



## CHAPTER ix.

An Act to authorise the mayor aldermen and burgesses of the county borough of West Ham to acquire lands for various purposes to make further provisions with reference to their electricity undertaking and for other purposes.

A.D. 1931.

[8th July 1931.]

**W**HEREAS the county borough of West Ham (hereinafter referred to as "the borough") is a municipal and county borough under the government of the mayor aldermen and burgesses of the borough (hereinafter referred to as "the Corporation") acting by the council :

And whereas it is expedient that the Corporation should be empowered to acquire compulsorily or by agreement the lands referred to in this Act for the erection of offices and buildings and for the widening of a street in the borough :

And whereas the Corporation carry on an electricity undertaking and supply electricity within an area of supply which consists of the borough and also supply electricity for use within and beyond the borough and in bulk to certain electricity undertakers whose areas of supply are outside the borough :

And whereas it is expedient that the powers of the Corporation with reference to the supply of electricity should be extended so as to enable the Corporation to supply electricity within the borough to the London

A.D. 1931. — and North Eastern Railway Company for use by them to such extent as is specified in this Act and to enable the said company so to use electricity so supplied :

And whereas certain properties in the borough already acquired by the Corporation or which may hereafter be acquired by them for the purposes of their electricity undertaking are subject to covenants conditions restrictions and stipulations as to the character of buildings which may be erected or the purposes for which such properties may be used :

And whereas owing to the change which has in recent years taken place in the character of the borough such covenants conditions restrictions and stipulations are no longer required in the interests of property owners and it is expedient that the provisions contained in this Act for relieving the Corporation therefrom should be enacted :

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

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

And whereas an estimate has been prepared by the Corporation of the cost of acquiring lands under the powers of this Act and such estimate together with the sum expended by the Corporation in acquiring other lands adjoining such first-mentioned lands and abutting respectively on The Grove and Park Avenue amounts to the sum of ninety thousand pounds :

And whereas it is expedient that the Corporation should be empowered to borrow money for such acquisition and for defraying such other expenditure as aforesaid so as to spread the cost thereof over a term of years :

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

And whereas a plan showing the lands which may be acquired compulsorily under the powers of this Act and a book of reference to such plan containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of all such lands and describing the same have been deposited with the town clerk

of the borough and are in this Act referred to as the deposited plan and the deposited book of reference: A.D. 1931.

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 (that is to say):—

PART I.

PRELIMINARY.

1. This Act may be cited as the West Ham Corporation Act 1931. Short title.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—Electricity.

Part IV.—Street trading.

Part V.—Financial and miscellaneous.

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

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

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

4. In this Act unless otherwise expressly provided or the context otherwise requires— Interpretation.

Terms to which meanings are assigned by the Public Health Acts or by any Act wholly or partially incorporated with this Act have the same respective meanings unless there be something

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in the subject or context repugnant to such construction;

“The borough” means the county borough of West Ham;

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

“The town clerk” means the town clerk of the borough and includes any person duly authorised to discharge temporarily the duties of such town clerk;

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

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

“The tribunal” means the arbitrator or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;

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

“The Act of 1925” means the West Ham Corporation Act 1925;

“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.

## PART II.

## LANDS.

Power to acquire lands for certain purposes.

5. Subject to the provisions of this Act the Corporation may enter upon and take the lands in the borough described in the First Schedule to this Act which are delineated on the deposited plan and described

in the deposited book of reference and may hold and use— A.D. 1931.

- (a) such of the said lands as are described in Part I of the said schedule for the erection thereon and on certain lands adjoining the same and belonging or reputed to belong to the Corporation of offices and buildings for carrying on the business or any undertaking of the Corporation; and
- (b) such of the said lands as are described in Part II of the said schedule for the widening of Greengate Street.

6. 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 plan or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the borough for the correction thereof and if it appear to the justices 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 him with the other documents to which the same relate and thereupon the deposited plan and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands in accordance with such certificate.

Correction  
of errors  
omissions  
&c.

7.—(1) Whereas 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 plan 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 :—

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

- (a) The owner of and persons interested in any of the properties whereof the whole or part is described in the Second Schedule to this Act

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and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter in this section included in the term "the owner" and the said properties are hereinafter referred to collectively as "the scheduled properties" and severally as a "scheduled property";

- (b) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the 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;
- (c) 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 tribunal shall in addition to the other questions required to be determined by it 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;
- (d) If the tribunal determines 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 tribunal 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 tribunal;

- (e) If the tribunal determines 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 tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner;
- (f) If the tribunal determines 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 it 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;
- (g) If the tribunal determines that the portion of the scheduled 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 the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and its final determination think fit.

(2) The provisions of this section shall be in force notwithstanding anything contained in the Lands Clauses Consolidation Act 1845 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

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

Power to enter upon property for survey and valuation.

