vested in the Corporation upon which such sand marl gravel shingle rock soil or other material has been thrown by the sea within or fronting on the city without having first obtained the licence in writing of the Corporation or who having obtained such licence digs carries away or removes any sand marl gravel shingle rock soil or other material from any part of the seashore or beach as aforesaid or from any sea defence work or embankment esplanade footway or carriageway as aforesaid in any quantity or manner other than the part quantity or manner permitted by

such licence shall for every such offence be liable to a penalty not exceeding twenty pounds. A.D. 1931.

(2) The Corporation shall not grant any licence as aforesaid which shall contravene any covenant or condition subject to which a gift conveyance or lease of any portion of the seashore or beach has been accepted or made without the consent of the donor grantor lessor or other person or persons entitled in law to the benefit of such covenant or condition.

102. Section 82 of the Public Health Acts Amendment Act 1907 shall extend to empower the Corporation to make and enforce byelaws to prohibit on the seashore the selling and hawking of any article commodity or thing and the holding of any show exhibition or performance: Prohibition of hawking on seashore.

Provided that except with the consent of the Commissioners of Crown Lands no byelaws made by the Corporation under this section shall extend or apply to any portion of the seashore which is not owned or leased by the Corporation.

103. The Corporation may erect construct provide maintain furnish equip regulate and manage medicated and other baths (including baths the efficient properties of which are due to agencies other than water) and they may demand and take such reasonable charges for the use thereof as they may think fit. Medicated and other baths.

104. The Corporation may use or may let on such conditions as they may think fit any swimming bath or bathing pool belonging to them for swimming contests practices aquatic exercises water polo matches life saving classes exhibitions and entertainments of a similar nature or for meetings and the Corporation may also demand and take such charges as they may think fit for admission to and for letting any swimming bath or bathing pool as aforesaid on any such occasion or for any of such purposes. Use of swimming baths for exhibitions &c.

105. From and after the passing of this Act every police constable appointed to act in the city shall have the same power of enforcing byelaws made by the Corporation under the Public Health Acts relating to any park or place of public resort or recreation ground in the city under the control of the Corporation as is given Power of constables to enforce byelaws as to parks &c.

A.D. 1931. — to the servants of the Corporation by the byelaws for the time being in force under the provisions of the said Acts.

As to
parks &c.
outside city.

106. Any park recreation ground or pleasure ground which has been or shall be provided by the Corporation outside the city shall be deemed to be within the city for the purposes of any statutory provision as to parks recreation grounds or pleasure grounds which would have applied or been applicable thereto if the same had been situate within the city. Provided that nothing in this section shall affect or interfere with the area of jurisdiction of any justices or any court of competent jurisdiction or of any police constable.

Power to
set apart
parts of
parks and
pleasure
grounds as
parking
places for
vehicles.

107.—(1) The Corporation may from time to time appropriate and set apart such part or parts of their parks and pleasure grounds not exceeding in the case of any park or pleasure ground one acre as the Minister may sanction as a parking place or as parking places for vehicles and the part or parts of the said park or pleasure ground so appropriated and set apart shall be held and used as a parking place or as parking places under and subject to the provisions of subsections (4) (6) (7) and (9) of section 68 of the Public Health Act 1925 and subsection (2) (a) and (b) of that section shall apply as if the lands so to be appropriated and set apart were land forming part of a street.

(2) The provisions of subsection (2) of section 90 of the Road Traffic Act 1930 shall apply to any parking place sanctioned under this section.

Power to
provide
concert
halls &c.

108.—(1) Subject to the provisions of this Act the Corporation may in any promenade park or pleasure ground and on lands owned by them and with the consent of the owner thereof on lands leased to the Corporation erect and construct and hold furnish equip maintain insure and carry on concert halls pavilions conservatories winter gardens bandstands assembly rooms rooms for all social purposes and other buildings with all necessary and suitable offices committee rooms entertainment rooms reading rooms billiard rooms shelters ante-rooms refreshment rooms kitchens cloakrooms lavatories gardens outbuildings conveniences and appurtenances and for any such purposes alter adapt extend

or otherwise deal with existing buildings for the time being belonging to the Corporation. A.D. 1931.
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(2) The Corporation may make such reasonable charges as they may think fit for admission to and for the use of any concert halls pavilions conservatories winter gardens bandstands assembly rooms social rooms entertainment rooms reading rooms billiard rooms and other buildings belonging to them or for the use of any buildings or enclosures in any promenade park pleasure ground or land used for the purposes of this section and they may also make such charge for the use of chairs and conveniences as they may deem fit.

