

[21 & 22 GEO. 5.]

*Southampton
Corporation Act, 1931.*

[Ch. xcix.]



CHAPTER xcix.

An Act to empower the mayor aldermen and burgesses of the borough of Southampton to construct street improvements and waterworks to extend their limits for the supply of water to empower them to acquire the undertaking of the Company of Proprietors of the Southampton and Itchen Floating Bridge and Roads and to make further provision with regard to the several undertakings of the Corporation and to the health local government and improvement of the borough and for other purposes.

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[31st July 1931.]

WHEREAS it is expedient to empower the mayor aldermen and burgesses of the borough of Southampton (in this Act called "the Corporation") to construct street improvements :

And whereas the Corporation are supplying water within and without the borough and in order to enable them to meet the increased demand for water it is expedient to authorise them to construct additional waterworks and to abstract water from the river Itchen :

And whereas it is expedient to extend the limits of the Corporation for the supply of water and to make further provision with regard to their water undertaking :

And whereas the Company of Proprietors of the Southampton and Itchen Floating Bridge and Roads

[Price 4s. 0d. Net.]

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A.D. 1931. — are the owners of ferry rights bridges and a ferry over the river Itchen in the borough and of roads partly in the borough and partly in the rural district of South Stoneham in the county of Southampton which were constructed under Acts repealed by and partly re-enacted in the Itchen Floating Bridge Act 1863 and further provision in regard to their undertaking was made by the Itchen Floating Bridge Act 1868 and the Itchen Floating Bridge Act 1872 :

And whereas it is expedient to provide for the transfer to the Corporation of the undertaking of the said company and to enact in regard thereto the provisions contained in this Act :

And whereas the Corporation are working an extensive system of tramways and public service vehicles and it is expedient to make further provision in regard thereto :

And whereas it is expedient to make further provision with reference to the electricity undertaking of the Corporation and the health local government and improvement of the borough :

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

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

And whereas estimates have been prepared by the Corporation for the following purposes (that is to say) :—

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(a) The purchase of land for the purposes or under the powers of this Act -	405,565
(b) The construction of the street improvements authorised by this Act	20,482
(c) The construction of the waterworks authorised by this Act - - -	328,000
(d) The provision of distributing mains and additional pumping machinery wells and adits in connection with the existing pumping stations of the Corporation - - - -	280,000

And whereas the several works included in such estimates respectively are permanent works and it is

expedient that the Corporation should be empowered to borrow money for those purposes as provided by this Act : A.D. 1931.
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And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and a book of reference to those plans containing the names of the owners or reputed owners 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 have been duly deposited with the town clerk of the borough of Southampton and the clerk to the county council of the administrative county of Southampton and are in this Act referred to as the deposited plans sections and book of reference :

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

PART I.

PRELIMINARY.

1.—(1) This Act may be cited as the Southampton Corporation Act 1931. Short and collective titles.

(2) The Southampton Corporation Acts 1836 to 1929 and this Act may be cited as the Southampton Corporation Acts 1836 to 1931.

(3) The Southampton Corporation Tramways Acts 1877 to 1928 and this Act may be cited as the Southampton Corporation Tramways Acts 1877 to 1931.

2. This Act is divided into Parts as follows (that is to say) :— Division of Act into Parts.

Part I.—Preliminary.

Part II.—Lands.

Part III.—Street improvements.

Part IV.—Water.

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Part V.—Transport.

Part VI.—Electricity.

Part VII.—Transfer of Itchen undertaking.

Part VIII.—Streets buildings and drains.

Part IX.—Infectious disease and sanitary matters.

Part X.—Police.

Part XI.—Finance and miscellaneous.

Incorporation of Acts.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

(1) The Lands Clauses Acts with the following exceptions and modification:—

(a) Sections 127 to 131 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) are not incorporated with this Act;

(b) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section:

(2) The Waterworks Clauses Acts 1847 and 1863 except—

(a) The words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” in section 44 of the Waterworks Clauses Act 1847;

(b) Sections 75 to 82 of the Waterworks Clauses Act 1847 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts:

(3) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of this Act “the railway” means the waterworks authorised by this Act and “the centre of the railway” means the centre of such waterworks respectively.

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction. A.D. 1931.
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Interpretation.