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

Compensation in case of recently created interest.

9. For the purpose of determining any question of disputed compensation payable in respect of lands taken under the powers of this Act the following provisions shall apply and have effect (that is to say):—

(1) The tribunal shall not take into account any building erected or any improvement or alteration made or any interest in land created after the first day of June one thousand nine hundred and thirty and before the date of the passing of this Act if in the opinion of the tribunal the erection of the building or the making of the improvement or alteration or the creation of the interest in respect of which the claim is made was not reasonably necessary and was carried out with a view to obtaining or increasing compensation under this Act :

(2) Subject as is hereinafter in this section provided the tribunal shall not take into account—

(a) any building erected after the date of the passing of this Act or any improvement or alteration of any premises (other than any improvement or alteration reasonably necessary for properly maintaining such premises) made after that date which in the



opinion of the tribunal materially enhances the value of such premises; or

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(b) any interest in land greater than that of a quarterly tenant created after the date of the passing of this Act :

- (3) If at any time after the date of the passing of this Act and before the expiration of the period limited by this Act for the compulsory purchase of lands any person being the owner of or having any estate or interest in any premises which are liable to be acquired compulsorily under the powers of this Act gives notice in writing to the Corporation of his intention to erect any building upon or to make any improvement or alteration of or to create any such new interest as aforesaid in those premises (such intended building improvement alteration or new interest being specifically described in the notice) and the Corporation do not within one month after receiving any such notice serve upon such person notice to sell and convey or release his estate or interest in the said premises but serve such notice at any time after the expiration of the said period of one month—

(a) paragraph (2) of this section shall not apply with respect to the building improvement alteration or new interest described as aforesaid; and

(b) paragraph (1) of this section shall apply with respect to the said building improvement alteration or new interest as if the same had been erected made or created after the said first day of June and before the date of the passing of this Act :

- (4) The Corporation shall forthwith after the passing of this Act send by post or deliver a copy of this section to all persons named in the deposited book of reference having an interest greater than that of a yearly tenant in any lands which are liable to be acquired compulsorily under the powers of this Act.

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Persons  
under dis-  
ability may  
grant ease-  
ments &c.

**10.** 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 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.

Power to  
Corporation  
to make  
agreements  
with owners  
of property  
&c.

**11.** The Corporation may subject to the provisions of this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands houses or property abutting on any portion of the lands which the Corporation may acquire under the powers of this Act with respect to the sale by the Corporation to such person of any lands or property for such consideration as may be agreed upon between the Corporation and such person and the Corporation may accept as satisfaction of the whole or any part of such consideration the grant by such person of any lands or property required by the Corporation for the purposes of this Act.

Power to  
reinstate  
owners of  
property.

**12.** The Corporation may enter into and carry into effect agreements and arrangements with the owners of or other persons interested in any lands or buildings which may be acquired under the provisions of this Act with respect to the reinstatement of any such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange.

Limit of  
time for  
compulsory  
purchase of  
lands.

**13.** The powers of the Corporation for the compulsory purchase of lands under the powers of this Act shall cease on the first day of October one thousand nine hundred and thirty-six.

Extinction  
of private  
rights of  
way.

**14.—(1)** All private rights of way over any lands which the Corporation are authorised by this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Corporation be extinguished.

(2) Provided that the Corporation shall make full compensation to all persons interested in respect of any such rights 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.

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

Retention  
and disposal  
of lands.

Provided that the Corporation shall not without the consent of the Minister of Health sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the said Minister is necessary or has been obtained.

(2) Nothing in this section contained shall release the Corporation or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Corporation or any person from or through whom the Corporation may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

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Reservation  
of easements  
&c.

**16.** The Corporation on selling any lands may reserve to themselves all or any part of the water rights or other rights or easements belonging thereto and may make the sale subject to such reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the exercise of noxious trades or the discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Proceeds of  
sale of sur-  
plus lands.

**17.**—(1) So long as any lands remain to be acquired by the Corporation under the authority of this Act they may (so far as they consider necessary) apply any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act except to such extent and upon such terms as may be approved by the Minister of Health.

(2) Provided that—

(a) the amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers exercisable under the provisions of this Act for the purpose of such purchase;

(b) the borrowing powers conferred by this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

Powers with  
reference to  
leases of  
surplus  
lands.

**18.**—(1) The Corporation may accept a surrender of any lease or letting granted by them of lands acquired under the powers of this Act and in their discretion grant either to the lessee or tenant under the surrendered lease or letting or to any other person a new lease or letting of all or any of the lands leased or let by the surrendered lease or letting and may grant reversionary leases of all or any of such lands as aforesaid.