(3) The powers of this section shall not be exercised in such a manner as to contravene any covenant or condition subject to which a gift conveyance or lease of a park or pleasure ground has been accepted or made without the consent of the donor grantor lessor or other person or persons entitled in law to the benefit of such covenant or condition.

(4) Nothing in this section shall be deemed to dispense with the necessity for obtaining the consent of the Minister to any appropriation of any lands of the Corporation in any case in which such consent would have been required but for the provisions of this section.

109.—(1) The Corporation may provide or arrange for the provision or carrying on of suitable concerts entertainments exhibitions swimming contests athletic meetings regattas and amusements in any public hall concert hall pavilion conservatory winter garden bandstand assembly room or other building provided by them or in any baths bathing pools or model yacht ponds belonging to them or in any parks or pleasure grounds for the time being vested in them or under their control or upon any land owned by or leased to them and may make such charges as they may think fit for admission thereto and the Corporation may let any such buildings baths bathing pools model yacht ponds or rooms belonging to them or any parks or pleasure grounds for the purpose of such concerts entertainments exhibitions swimming contests athletic meetings regattas or amusements or for the sale of refreshments for such periods or occasions and upon such terms and conditions as the Corporation may think fit :

Provision of
concerts
entertain-
ments &c.

A.D. 1931.

Provided that the concerts entertainments and amusements which the Corporation may provide under the powers of this subsection shall include concert and pierrot entertainments and other like entertainments whether costume is or is not used in connection therewith and either with or without appropriate scenery but the Corporation shall not themselves provide or arrange for the provision or carrying on of stage plays performed by persons other than members (resident in or near the city) of any amateur dramatic society or any entertainment for which scenery or theatrical costume is used and which forms a complete programme of variety entertainment as usually given at a music hall and nothing in this subsection contained shall enable the Corporation to use any public hall concert hall pavilion conservatory winter garden assembly room or other building provided by them under the powers of this Act for the purposes of a cinematograph theatre.

(2) The Corporation may in any baths bathing pools model yacht ponds parks or pleasure grounds provided by them enclose an area for the purpose of any such concerts or other entertainments exhibitions swimming contests athletic meetings regattas and amusements as aforesaid.

(3) The Corporation may provide and sell or authorise any person or persons to provide and sell programmes of any concerts entertainments or performances given in pursuance of this section.

(4) The Corporation may make byelaws for securing good and orderly conduct during any concerts entertainments exhibitions or amusements provided or carried on in pursuance of this section.

(5) Any expenses incurred by the Corporation under the provisions of this section may be paid by the Corporation out of the general rate fund Provided always that the net amount of any payments or expenses made and incurred by the Corporation under the provisions of this section after deducting any moneys received by them under those provisions shall not in any one year exceed a sum equivalent to that which would be produced by a rate of one halfpenny in the pound levied on property in the city assessable in that year to the general rate.

(6) Section 169 (Bands and concerts) of the Act of 1920 is hereby repealed.

PART VIII.

A.D. 1931.

TOWN PLANNING.

110. The Corporation may at any time and from time to time make a town planning scheme or town planning schemes with respect to any area in the city notwithstanding that the land in that area or any part thereof is developed at the time of the making of such scheme and the provisions of the Town Planning Act 1925 (in this Part of this Act referred to as "the Act of 1925") shall subject to the provisions of this Part of this Act apply to the making of any such scheme and to any such scheme when made.

Power to make town planning schemes with reference to developed lands.

111. The purposes for which land may be purchased under a town planning scheme made pursuant to this Part of this Act shall include the purpose of securing the development or re-development of land in accordance with any provisions of the scheme where it appears to the Corporation 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 under this Part of Act.

Provided that the Corporation shall not under a town planning scheme made in pursuance of this Part of this Act purchase otherwise than by agreement any land abutting on a new street or an existing street as proposed to be widened under such scheme for the purpose of securing the development or re-development of such land but nothing in this section shall prejudice or affect the operation of the Public Health Acts.

112.—(1) Section 92 of the Lands Clauses Consolidation Act 1845 shall not be incorporated in any order made under section 8 of the Act of 1925 authorising the Corporation to purchase lands compulsorily for the purposes of any town planning scheme made pursuant to this Part of this Act but if the owner of or any person interested in any house or other building or manufactory in respect of which the Corporation have served upon him notice to treat for a specified portion only shall within twenty-one days after the service of such notice by notice in writing to the Corporation allege that such specified portion cannot be severed

As to properties of which parts only are required for town planning schemes.