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

“ The Corporation ” means the mayor aldermen and burgesses of the borough of Southampton;

“ The borough ” means the borough of Southampton;

“ The town clerk ” “ the waterworks engineer ” “ the chief constable ” “ the surveyor ” “ the medical officer ” and “ the sanitary inspector ” mean respectively the town clerk the waterworks engineer the chief constable the surveyor the medical officer of health and any sanitary inspector of the borough and respectively include any person duly authorised to discharge temporarily the duties of those offices;

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

“ The county council ” means the county council of the administrative county of Southampton;

“ The river Itchen ” includes the Itchen Navigation;

“ The point of intake ” means the intake from the river Itchen (Work No. 1) authorised by this Act;

“ The existing water limits ” means the limits within which the Corporation are authorised to supply water immediately before the passing of this Act;

“ The water limits ” means the limits within which the Corporation are for the time being authorised to supply water;

“ The water undertaking ” means the water undertaking of the Corporation;

“ The electricity limits ” means the limits within which the Corporation are for the time being authorised to supply electricity;

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- “The electricity undertaking” means the electricity undertaking of the Corporation;
- “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 borough;
- “Child” means a person under the age of sixteen years;
- “Daily penalty” means a penalty for each day on which an offence is continued after conviction;
- “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;
- “The tramway undertaking” means the tramway undertaking of the Corporation;
- “Public service vehicle” has the same meaning as in the Road Traffic Act 1930;
- “Road authority” in relation to any road means the authority (being either the council of a county the council of a borough or the council of an urban district) which is responsible for the maintenance of the road;
- “Local authority” means the council of any borough urban district or rural district;
- “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;
- “Telegraphic line” has the same meaning as in the Telegraph Act 1878;
- “The Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 and by this Act;

“ The Public Health Acts ” means the Public Health Act 1875 and the Acts amending and extending the same; A.D. 1931.

“ The Act of 1897 ” “ the Act of 1910 ” and “ the Act of 1921 ” mean respectively the Southampton Corporation Tramways Act 1897 the Southampton Corporation Act 1910 and the Southampton Corporation Water Act 1921;

“ The Minister ” means the Minister of Health.

(3) In the construction of the provisions of the Lands Clauses Acts and of the Waterworks Clauses Acts 1847 and 1863 incorporated with this Act the expressions “ the promoters of the undertaking ” and “ the undertakers ” mean respectively the Corporation.

PART II.

LANDS.

5.—(1) Subject to the provisions of this Act the Corporation may enter upon take appropriate and use all or any of the lands shown on the deposited plans and described in the deposited book of reference which they may require— Power to take lands.

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

(b) For the purposes of the works authorised by Part IV (Water) of this Act for the enlargement improvement and protection of the existing pumping stations of the Corporation at Otterbourne Twyford and Timsbury and for other the purposes of the water undertaking;

(c) For the purpose of laying out a recreation ground;

(d) For the purpose of providing an aerodrome;

(e) For the purpose of a maternity home;

and for the purposes of reinstatement or exchange and for other the purposes of this Act.

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(2) From and after the date of the purchase by the Corporation of the lands referred to in paragraph (c) of subsection (1) of this section the Corporation may exercise in relation to the whole or any part of those lands all or any of the powers conferred upon an urban authority by the Public Health Acts with respect to any lands acquired by them for the purposes of cricket football and other games and recreations in pursuance of section 69 of the Public Health Act 1925.

Acquisition
of ease-
ments.

6.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the works authorised by Part IV (Water) of this Act (including works and conveniences authorised by the section of this Act whereof the marginal note is “Subsidiary and additional works”) acquire such easements or rights only in such lands as they may require for such purposes (including the making enlarging renewing maintaining repairing inspecting cleaning managing using working and obtaining access to such works) and may give notice to treat in respect of such easements or rights describing the nature thereof and the rights which the Corporation require for or incidental to the said purposes and the restrictions subject to which the owners and occupiers may use the lands and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements and rights as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Corporation have acquired easements or rights only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements or rights and any other restrictions imposed upon the owners and occupiers have the same rights to use and cultivate the said lands at all times as if this Act had not been passed.

Easements
in respect
of common
land.

7.—(1) Notwithstanding anything contained in this Act the Corporation shall not acquire any part of the common land numbered 34 on the deposited plans in the parish of Otterbourne in the rural district of Hursley but in pursuance of the section of this Act whereof the marginal note is “Acquisition of easements”

they may acquire such easements and rights in under or through such common land as they may require for the purposes mentioned in that section. A.D. 1931.