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(2) The Corporation may enter into and carry into effect any agreement for or with respect to the surrender or grant of any such lease or letting and may in any such lease letting or agreement give to the lessee or tenant or intended lessee or tenant an option or right to purchase the fee simple in reversion or other the reversionary interest of the Corporation of or in all or any of the lands leased or let or agreed to be leased or let at such time and on such terms and conditions as may be determined by the Corporation in their discretion.

19.—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable the Corporation should acquire for or connected with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the borough and with the consent of the Minister of Health may borrow money for the purchase or acquisition of such lands or for the payment of any capital sum payable under a lease thereof Any money so borrowed shall be repaid within such period as may be prescribed by the said Minister.

Further powers for acquisition of land.

(2) The Corporation may appropriate to any of their undertakings powers or duties any lands purchased or acquired or taken on lease by them under this section and in any case in which they so appropriate lands they shall make any necessary adjustments in their accounts required in consequence of such appropriation.

Pending such appropriation all expenses incurred by the Corporation under this section shall be payable out of the general rate fund and the general rate.

(3) The Corporation may so far as they consider necessary apply subject to the approval of the Minister of Health any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this section in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same either—

(a) in or towards the extinguishment of any loan raised by them under the powers of this Act



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such application being in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the said Minister; or

(b) in such other manner as may be approved by the said Minister.

For protection of trustees of St. Francis Schools.

**20.** For the protection of the trustees of the Saint Francis Roman Catholic Schools in the borough (in this section referred to as "the trustees") the following provisions shall unless otherwise agreed in writing between the Corporation and the trustees have effect (that is to say):—

(1) If the Corporation under the powers of this Act acquire the property numbered 12 on the deposited plan—

(a) they shall on or before the date upon which they take possession of or otherwise deprive the trustees of the full use and enjoyment of the said property convey to the trustees free of all cost a piece of vacant land adjoining some part of the premises of the said schools of an area which (with any such access thereto as is hereinafter referred to) shall be equivalent to the area of the property so acquired by the Corporation and reasonably convenient for use as part of such premises Provided that if the Corporation under the powers of this Act acquire any portion of the enclosure numbered 12 on the deposited plan they shall acquire the whole of such enclosure;

(b) if the Corporation render unavailable as a means of access to the said schools the existing means of access thereto from Park Avenue they shall provide a substituted means of access (with such fencing (if any) as may be reasonably necessary) to the said schools from a public street with facilities equal in all respects to but not exceeding those of the existing means of access:



- (2) The Corporation shall within three months of the completion of the works hereinafter mentioned also pay to the trustees the costs reasonably incurred by them in putting the land to be conveyed to them by the Corporation pursuant to subsection (1) (a) of this section in a condition fit for use as a playground (including any necessary levelling draining and paving and the erection of a brick wall where necessary of a height not exceeding six feet) and in constructing on a portion thereof to be selected by the trustees lavatory and store room accommodation equivalent to the existing lavatory and store room accommodation now erected on the land to be acquired by the Corporation together with all necessary water supplies drains connections to sewers and other appurtenances Provided that if the Corporation by notice in writing to the trustees so elect the Corporation shall within three months of the date mentioned in subsection (1) (a) of this section themselves at their own cost and to the reasonable satisfaction of the trustees execute and do the works and things referred to in this subsection :
- (3) The conveyance by the Corporation to the trustees of the piece of land referred to in subsection (1) of this section and the payment to the trustees of the cost incurred by them in the execution of the works and things referred to in subsection (2) of this section or the execution by the Corporation at their own expense of such works and things shall be in full satisfaction and discharge of all claims and demands by the trustees in respect of the acquisition by the Corporation of the said property numbered 12 on the deposited plan and of all matters arising out of such acquisition :
- (4) Any dispute concerning anything to be done or any payment to be made under this section shall be referred to the arbitration of a single arbitrator to be appointed by agreement or in default thereof by the President of the Chartered

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Surveyors' Institution and any reference hereunder shall be subject to the provisions of the Arbitration Act 1889.

## PART III.

## ELECTRICITY.

As to user  
of certain  
property of  
Corporation.

21.—(1) As from the passing of this Act—

- (a) the covenant on the part of the purchasers which is contained in a deed of conveyance dated the tenth day of September one thousand nine hundred and twenty-nine and made between Alice Clayden of the one part and the Corporation of the other part and of which covenant a copy is set forth in the Third Schedule to this Act;
- (b) the stipulations contained in the Second Schedule to a deed of conveyance dated the twenty-sixth day of April one thousand eight hundred and eighty-seven and made between the Imperial Property Investment Company Limited of the first part James Frederick Richards of the second part and Sarah Clayden of the third part and referred to in the said covenant so far as such stipulations are set forth in the said Third Schedule; and
- (c) the covenant in the last-mentioned deed on the part of the purchaser thereunder relating to the said stipulations to the extent aforesaid;

shall cease to apply to or affect the plot of land on the north side of Janson Road at the corner of Janson Road and Argyle Road referred to in the said deeds of conveyance so long as the said plot of land shall continue to be the property of and to be occupied by the Corporation.