A.D. 1931. — from the remainder of the property without material detriment thereto the arbitrator to whom any question of disputed compensation is referred under any such order (in this section referred to as "the arbitrator") shall in addition to the other questions required to be determined by him 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 Corporation have compulsory powers of purchase) can be so severed.

(2) If the arbitrator 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 Corporation the portion so determined to be severable without the Corporation being obliged or compellable to purchase the whole the Corporation 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 arbitrator.

(3) If the arbitrator 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 arbitrator may in his 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 subsection shall be borne and paid by such owner or other person.

(4) If the arbitrator 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 he shall determine that any other portion can be so severed) the Corporation may withdraw their 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 arbitrator 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 Corporation in case 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 arbitrator shall having regard to the circumstances of the case and his final determination think fit.

A.D. 1931.

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

113.—(1) The provisions of paragraph (2) of Part II of the Third Schedule to the Act of 1925 shall not apply in relation to any scheme made under this Part of this Act except in so far as they relate to any land which has been acquired by any company for the purpose of a railway but the Corporation shall not be entitled to purchase compulsorily any land which is the property of any local authority or has been acquired by any company body or person for the purposes of a water or other public undertaking without the consent of such local authority company body or person but such consent shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister.

Restriction
on rights
of purchase
in certain
cases.

(2) The Corporation shall not under this Part of this Act be entitled to purchase compulsorily any land 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 without the consent of the owner of such land 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 the arbitrator to whom any question of disputed compensation would be referred under the said order.

114.—(1) No provisions in any such town planning scheme as aforesaid prescribing the space about buildings or limiting the number of buildings to be erected or prescribing the height or character of buildings within

Limitation
of require-
ments under
scheme.

A.D. 1931. the meaning of subsection (2) of section 11 of the Act of 1925 shall operate so as—

(a) to require the demolition removal or alteration of any building existing at the date of the notice convening the meeting of the council at which the draft scheme is proposed to be adopted 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 same was used at the said date unless the person entitled to the user of the building shall after that date (i) commence 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 that purpose;

unless and until the scheme is brought into operation for that purpose by an order of the Corporation approved by the Minister and where an order is so made the provisions of subsection (2) of section 11 of the Act of 1925 shall not operate so as to preclude a claim for compensation under that Act on account of the demolition removal or alteration of the building or the affecting of the purposes for which the building may be used.

(2) An order under this section shall specify the period within which any building to which the same relates is to be demolished removed or altered or any purpose for which any such building is used is to be discontinued or changed.

(3) Before applying to the Minister for approval of an order under this section the Corporation shall serve a copy thereof on the owner or owners of all land or buildings to which the order relates and shall consider any representations which such owner or owners 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.

(4) Upon the submission of the order (with or without modification) to the Minister the Corporation shall serve on the said owner or owners 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. A.D. 1931.
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(5) For the purposes of this section the word "owner" has the same meaning as in the Lands Clauses Acts.

115. For the purposes of subsection (2) of section 10 of the Act of 1925 the date of the notice convening the meeting of the council at which a draft town planning scheme under this Part of this Act is proposed to be adopted shall be substituted for the several dates referred to in that subsection. Modifica-
tions of
section 10
of Act of
1925.

116. If the owner of any property which is acquired compulsorily for the purposes of or in connection with or is injuriously affected by a town planning scheme made under this Part of this Act be entitled to claim compensation in respect of such acquisition or injurious affection any mortgagee lessee underlessee or occupier of such property shall be entitled to claim compensation in respect of such acquisition or in respect of any injurious affection to his interest in the property or in any trade or business carried on by him thereon under the provisions relating to the compulsory acquisition of land contained in the Act of 1925. Compulsory
purchase
and
injurious
affection of
lands.

PART IX.

SALE OF COKE.

117. The provisions of sections 20 to 29 of the Weights and Measures Act 1889 and of any byelaws made by the Corporation thereunder (which provisions and byelaws relate to the sale of coal) shall also apply to the sale of coke within the city. Application
to sale of
coke of
Weights and
Measures
Act 1889.

118. If any seller of coke or any person in charge of any vehicle from which coke is being sold delivered or offered or exposed for sale wilfully makes any false statement as to the weight of the coke or any part thereof 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 to a penalty not exceeding five pounds and in the case of a second or subsequent offence to a penalty not exceeding ten pounds. Penalty on
fraudulent
sale.

A.D. 1931.

—
Proceedings
under this
Part of Act.Application
of this Part
of Act.Notice to be
given of
this Part
of Act.

119. Any inspector of weights and measures may with the consent of the Corporation prosecute before a court of summary jurisdiction any proceedings under or in pursuance of this Part of this Act.

120. 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.