(2) The surface of any part of the said common land which may be disturbed by reason of any easement or right acquired under this Act shall as soon as practicable be restored by the Corporation to its former condition.

8. The powers granted by this Act for the compulsory purchase of lands for the purposes of Part III (Street improvements) of this Act shall cease on the first day of October nineteen hundred and thirty-six and for the other purposes of this Act shall cease on the first day of October nineteen hundred and thirty-four. Period for compulsory purchase of lands.

9.—(1) The land hereinafter referred to shall cease to be an open space and all public rights of way and other rights over that land are hereby extinguished and the provisions of the Southampton Marsh and Markets Acts 1844 and 1865 and the byelaws made thereunder shall cease to apply thereto and the Corporation may permit the erection of buildings upon such land subject to such conditions as they may think fit to impose and notwithstanding anything contained in the byelaws made by the Corporation may cover or permit to be covered with buildings the whole or any part of the said land. Appropriation of land.

(2) The land referred to in subsection (1) of this section is a part of the land known as East Park contains 784 square yards or thereabouts is situate immediately in the rear of the premises Nos. 176 to 202 (even numbers) Above Bar Street in the borough and is coloured red on the plan signed in triplicate by Sir John Ganzoni the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred one copy of which has been deposited in the Parliament Office of the House of Lords one copy in the Committee and Private Bill Office of the House of Commons and one copy with the town clerk.

(3) A copy of the plan deposited with the town clerk in pursuance of this section certified by him to be true shall be received in all courts of justice and elsewhere as prima facie evidence of the contents of the plan.

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Extinction
of private
rights of
way.

10.—(1) All private rights of way over any lands which the Corporation are authorised by this Act to acquire compulsorily shall be extinguished as from the date of the acquisition of such lands by the Corporation if the Corporation shall by resolution so determine and give notice in writing of such their resolution to the owner of any right of way referred to therein.

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

Further
powers of
entry.

11. The provisions of subsection (2) of section 2 of the Public Works Facilities Act 1930 shall apply to the lands which the Corporation are by this Act authorised to acquire as if those provisions were with the necessary alterations re-enacted in this Act and as if those lands were land which the Corporation were authorised to purchase compulsorily by order made under the said section 2.

Benefits to
be set off
against
compensa-
tion.

12. In estimating the amount of compensation or purchase money to be paid by the Corporation in respect of the acquisition under 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.

Power to
enter upon
property for
survey and
valuation.

13. 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 to the occupier enter upon and into the lands and buildings by this Act authorised to be taken and used or any of them for the purposes 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 or in any part of the said lands and buildings. A.D. 1931.

14. The powers of the Corporation of purchasing lands by agreement shall be deemed to extend to and to authorise the purchase by the Corporation by agreement of any lands which they may think it desirable to purchase in order to provide substituted sites or facilities for any persons whose lands may be acquired by them for the purposes of this Act. Purchase of lands for exchange.

15. The Corporation may enter into and carry into effect agreements with the owners of or other persons interested in any land which may be acquired under the provisions of this Act or which may be in the neighbourhood of any of the works authorised by this Act with respect to the reinstatement of 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. Power to reinstate owners of property.

16.—(1) Subject to the provisions of the sections of this Act the marginal notes of which are respectively "Works below high-water mark not to be constructed without consent of Board of Trade" and "Crown rights" the Corporation may lay out and develop the land referred to in the section of this Act whereof the marginal note is "Appropriation of land" and any lands acquired by them under the powers of this Act for the purposes of Part III (Street improvements) of this Act (including lands acquired for the improvement and development of frontages or of any lands abutting on or adjacent to any street) and not required for the construction or improvement of a street and (with the consent of the Minister) any other lands at any time belonging to the Corporation and not required for the purposes for which they were acquired and may erect and maintain houses shops offices warehouses and other buildings and construct sewer pave flag channel and kerb streets roads and ways on any of such lands and may sell lease exchange or otherwise dispose of any such lands houses shops offices warehouses or buildings upon and subject to such terms conditions and restrictions as they may think fit. Power to develop lands.

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(2) The Corporation may also grant building leases of any such lands as aforesaid subject to such restrictions and conditions as the Corporation may see fit to impose and may grant any easements rights or privileges in under or over such lands or any part or parts thereof and may use or dispose of the building or other materials of any houses and premises on any lands acquired or appropriated by them which they may deem it necessary or desirable to pull down.