(2) The Corporation may hold the said plot of land and may use the same for any purpose in connection with the exercise and performance of their powers and duties in connection with their electricity undertaking

and may erect or re-erect buildings thereon and adapt and equip for any such purpose the said plot of land and any buildings for the time being erected thereon.

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**22.** The Corporation may hold and use for the purposes of electricity transformer stations any lands in the borough acquired or taken on lease or to be acquired or taken on lease by them and any buildings or structures from time to time erected thereon notwithstanding—

Power to use lands for transformer stations notwithstanding restrictive covenants &c,

- (a) any covenant condition restriction or stipulation inconsistent with such holding or use contained in any deed lease or agreement to which the Corporation are not a party where such deed lease or agreement was made granted or entered into in or before the year one thousand nine hundred and twenty; or
- (b) any covenant by the Corporation or any other party contained in any subsequent deed lease or agreement to comply with any such covenant condition restriction or stipulation as aforesaid :

Provided that in the use for the purposes aforesaid of any lands affected by any such covenant condition restriction or stipulation the Corporation their servants or agents shall not cause permit or suffer any nuisance to the owner or owners or occupier or occupiers of any adjoining lands or premises.

**23.**—(1) Notwithstanding anything contained in any other enactment relating to the Corporation the Corporation may within the borough supply electricity to the London and North Eastern Railway Company (in this section referred to as “the company”) for use by the company subject as hereinafter provided either within or beyond the borough for any purposes of their undertaking for which they are entitled to use electricity and the company may use accordingly any electricity so supplied to them. Provided that the company shall not in any one period of twelve months use for any purposes beyond the borough more than seventy per centum of the total quantity of electricity supplied to them by the Corporation under the powers of this section in that period nor shall the company in the area of supply of any local authority company or body authorised

As to electricity supplied by Corporation to London and North Eastern Railway Company.

A.D. 1931. to supply electricity use any electricity supplied to them  
— under this section—

(a) in any building abutting on a public street and erected after the passing of this Act on lands belonging to or hereafter acquired by the company (other than a building occupied by the company for railway purposes); or

(b) for supply to the occupier for the time being of any building acquired by the company after the passing of this Act in any case where the occupier of the building was at any time within twelve months before such acquisition supplied with electricity by such local authority company or body;

except with the consent of such local authority company or body.

(2) The company shall not for the purposes of distributing the electricity supplied to them by the Corporation under the powers of this section extend their high tension distribution cables beyond the existing routes as shown by red lines on the plan signed in triplicate by John Henry Palin the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (of which plan copies have been deposited in the Committee and Private Bill Office of the House of Commons and in the Parliament Office House of Lords and at the office of the town clerk).

(3) Electricity supplied by the Corporation to the company under the powers of this section shall not be used for purposes of traction or haulage but nothing in this subsection shall prevent the use by the Company of electricity so supplied for operating capstans traversers or other similar apparatus.

Dwelling  
accommoda-  
tion for em-  
ployees of  
electricity  
under-  
taking.

24. The Corporation may in or in connection with any building erected adapted or used by them for the purposes of their electricity undertaking provide fit up furnish equip and maintain dwelling accommodation for officers and servants employed by them in connection with the said undertaking and may upon and subject to such terms and conditions as to rent or otherwise as they may think fit permit any such officers or servants and their families or dependants to occupy and use any accommodation so provided.

PART IV.

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STREET TRADING.

**25.** From and after the passing of this Act it shall not be lawful for any person to sell or expose or offer for sale any article or thing from or upon any barrow cart stall or other receptacle occupying a stationary position at a place in the carriageway or footway of any street in the borough without a licence from the Corporation authorising him so to do. Provided that subject to the provisions of any byelaw made under this Part of this Act this section shall not apply to any person selling or exposing or offering for sale any article or thing from or upon any barrow cart stall or other receptacle which he ordinarily moves from place to place in pursuit of and while conducting his trade.

Licensing of  
street  
traders.

**26.—(1)** A person requiring a licence or the renewal of a licence under this Part of this Act shall make application in writing to the Corporation and shall in such application state his full name and address and the nature of the articles and things which he intends to sell or expose or offer for sale under the authority of the licence if granted and the street or streets or area in which and the day or days and the time or times on and at or during which he intends to sell or expose or offer for sale such articles and things.

Applications  
for licences  
&c.