121.—(1) Public notice of the provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the city.

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

PART X.

WEIGHING MACHINES.

As to
personal
weighing
machines.

122.—(1) In this section the expression "personal weighing machine" means any weighing machine which is used or exposed for use in the city for the purpose of ascertaining the weight of a person (a) for the use of which a charge is made or (b) which is kept in any shop premises or place in the city to which the public have access.

(2) The owner or the person in charge of any personal weighing machine which is false or unjust shall be liable to a penalty not exceeding forty shillings or in the case of a second or any subsequent offence five pounds and the machine shall be liable to be forfeited.

(3) A personal weighing machine shall not be used or exposed for use unless it has been examined and approved by an inspector of weights and measures of the Corporation and has been marked with a distinguishing mark by such inspector and after the expiration of twelve months from the passing of this Act every person who has in his possession or under his control any personal weighing machine which is not so marked shall be liable to a penalty not exceeding forty shillings or in the case of a second or subsequent offence five pounds and the machine shall be liable to be forfeited.

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(4) If any person forges or counterfeits or removes any such distinguishing mark as is referred to in the last preceding subsection of this section he shall be liable to a penalty not exceeding five pounds and if any person knowingly exposes for use any personal weighing machine without any such mark or with such forged or counterfeit mark thereon he shall be liable to a penalty not exceeding five pounds.

(5) (a) Any inspector of weights and measures of the Corporation may at all reasonable times inspect and examine any personal weighing machine in the city and may seize and detain any such machine which is liable to be forfeited under the provisions of this section and may for the purposes of such inspection and examination enter any place (whether open or closed) where he has reasonable cause to believe that there is a personal weighing machine which he is authorised to inspect and examine.

(b) Any person who neglects or refuses to produce for such inspection any personal weighing machine in his possession or on his premises or refuses to permit any such inspector of weights and measures to examine the same or obstructs the entry of such inspector or otherwise obstructs or hinders him from acting under this section shall be liable to a penalty not exceeding five pounds or in the case of a second or subsequent offence ten pounds.

(6) The Corporation may make byelaws—

(a) generally with respect to the examination and inspection of personal weighing machines and the distinguishing marks to be fixed to personal weighing machines under this section and the circumstances and conditions under which such marks may be affixed or cancelled;

(b) with respect to the tests to be applied for the purpose of ascertaining the accuracy and efficiency of personal weighing machines;

(c) for fixing the fees to be paid to the Corporation for the examination approval and marking of personal weighing machines under this section or for the examination of such personal weighing machines as are found to be incorrect or defective; and

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(d) for fixing the limits of error to be allowed on examination and approval or on inspection and examination of any personal weighing machine under this section.

Corporation may provide automatic weighing machines.

123. The Corporation may provide and maintain automatic machines for weighing persons in any premises belonging to them and may charge for the use thereof.

PART XI.

POLICE AND HACKNEY CARRIAGES.

Power to make orders as to traffic on carnival &c. days.

124. The powers conferred by section 21 of the Town Police Clauses Act 1847 shall extend to enable the Corporation within the city on days appointed for ceremonies public processions rejoicings markets fairs exhibitions carnivals races sports illuminations or similar occasions to direct the passage and stoppage of vehicles along or in particular streets to direct particular routes to be taken for particular descriptions of traffic and to prohibit the passage or stoppage of particular vehicles through or in certain streets at certain hours.

Notice of processions to be given.

125.—(1) Any person or persons intending to organise or form a public or ceremonial procession or a circus procession or procession of wild animals through the streets of the city (other than a public or ceremonial procession which is regularly held through such streets) shall give written notice thereof and of the route proposed to be taken and of the time at which it will take place to the Corporation by leaving such notice at the head police office twenty-four hours at least (exclusive of Sundays) previous to the time fixed for such procession to pass through the streets.

(2) If any such procession passes through the streets of the city without such notice having been previously given or otherwise than in accordance with such notice the person or persons organising or conducting such procession or any or either of them shall be liable to a penalty not exceeding five pounds each.

Power for Corporation to suspend running of public

126. The Corporation may for the purpose of regulating and facilitating the traffic on market or fair days or for the execution of any works by the Corporation or during the time of any public meeting procession

or demonstration or for any other purpose which the Corporation having regard to the good government of the city or the safety of the public may deem necessary order that the working of the tramways of the Corporation or any part thereof or the running of trolley vehicles or public service vehicles on any trolley vehicle or public service vehicle route of the Corporation or part thereof respectively shall be stopped delayed or suspended but so that such stoppage delay or suspension shall continue only so long as may reasonably be necessary for the purposes aforesaid or any of them and the Corporation shall not be liable to pay compensation for damages in respect thereof :

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—
service
vehicles on
special
occasions.