(3) The Corporation in selling or disposing of such lands may attach to the same and may convey or lease the same subject to any conditions and restrictions upon the use thereof and as to the buildings to be erected thereon and as to the use to which such buildings may be put.

(4) The Corporation shall not without the consent of the Minister sell lease exchange or otherwise dispose of any of the lands to which this section applies at a price or rent or for a consideration of a value less than the current market value of such lands but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained.

(5) Nothing in this section shall be taken to dispense with the necessity for obtaining the approval of the Minister or the Board of Education (as the case may be) to any alienation sale lease appropriation or other disposition of any lands acquired under any general Act for which such approval would be required but for the provisions of this section.

Power to
Corporation
to advance
money for
erection of
buildings.

17.—(1) The Corporation may advance money to the purchaser or lessee of any of the lands referred to in the last preceding section which are sold or of which a lease is granted by the Corporation for the purpose of enabling or assisting him to erect a building on such land :

Provided that any advance shall not exceed two-thirds of the amount which in the opinion of the Corporation will be the market value of the interest of such purchaser or lessee in the land with the intended building erected thereon.

(2) Every such advance shall be repaid with interest at such rate not being less than five per centum per

annum within such period not exceeding thirty years from the date of the advance as may be agreed upon between the Corporation and such purchaser or lessee. A.D. 1931.

(3) The repayment may be made either by equal instalments of principal or by an annuity of principal and interest combined and all payments on account of principal and interest shall be made at such periods not exceeding half a year as may be agreed between the said purchaser or lessee and the Corporation.

(4) Any such purchaser or lessee to whom an advance has been made may at any of the usual quarter days after one month's written notice and on paying all sums due on account of interest repay to the Corporation the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the mortgage or charge hereinafter referred to) or a multiple of one hundred pounds (or of such less sum as aforesaid) and where the repayment is made by an annuity of principal and interest combined the amount so outstanding and the amount by which the annuity will be reduced or the period for repayment shortened where a part of the advance shall be paid off shall be determined by a table to be annexed to the mortgage or charge securing the repayment of the advance.

(5) Before making any advance under this section the Corporation shall be satisfied that the repayment to them of the advance is secured by a mortgage or charge of the building in respect of the erection of which the advance is made and of the land upon which such building is to be erected or of the lessee's interest therein to the Corporation subject to the right of redemption by the said purchaser or lessee and requiring the said purchaser or lessee to keep the building in good repair and to make provision satisfactory to the Corporation for keeping the building insured against fire or for paying to the Corporation the amount of the premiums in respect of such insurance.

(6) Any person authorised in writing by the Corporation shall have power at all reasonable times to enter the building in respect of the erection of which any advance is made by the Corporation for the purpose of ascertaining whether the conditions of this section and of the mortgage or charge are complied with.

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(7) The said purchaser or lessee may with the consent in writing of the Corporation (which consent shall not be unreasonably withheld) at any time transfer his interest in the building in respect of which such advance is made and the land upon which the same is erected but any such transfer shall be made subject to the foregoing provisions of this section.

PART III.

STREET IMPROVEMENTS.

Power to
make street
improve-
ments.

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

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

Street Work No. 2 A widening of Above Bar Street and High Street on both sides thereof from the southern side of Hanover Buildings to the Southern boundary of Number 181 High Street;

Street Work No. 4 A new street on the north side of the old Town Walls commencing at a point 67 yards measured in an easterly direction from the junction of Bargate Street and Western Esplanade and terminating at York Buildings;

Street Work No. 5 A new street on the south side of the old Town Walls commencing at the Arundel Tower and terminating at York Buildings;

Street Work No. 7 A footway on the east side of the old Town Walls commencing at the north-west corner of Albion Place and terminating at a point 13 yards south of the southern side of Bargate Street;

Street Work No. 10 A new street commencing in Western Esplanade at a point 103 yards measured in a north-westerly direction from

the junction of Western Esplanade and Fitzhugh Street and terminating in West Marlands Road at a point 29 yards measured in a northerly direction from the junction of West Marlands Road and Windsor Terrace;

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Street Work No. 11 A widening of Havelock Road on both sides thereof and of Everton Street and West Marlands Road on the north-west sides thereof;

Street Work No. 12 A widening of Above Bar Street on the east side thereof and of New Road on the north side thereof.