(2) The Corporation shall as soon as reasonably practicable after the receipt of an application under the provisions of this section grant or renew a licence to the applicant under and for the purposes of this Part of this Act :

Provided that the Corporation may refuse to grant or renew a licence or may at any time revoke or vary a licence granted to any person if—

- (a) on account of misconduct or for any other sufficient reason he is in their opinion unsuitable to hold such licence; or
- (b) the space available in the street or streets or area to which the application relates or which is or are prescribed by the licence is at the date of such application or becomes at any time after the grant of such licence insufficient for the

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selling or exposing or offering for sale by the applicant or licensee of any articles or things under the authority of a licence under this Part of this Act or of the particular articles or things referred to in the application or licence without causing undue interference with or inconvenience to the traffic in such street or streets or area; or

- (c) the street or streets to which the application relates is or are not a street or streets ordinarily prescribed by the Corporation in licences granted by them pursuant to this Part of this Act;

but shall not refuse to grant or renew a licence or revoke a licence on the ground only that the applicant for or holder of the licence does not reside in the borough:

Provided also that the operation of this subsection shall be subject to the provisions of the section of this Act of which the marginal note is "For preventing interference with traffic."

(3) Any such licence may prescribe—

- (a) the street or streets or area in which and the position or place in any such street or area at which the licensee may sell or expose or offer for sale articles or things as aforesaid;
- (b) the class or classes of articles or things which may be sold or exposed or offered for sale under such licence provided that no article of food shall be classed with any other commodity;
- (c) the day or days and the time or times on and at or during which the licensee may sell or expose or offer for sale articles or things as aforesaid; and
- (d) the number of barrows carts stalls or other receptacles which may be used for those purposes under the authority of the licence;

and on any occasion of the renewal of a licence the Corporation may vary such prescriptions.

(4) The Corporation shall not refuse to renew or shall not revoke or vary any such licence unless they shall have given to the person applying for such renewal or holding the licence proposed to be revoked or varied



not less than seven days' previous notice in writing that objections have been or will be taken to such renewal or that a revocation or variation is proposed and unless on written application made within three days after the receipt of such notice they have afforded to such person an opportunity of being heard against such refusal revocation or variation.

A.D. 1931.

**27.**—(1) Where it appears to the Secretary of State after consultation with the Corporation that the presence of persons licensed under this Part of this Act causes or is calculated to cause undue interference with or inconvenience to traffic in any street or part of a street in the borough he may by order prohibit the selling or exposing or offering for sale by persons licensed or thereafter to be licensed under this Part of this Act of any article or thing in any such street or part of a street except in such numbers and under such conditions (if any) as may be prescribed in the order.

For preventing interference with traffic.

(2) Where the Secretary of State proposes to make an order under this section he shall cause notice of the proposal to be published in at least one newspaper circulating within the borough and shall also cause a copy of such notice to be posted for not less than fourteen consecutive days in some conspicuous position in the street or part of a street to which the proposal relates and every such notice shall—

- (a) specify the street or part of a street to which the proposal relates; and
- (b) notify the time (which shall not be less than twenty-eight days) within which any objection to the proposal shall be sent in writing to the Secretary of State.

(3) Before carrying into effect any proposal of which notice is required by this section to be given the Secretary of State shall consider any objection to the proposal which is sent to him in writing within the time fixed in that behalf and shall if necessary cause a public local inquiry to be held:

Provided that where more than twenty persons affected by the proposal have duly presented objections thereto and have not withdrawn the same the Secretary

A.D. 1931. of State shall before making the order cause a public local inquiry to be held with reference to the proposal.

(4) A person appointed by the Secretary of State to hold a public local inquiry under the provisions of this section shall for the purposes of the inquiry have in relation to witnesses and their examination the production of papers and accounts and the inspection of places and matters required to be inspected similar powers to those which poor law inspectors have under the Poor Law Act 1930 for the purposes of that Act.

(5) Where any such order as aforesaid is made and is in force no licence shall be granted or renewed under this Part of this Act contrary to the order and any such licence to the extent to which it contravenes the order shall be inoperative :

Provided that any such order shall not affect the operation of any licence in force at the date on which the order comes into force.

(6) Any refusal of the Corporation to grant or renew a licence in pursuance of the provisions of the preceding subsection shall not be a ground for an appeal under subsection (2) of the section of this Act of which the marginal note is "Appeals against refusal or revocation of licences."

(7) The reasonable costs incurred by the Secretary of State in relation to any such public local inquiry (including the remuneration of any person employed by him for the purpose of the inquiry) shall be paid by the Corporation and the Secretary of State may certify the amount of the costs incurred and any sums so certified shall be a debt due to the Crown from the Corporation.

Fees on  
licences.

**28.** Any person making application for the grant or renewal of a licence under this Part of this Act shall when making the same pay to the Corporation in respect of such application a fee of five shillings.

Duration of  
licences.

**29.** Every licence granted or renewed under this Part of this Act shall unless revoked be valid for a period of one year or in the case of any licence granted or renewed otherwise than at any annual meeting fixed by the Corporation for the purpose of considering applications under this Part of this Act for a period expiring on the thirty-first day of December next after the date of such grant or renewal.