Provided that the Corporation shall not in making any order under this section discriminate in favour of their own public service vehicles.

127. If any obstruction to the traffic on any of the tramways or trolley vehicle routes of the Corporation be caused by any vehicle breaking down or any load falling from a vehicle the person in charge of the vehicle shall forthwith remove the vehicle or load so as to prevent the continuance of the obstruction and if he fail to do so the Corporation may so remove the vehicle or load and may remove any other obstruction of the like character to such traffic and may provide and use all necessary plant and apparatus and take all necessary steps to remove any such obstruction and may recover the reasonable cost of so doing from the owner of the vehicle.

Removal of
obstruc-
tions.

128. In the application to any land forming part of a street of section 68 of the Public Health Act 1925 the word "byelaws" shall be substituted for the word "regulations."

Extension
of section 68
of Public
Health Act
1925.

129. The power to make byelaws conferred upon the Corporation by section 68 of the Town Police Clauses Act 1847 shall be extended so as to include power to make byelaws for all or any of the following purposes (that is to say):—

Byelaws
as to
hackney
carriages.

- (a) for the examination and inspection of hackney carriages at such times and places as may be prescribed in such byelaws ;

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(b) for the cessation of user of a hackney carriage which at any time fails in any way to comply with the requirements of the byelaws respecting the fitness of hackney carriages for public hire; and

(c) for the furnishing by the owner of every hackney carriage to the inspector of hackney carriages or any police constable on request being made by him of the name and place of abode of any person who was authorised to drive such carriage at any specified time within seven days previous to such request being made :

Provided that this section shall not apply to any vehicle belonging to or used by the Southern Railway Company for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises or to the driver or conductor of such vehicle.

Provisions
as to
vehicles let
for hire.

130. The provisions of the Town Police Clauses Act 1847 shall extend to empower the Corporation to make byelaws for declaring that to the extent determined by such byelaws those provisions and the byelaws of the Corporation in force with respect to hackney carriages except so much of such byelaws as relates to the fixing of fares shall apply to every horse-drawn or motor vehicle standing or plying for hire notwithstanding that such vehicle stands or plies for hire on private premises only Provided that this section shall not apply to any such vehicle which is kept and used ordinarily for the purpose of being let on hire by the day or for longer periods of hire or for journeys under special contract or to a public service vehicle.

Prohibition
of touting
in streets
&c.

131.—(1) No person shall in any street road promenade or parade on the sea front or at any place in any street within fifty yards thereof or at any hackney carriage or public service vehicle stand or in any public walk garden park or place of recreation or on the seashore or beach (above or below high water mark) within the city importune any person by touting for a hotel lodging-house refreshment house shop boat garden theatre public service vehicle char-a-banc hackney carriage or any place of amusement.

(2) Any person offending against the provisions of this section shall be liable for every such offence to a penalty not exceeding twenty shillings. A.D. 1931.

PART XII.

FINANCE.

132.—(1) The Corporation may in addition to any moneys which they are now authorised to borrow or which they may be authorised to borrow under the provisions of any public general Act borrow at interest for the purposes set forth in the first column of the following table any sums not exceeding the respective sums set forth in the second column thereof and all moneys so borrowed shall be chargeable on the revenues of the Corporation and shall be repaid within the respective periods set forth in the third column thereof and the Corporation may apply any sum so borrowed for the said purposes respectively (that is to say) :—

Power to borrow and repayment of borrowed moneys.

Purpose.	Amount.	Period for repayment.
(1) For paying the costs charges and expenses of this Act as hereinafter defined.	The sum requisite. £	Five years from the passing of this Act.
(2) For the purchase of lands - -	335,000	Sixty years from the date or dates of borrowing.
(3) For the construction of the street improvements.	50,000	Thirty years from the date or dates of borrowing.

(2) The Corporation may also with the sanction of the Minister borrow such further moneys as may be necessary for any of the purposes of this Act other than Part III (Electricity) and any moneys borrowed under the powers of this subsection shall be repaid within such periods not exceeding sixty years as may be prescribed by the Minister and shall be chargeable on the revenues of the Corporation.

133. The provisions contained in the sections of the Act of 1920 the numbers and marginal notes of which are set forth in this section shall so far as

Incorporation of financial provisions of Act of 1920.

A.D. 1931. applicable extend and apply as if they were re-enacted
— in this Act (that is to say) :—

Section 142 (Mode of raising money);

Section 143 (Provisions of Public Health Act
1875 as to mortgages to apply);

Section 144 (Mode of payment off of money
borrowed);

Section 145 (Sinking fund);

Section 146 (Appointment of receiver); and

Section 148 (Application of money borrowed) :

Provided that the periods for repayment referred to in the section of this Act the marginal note of which is "Power to borrow and repayment of borrowed moneys" shall respectively be deemed to be "the prescribed period" for the purposes of such application of the said sections :

Provided also that the said sections shall be read and have effect as if the Minister were referred to therein in lieu of the Local Government Board.

Miscella-
neous risks
insurance
fund.

134.—(1) The Corporation may if they think fit establish a fund to be called "the miscellaneous risks insurance fund" (in this section referred to as "the insurance fund") with a view of providing a sum of money which shall be available for making good all losses damages costs and expenses to which the Corporation may be subjected in consequence of the whole or any part of all or any of the following risks (that is to say) :—

- (i) Risk of explosion in respect of boilers;
- (ii) Risks of mechanical or electrical breakdown at or in connection with any of the works of the Corporation;
- (iii) Risks of loss due to infidelity of officials of the Corporation;
- (iv) Any other risk against which in the absence of such an insurance fund the Corporation would ordinarily insure.

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices of good repute

against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide. A.D. 1931.

(3) In each year after the establishment of the insurance fund the Corporation shall pay into that fund either—

(a) such a sum as shall in their opinion be equal to the aggregate amount of the premiums which would be payable if the Corporation fully insured in some insurance office of good repute against the several risks for which the insurance fund is intended to provide; or

(b) if the Corporation partly insure in some insurance office of good repute against the whole or any part of the several risks for which the insurance fund is intended to provide such sum as will together with the premium paid for the last-mentioned insurance be equal to the aggregate amount aforesaid.

(4) When the insurance fund shall amount to twenty-five thousand pounds the Corporation may if they think fit discontinue the yearly payments to the fund but if the fund be at any time reduced below twenty-five thousand pounds the Corporation shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the sum of twenty-five thousand pounds.

(5) The Corporation shall provide the yearly payments aforesaid by contributions from the general rate fund and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking or department of the Corporation which if the risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance.

(6) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence of risks for which the fund is intended to provide all moneys for the time being standing to the credit of the fund shall (subject to the provisions of this Act) be invested in statutory securities and the interest and annual proceeds arising

A.D. 1931. from those securities shall be invested and accumulated until the fund amounts to the sum of twenty-five thousand pounds and when and so long as the fund amounts to that sum the interest and annual proceeds of the securities shall be carried to the credit of the general rate fund and apportioned in the accounts of the Corporation between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

(7) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Corporation in consequence of risks for which it is intended to provide in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Corporation may with the sanction of the Minister and on such security as the Minister may prescribe borrow at interest under and subject to the provisions of this Act such sums of money as will be necessary to make up the deficiency. The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings or departments of the Corporation and in such proportions as the Minister may direct having regard to the risks through which such deficiencies arise.

Expenses
of enter-
tainment on
special
occasions.

135. The Corporation may pay out of the general rate fund as expenses incurred by them under the Municipal Corporations Act 1882 the reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of public bodies or associations or of distinguished persons residing in or visiting the city.

Recovery of
rate from
persons
removing.

136. If a justice is satisfied on complaint by any rating officer that any person is quitting or about to quit any premises in the city and has failed to pay on demand any general rate which may be due from him and intends to evade payment of the same by

departing from the city the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the said rating officer or other authorised officer to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

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137. It shall not be obligatory on the Corporation 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 authorised security (except securities issued under the Local Loans Act 1875 and except securities to which regulations made under section 52 of the Public Health Acts Amendment Act 1890 apply) except upon the production to and temporary deposit with the town clerk or registrar of stock of the Corporation 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.

Evidence of
transfer or
transmission
of securities.

138. Where more persons than one are registered as joint holders of any mortgage of the Corporation any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the Corporation or the treasurer by any other of them.

Interest on
mortgages
held jointly.

139. All expenses incurred by the Corporation in carrying into execution the provisions of this Act with respect to which no other provision is made shall be defrayed out of the general rate fund and the general rate.

Expenses
of execution
of Act.

PART XIII.

MISCELLANEOUS.

140.—(1) The Corporation may pay or contribute towards the payment of the cost of providing and maintaining at railway stations and other public places and in newspapers magazines and other publications and on passenger boats tramways and public service vehicles plying in the city or between the city and other

Power to
advertise
entertain-
ments
attractions
&c.