**30.**—(1) If the Corporation refuse to grant or renew a licence or revoke or vary a licence under this Part of this Act they shall if required by the applicant or holder (as the case may be) deliver to him within seven days of the receipt of such requirement particulars in writing of the ground or grounds for such refusal revocation or variation. A.D. 1931.

—  
Appeals  
against  
refusal or  
revocation  
of licences.

(2) Any person aggrieved by such refusal revocation or variation or by any prescription made by the Corporation under subsection (3) of the section of this Act of which the marginal note is “Applications for licences &c.” may appeal to a court of summary jurisdiction provided that such appeal is made within fourteen days from the date on which such refusal revocation variation or prescription is notified to him and that notice in writing of such appeal is sent to the Corporation not less than seven days before the hearing thereof and the court may make such order as it thinks fit and may award costs.

**31.**—(1) The Corporation may make byelaws relating to the following matters (that is to say):— Byelaws as  
to trading  
under  
licences.

(a) the days on which and the times during which articles or things may be sold or exposed or offered for sale under the authority of a licence granted or renewed under this Part of this Act;

(b) the deposit and removal of refuse and the charges which may be made for such removal or for any other services rendered by the Corporation;

(c) the allocation maximum dimensions and arrangement of barrows carts stalls and other receptacles;

(d) the storage and the sanitary supervision (while at the place of intended sale or exposure or offering for sale) of articles of food intended to be sold or exposed or offered for sale under the authority of the licence;

(e) any other conditions under which articles or things may be sold or exposed or offered for sale under such authority; and

(f) the prohibition on such days and during such hours as may be specified in the byelaws of the

A.D. 1931.  
—

sale or exposure or offer for sale of any article or thing from any barrow cart stall or other receptacle in any street or part of a street specified in the byelaws (being a street or part of a street ordinarily prescribed by the Corporation in licences granted by them pursuant to this Part of this Act) by any person other than a person holding a licence from the Corporation under this Part of this Act authorising him so to do.

(2) The provisions of sections 182 to 186 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made under this section with the substitution of the Secretary of State for the Minister of Health as the confirming authority Provided that before confirming any byelaw relating to the storage and sanitary supervision of articles of food the Secretary of State shall consult the Minister of Health.

Power to Corporation to make charges for certain services.

**32.** Until any byelaw prescribing the charges to be made by the Corporation is made under this Part of this Act and comes into operation the Corporation may make and recover from persons licensed by them under the provisions of this Part of this Act such reasonable charges as they may think fit for the removal of refuse or for any other services rendered by the Corporation and after any such byelaw shall have come into operation the Corporation may make and recover from such persons charges not exceeding the charges prescribed by such byelaw.

Power to licensees to employ other persons.

**33.** Any person holding a licence under this Part of this Act may employ any other person to assist him in the conduct of his business without any further licence under this Part of this Act being required.

Penalties for offences in respect of trading required to be licensed.

**34.—(1)** Every person who or whose assistant after the passing of this Act without a licence under this Part of this Act authorising him so to do or contrary to any prescription of such licence sells or exposes or offers for sale any article or thing from or upon any barrow cart stall or other receptacle occupying a stationary position at a place in the carriageway or footway of

any street in the borough or obtains a licence or the renewal of a licence by wilful misrepresentation shall be liable to a penalty not exceeding five pounds and to a penalty not exceeding forty shillings for each day on which an offence is continued after conviction thereof and the court may (in lieu of or in addition to imposing a penalty) make an order revoking the licence (if any).

A.D. 1931.

(2) Provided that a person who has appealed to a court of summary jurisdiction (except against a refusal to grant a new licence) in accordance with the provisions of the section of this Act of which the marginal note is "Appeals against refusal or revocation of licences" or to a court of quarter sessions in accordance with the provisions of the section of this Act of which the marginal note is "Appeals to quarter sessions" shall not be liable to any proceedings under this section for the offence of selling or exposing or offering for sale in the street or streets or area specified in his application any article or thing as aforesaid without a licence until such appeal has been heard and determined or has been abandoned.

**35.** Nothing in this Part of this Act shall restrict the right of any person holding a pedlar's certificate or a hawker's licence to carry on the business of a pedlar or of a hawker (as the case may be) in accordance with such certificate or licence.

Saving for holders of pedlars' certificates and hawkers' licences.

**36.** Nothing in this Part of this Act shall exempt any person from or shall alter or affect the operation of any of the provisions of the London Traffic Act 1924 or of any enactment relating to obstruction of traffic in highways.

Saving for London Traffic Act 1924 and other enactments.