A.D. 1931. — places advertisements relating to performances entertainments swimming contests regattas athletic meetings exhibitions or amusements provided at their concert halls pavilions conservatories winter gardens bandstands parks pleasure grounds piers baths bathing pools model yacht ponds and other places.

(2) The amount to be expended in any year for the purposes of this section shall not exceed a sum equivalent to that which would be produced by a rate of one penny in the pound levied on property in the city assessable in that year to the general rate.

Power to
establish
information
bureaux.

141. The Corporation may establish and maintain an information bureau or information bureaux in the city and in London for the purpose of supplying such information with regard to the city as may be desired by visitors or intending visitors to the city and others or may subscribe towards the establishment of any such bureau and may employ and pay such number of clerks assistants and servants as they may think fit for the purpose and may make charges for the use of such bureau or bureaux or for information supplied by means thereof:

Provided that the Corporation shall not for the purposes of this section expend any moneys other than moneys which they are empowered to expend for the purposes of the Health Resorts and Watering Places Act 1921 and any moneys expended for the purposes of this section shall be deemed to be moneys expended for the purposes of the said Act.

Silencers for
internal
combustion
engines.

142.—(1) Every person who uses a stationary internal combustion engine shall provide and use an effective silencer on the exhaust of such engine and shall at all times at his own expense keep such silencer in proper repair.

(2) The Corporation shall have access to and be at liberty to take off remove test inspect and replace any such silencer at all reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Corporation if the silencer be found in proper order but otherwise at the expense of the person aforesaid:

Provided that nothing contained in this subsection shall apply to any stationary internal combustion engine

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belonging to the Southern Railway Company and used by them for the purposes of their railway undertaking or belonging to the Portsmouth Gas Company and used by them for the purposes of their undertaking.

(3) Any person who shall use a stationary engine or permit the same to be used contrary to the provisions of this section after having received reasonable notice in writing from the Corporation to the effect that he is or has been so using such engine or permitting the same to be so used shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

143. For the further protection of the Portsmouth Water Company and of the Portsmouth Gas Company (each of whom is in this section respectively referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Corporation apply and have effect (that is to say):—

For further protection of Portsmouth Water Company and Portsmouth Gas Company.

(1) (a) Not less than twenty-eight days before commencing any of the works authorised by the section of this Act of which the marginal note is "Power to construct electrical substations under streets" within three feet of any mains pipes or other works or apparatus (in this section referred to as "apparatus") of the company the Corporation shall deliver to the company plans sections and descriptions of such works and the company may within twenty-one days after the receipt of such plans sections and descriptions give notice to the Corporation of any objections which they may have to the construction of the works or to the proposed position thereof or of any conditions which should apply in regard to the construction of such works whether by reference to the effect of such works upon any existing apparatus of the company or upon any apparatus which it may be necessary for the company to lay within a reasonable time after the delivery of such plans sections and descriptions;

(b) Unless an agreement shall be arrived at between the Corporation and the company with reference to the matters to which any such

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notice by the company relates a difference shall be deemed to have arisen between them which shall be determined by arbitration as hereinafter provided;

(c) The Corporation shall not execute any such works as aforesaid otherwise than as may be agreed between the Corporation and the company or determined by arbitration as aforesaid:

- (2) Whenever the Corporation in the exercise of the powers of the section of this Act of which the marginal note is "Exchange of parts of streets disused" shall give up land forming part of a street in exchange for other land there being in such first-mentioned land any apparatus of the company the company may alter the position of such apparatus to such other position in the street as altered as may be reasonable having regard to the circumstances and the expenses reasonably incurred by the company in so doing shall on demand be repaid by the Corporation:
- (3) 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 for the purpose of exercising any of their statutory powers:
- (4) If any call box or fire alarm (each of which is in this section included in the term "structure") erected by the Corporation under the powers of the section of this Act of which the marginal note is "Police telephone call boxes and fire alarms" is situate over any apparatus of the company laid or placed before the erection of such structure and the company give to the Corporation notice in writing of their desire to obtain access to such apparatus the Corporation shall either remove such structure or so much thereof as shall be required to be removed in order to afford such access or (if the Corporation

determine not to remove such structure or any part thereof) bear any additional expense due to the existence of such structure which may be reasonably incurred by the company in obtaining such access :

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- (5) Any difference which shall arise between the Corporation and the company under this section (other than a difference as to the construction or meaning of this section) shall be referred to and determined by an arbitrator to be appointed failing agreement 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 or any statutory modification thereof from time to time in force shall apply to any such reference and determination.