**37.** Save as otherwise expressly provided all offences against this Part of this Act or any byelaw made thereunder and all fines forfeitures penalties costs charges and expenses imposed or recoverable thereunder or under any such byelaw may be prosecuted and recovered in a summary manner:

Recovery of penalties &c.

Provided that costs charges and expenses except such as are recoverable along with a fine shall not be



A.D. 1931. — recovered as penalties but may be recovered summarily as civil debts.

Informations by whom to be laid.

**38.** Save as otherwise expressly provided all informations and complaints under or for the breach of any of the provisions of this Part of this Act or of any byelaw made thereunder may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any officer of the metropolitan police and the Corporation may appear before any court of summary jurisdiction in any legal proceedings under this Part of this Act by the town clerk or any officer authorised generally by a resolution of the Corporation.

Repeal of Part VI of Act of 1925.

**39.** Part VI (Street trading) of the Act of 1925 is hereby repealed Provided that all byelaws licences and conditions made granted or imposed and in force under the said Part VI shall be of the same validity and effect as if they had been made granted or imposed under this Part of this Act.

As to execution of this Part of Act.

**40.** In the execution of the provisions of this Part of this Act regard shall be had to all relevant circumstances including the length of time for which the several holders of licences under this Part of this Act have respectively held such licences.

## PART V.

### FINANCIAL AND MISCELLANEOUS.

Power to borrow.

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



mentioned in the third column of the said table A.D. 1931.  
(namely) :—

1	2	3
Purpose.	Amount.	Period for repayment.
(a) For the purchase of lands under the powers of this Act and of other lands already acquired by the Corporation and adjoining the same such other lands abutting respectively on The Grove and Park Avenue.	£ 90,000	Sixty years from the date or dates of borrowing.
(b) 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) (a) The Corporation may also borrow such further sums as may be necessary for any of the purposes of this Act with the consent as respects moneys to be borrowed for the purposes of their electricity undertaking of the Electricity Commissioners and as respects moneys to be borrowed for any other purpose of the Minister of Health.

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister or Commissioners with whose consent it is borrowed and that period shall be the prescribed period for the purposes of this Act and the said applied enactments.

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

(3) Nothing in this section shall limit the powers conferred upon the Corporation by section 76 (Power to use one form of mortgage for all purposes) of the Act of 1925.

42. The following sections of the West Ham Corporation Act 1902 (that is to say) :—

- Section 44 (Application of money borrowed); and
- Section 46 (Corporation not to regard trusts);

Application of certain provisions of existing Acts.

A.D. 1931. — and the following sections of the Act of 1925 (that is to say) :—

Section 68 (Mode of raising money);

Section 69 (Provisions of Public Health Act 1875 as to mortgages to apply);

Section 71 (Mode of payment off of money borrowed);

Section 72 (Sinking fund);

Section 74 (Appointment of receiver);

Section 75 (Protection of lender from inquiry);  
and

Section 103 (Inquiries by Minister of Health);

shall subject to the provisions of this Act extend and apply to and in relation to the borrowing of money by the Corporation on mortgage under the powers of this Act and the repayment of money so borrowed and otherwise in respect of such mortgages as if those sections had been re-enacted in this Act with any necessary modifications with reference thereto.

As to consolidated loans fund.

**43.** Nothing in this Act shall alter or affect the provisions of section 46 (Consolidated loans fund) of the West Ham Corporation Act 1930 or prevent the Corporation carrying into effect those provisions.

Expenses of execution of Act.

**44.** All expenses incurred by the Corporation in carrying into execution the provisions of this Act other than such of them as are properly chargeable to capital and payable out of borrowed money or are otherwise provided for shall be defrayed as follows :—

- (1) Expenses incurred for the purposes of Part III (Electricity) of this Act out of the revenue of the electricity undertaking of the Corporation :
- (2) Expenses incurred for all other purposes of this Act out of the general rate fund and the general rate.

Application of section 265 of Public Health Act 1875.

**45.** Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act as if the same were re-enacted herein.

Compensation how to be determined.

**46.** When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not

otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts. A.D. 1931.  
—

**47.**—(1) Where any notice or document under this Act requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication. Authenti-  
cation and  
service of  
notices.

(2) Notices demands orders and other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

**48.** Any person deeming himself aggrieved by any order made by a court of summary jurisdiction under the provisions of this Act may 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 order made by a court of summary jurisdiction under those provisions the Corporation may in like manner appeal. Appeals to  
quarter  
sessions.

**49.** A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate. Judges not  
disqualified.

**50.** 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 and such committee as the case may be may exercise such other powers and shall 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.

A.D. 1931.  
—  
Costs of Act.

**51.** All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund and general rate or partly out of that fund and rate and partly out of the revenue of the electricity undertaking of the Corporation or out of moneys to be borrowed for that purpose under the powers of this Act according as the Corporation may determine.

The SCHEDULES referred to in the  
foregoing Act.

A.D. 1931.

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FIRST SCHEDULE.

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DESCRIPTION OF LAND TO BE ACQUIRED BY THE  
CORPORATION.

PART I.

(a) Lands in the borough bounded on the north by Park Avenue and on the west by The Grove and comprising the premises known as No. 109 The Grove.

(b) Lands in the borough bounded on the west in part by the rear of the premises known as No. 107 The Grove and in part by the eastern boundary of the premises known as No. 105 The Grove on the north in part by Park Avenue and in part by Manbey Street on the east in part by Manbey Road and Manbey Street in part by the western boundary of the premises known as No. 1 Manbey Street and in part by an imaginary straight line drawn from the south-westernmost corner of the premises known as Avenue Works Manbey Road to the north-easternmost corner of the premises known as No. 103 The Grove and on the south in part by the southern boundary of the said premises known as Avenue Works in part by the northern boundary of the said premises known as No. 103 The Grove and in part by the rear of the premises known as Nos. 1 2 3 and 4 Park Avenue.

(c) Lands in the borough bounded on the west in part by the western boundary of the premises known as Nos. 1 3 5 and 7 Litchfield Avenue in part by The Grove and in part by the eastern boundary of the premises known as No. 91 The Grove on the north in part by the southern boundary of the last-mentioned premises and in part by the northern boundary of the premises known as No. 11 Water Lane on the east in part by Litchfield Avenue and in part by the eastern boundary of the premises known as No. 27 Litchfield Avenue and an imaginary straight line drawn in a northerly direction in continuation of that boundary to the said northern boundary of the premises known as No. 11 Water Lane on the south in part by Litchfield Avenue in part by the southern boundary of the premises known as No. 1 Litchfield Avenue and in part by the southern boundary

A.D. 1931. — of the premises known as No. 83 The Grove and an imaginary straight line drawn in an easterly direction in continuation of the last-mentioned boundary to the western boundary of the premises known as No. 7 Litchfield Avenue.

## PART II.

Lands in the borough bounded on the north-west by Dongola Road on the north-east by Greengate Street on the south-east by Barking Road and on the south-west by the north-eastern boundary of the premises known as No. 519 Barking Road and comprising the premises known as No. 521 Barking Road.

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 SECOND SCHEDULE.
 

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 PROPERTIES OF WHICH PORTIONS ONLY MAY BE  
 ACQUIRED BY THE CORPORATION.

Area.	Numbers on deposited plan.
County Borough of West Ham	- 12 28 and 29.

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 THIRD SCHEDULE.
 

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 COVENANT CONTAINED IN DEED OF CONVEYANCE OF  
 10TH SEPTEMBER 1929.

With the object of affording to the vendor a full indemnity in respect of any breach of any of the said stipulations contained in the Second Schedule to the before-mentioned conveyance of the twenty-sixth day of April one thousand eight hundred and eighty-seven but not further or otherwise the purchasers hereby covenant with the vendor that the purchasers and their successors in title will henceforth perform and observe the said stipulations and will keep the vendor and her estate and the estate of the said Sarah Clayden indemnified against all actions claims and demands in respect thereof so far as the same affect the hereditaments hereby assured and are still subsisting and capable of taking effect.



EXTRACT FROM SECOND SCHEDULE TO DEED OF  
CONVEYANCE OF 26TH APRIL 1887.

A.D. 1931.

\* \* \* \* \*

II. Not to erect any manufactory or carry on any manufactory or trade which may be a nuisance or annoyance to the said company or their assigns or to any of their predecessors in title their heirs or assigns or any of their tenants nor use any house building or plot for any purpose which may be a nuisance or annoyance to the said company or their assigns or to the neighbourhood.

\* \* \* \* \*

IV. Houses and shops on plots 62 to 72 are to be of the minimum cost (exclusive of stable) of four hundred pounds each houses and shops on plots 1 to 9 and 33 to 38 two hundred and fifty pounds (exclusive of stabling) private houses on plots 53 to 59 and 40 to 52 two hundred and fifty pounds each and on plots 10 to 32 two hundred pounds each.

V. On no plot shall more than one house be built nor until a house be built shall any domestic or stable office or other permanent building be erected On no plot shall any water closet or privy be erected detached from other buildings The side wall of any house on any plot can be built as a party wall that is to say having one moiety of its thickness on an adjoining plot No temporary building of any kind is to be erected on any plot except sheds or workshops to be used only for the works incidental to the erection of house or houses or other structures to be built thereon or on some other plot.

\* \* \* \* \*

VII. No plot or portion thereof is to be made into or used as a road or way.

VIII. The building lines are to be at the distances from the road boundaries shown by the plan and excepting ordinary architectural dressings or bay windows no erection or building or portion thereof is to project upon or overhang the space between building lines and road boundary.

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