144. The provisions of sections 102 and 103 of the Public Health Act 1875 shall extend and apply to the purposes of Part IV (Streets buildings and drains) Part V (Infectious disease and sanitary matters) and Part VI (Human food) of this Act as if those purposes had been mentioned in the said section 102.

Power to enter premises.

145. Except where otherwise provided by this Act all byelaws from time to time made by the Corporation under the powers of this Act shall be made under and according to the provisions contained in sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority except that (i) as regards confirmation of byelaws under the section of this Act whereof the marginal note is "Prohibition of hawking on seashore" and inquiries in relation thereto the Secretary of State shall be substituted for the Minister and the consent of the Board of Trade shall be required to any byelaw under the said section affecting the seashore below high-water mark of ordinary spring tides and (ii) as regards confirmation of byelaws under the section of this Act of which the marginal note is "As to personal weighing machines" and inquiries in relation thereto the Board of Trade shall be substituted for the Minister.

General provisions as to byelaws.

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Expenses
may be
declared
private
improve-
ment
expenses.

146. The Corporation may declare any expenses incurred by them under the provisions of this Act which are recoverable from the owner or owners of any premises to be private improvement expenses and thenceforth those expenses may be recovered and shall be charged upon the premises in respect of which they were incurred in accordance with the provisions of section 257 of the Public Health Act 1875.

Damages
and charges
to be
settled by
court.

147. Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

Recovery of
demands.

148. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

As to
appeals.

149.—(1) Any person aggrieved by any order judgment determination or requirement or the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of Part VII (Streets buildings sewers and drains) and Part VIII (Infectious disease and sanitary provisions) of the Act of 1920 and of Part IV (Streets buildings and drains) Part V (Infectious disease and sanitary matters) Part VI (Human food) and Part XI (Police and hackney carriages) of this Act or by any order made by a court of summary jurisdiction under the provisions of this Act or the Act of 1920 may if no other mode of appeal be provided by this Act or the Act of 1920 appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts and in regard to any such order made by a court of summary jurisdiction the Corporation may in like manner appeal.

(2) Section 175 (As to appeal) of the Act of 1920 is hereby repealed.

150. Where the payment of more than one sum by any person is due under any Act or Order from time to time in force within the city 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.

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Several
sums in
one
summons.

151. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of
penalties
&c.

152. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Saving for
indictments
&c.

153. All powers rights and remedies given to the Corporation 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 Corporation or such 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.

Powers of
Act cumu-
lative.

154.—(1) The Minister may direct any inquiries to be held by his inspectors which he may deem necessary in regard to the exercise of any powers conferred upon him or the giving of any consents under this Act and

Inquiries by
Minister.

A.D. 1931. the inspectors of the Minister shall for the purposes of any such inquiry have all such powers as they may have for the purposes of inquiries directed by the Minister under the Public Health Act 1875.

(2) The Corporation shall pay to the Minister any expenses incurred by the Minister in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by the Minister not exceeding five guineas a day for the services of such inspector.

Inquiries by
Minister of
Transport.

155. 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 or any existing Act or Order of the Corporation 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."

Crown
rights.

156.—(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 Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively or belonging to or under the management of any public department or to include any such land or hereditament in any town planning scheme made under the provisions of this Act without the consent in writing of the Commissioners of Crown Lands or the Board of Trade or other public department as the case may be on behalf of His Majesty first had and obtained for that purpose which consent may be given on such terms as may be agreed.

(2) If by reason of the exercise by the Corporation of any of the powers conferred upon them by this Act

any damage shall be caused directly or indirectly to any lands mains drains cables or other property whatsoever belonging to or under the management of any public department such damage shall by and at the expense of the Corporation be made good to the reasonable satisfaction of such public department If the Corporation shall fail forthwith to make good such damage such public department may do such work and things as may be necessary for this purpose and may recover from the Corporation the cost reasonably incurred in so doing.

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157. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund or out of such other funds and in such proportions as the Corporation shall determine or out of moneys to be borrowed under this Act for that purpose.

Costs of
Act.

The SCHEDULE referred to in the
foregoing Act.

DESCRIBING PROPERTIES WHEREOF PORTIONS ONLY MAY
BE TAKEN COMPULSORILY.

Purpose.	No. on deposited plan.
Street Work No. 1	- 7 11 23 81 82 83 145 to 151 153 to 159 161 to 165 200 201 204 to 220.
Street Work No. 2	- 101 to 109 112 113 114 116.
Street Work No. 3	- 187 to 195 197 198.
Street Work No. 4	- 227 to 237 239.
Street Work No. 7	- 242.
Street Work No. 11	- 371.
Street Work No. 12	- 377 394.

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