(3) In order to secure convenient passage between Street Work No. 4 and Street Work No. 5 the Corporation may make openings in the old Town Walls at such points as they may with the approval of the Commissioners of Works determine.

19.—(1) In connection with the street improvements authorised by this Act the Corporation may stop up the highways shown on the deposited plans as intended to be stopped up and thereupon all rights of way over or along the same shall be extinguished and the Corporation may appropriate and use the sites of the highways stopped up as far as the same are bounded on both sides by lands of the Corporation :

Stopping up
of highways.

Provided that the Corporation may (if they think fit) close any of such highways to vehicular traffic only.

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

(3) Notwithstanding the stopping up of any highway under the provisions of this section 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 such highway as if the same had continued to be part of the highway :

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Provided that if the Corporation desire an alteration of any such telegraphic line the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration as though the Corporation were "undertakers" within the meaning of the said Act.

Limits of deviation for street improvements.

20. In the construction of the street improvements authorised by this Act the Corporation may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding five feet either upwards or downwards.

Power to alter steps areas pipes &c.

21. Within the limits of deviation for the street improvements authorised by this Act and shown on the deposited plans the Corporation may raise sink or otherwise alter the position of any of the steps areas cellars windows pipes or spouts belonging to any house or building and may remove all 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.

Application of road materials excavated in construction of works.

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

For protection of ancient monuments.

23. Nothing in this Act authorises the Corporation to demolish or to remove or to make any opening or structural alteration or addition in or to any ancient monument included in a list prepared and published by the Commissioners of Works under the Ancient Monuments Consolidation and Amendment Act 1913 without the previous consent in writing of the commissioners.

PART IV.

A.D. 1931.

WATER.

24. In this Part of this Act—Definitions
in Part IV
of Act.

“The signed plan” means (except in the section of this Act whereof the marginal note is “For protection of Major T. T. Phelps”) the plan signed in duplicate by Sir John Ganzoni the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred of which plan one copy has been deposited in the Committee and Private Bill Office of the House of Commons and the other in the Parliament Office of the House of Lords;

“The eastern lands” means the lands delineated and coloured pink on the signed plan.

25. Subject to the provisions of this Act the Corporation may make and maintain in the lines and situations and according to the levels shown upon the deposited plans and sections the following works in the county of Southampton (that is to say):—

Construc-
tion of
waterworks.

Work No. 1 An intake from the river Itchen and a pump-house in the parish of Otterbourne in the rural district of Hursley in the enclosure numbered 132 on the $\frac{1}{2500}$ Ordnance map of Hampshire sheet No. L.13 (edition of 1909);

Work No. 2 A line or lines of pipes commencing in the said pump-house (Work No. 1) and terminating at the north end of Work No. 4;

Work No. 3 A bridge in the said parish of Otterbourne under the Southern Railway $3\frac{1}{2}$ chains south of the south-eastern corner of the existing pumping station of the Corporation;

Work No. 4 Purification and other ancillary works in the said parish of Otterbourne and in the enclosure numbered 123 on the $\frac{1}{2500}$ Ordnance map of Hampshire sheet No. L.13 (edition of 1909);

Work No. 5 A line or lines of pipes in the said parish of Otterbourne commencing at the southern end of Work No. 4 and terminating at the said existing pumping station;

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Work No. 6 A line or lines of pipes in the said parish of Otterbourne and in the parish of Compton in the rural district of Winchester commencing at the said existing pumping station and terminating at the reservoir (Work No. 11);

Work No. 7 A line or lines of pipes in the said parish of Otterbourne and in the parish of Twyford in the rural district of Winchester commencing at the said existing pumping station and terminating at the reservoir (Work No. 12);

Work No. 8 A line or lines of pipes in the said parish of Otterbourne and in the said parish of Twyford commencing in the road from Eastleigh to Winchester at a point 80 yards east of the Southern Railway bridge at Allbrook and terminating near Manor House Farm at Twyford;

Work No. 9 A line or lines of pipes in the said parish of Otterbourne commencing at the said existing pumping station and terminating at the existing reservoir of the Corporation on Otterbourne Hill;

Work No. 10 A line or lines of pipes in the rural districts of Romsey Hursley and South Stoneham commencing in the road from Romsey to Botley at a point $1\frac{1}{2}$ chains west of the western boundary of Romsey cemetery and terminating at the junction of North End Road with North End Lane North Stoneham;

Work No. 11 A reservoir in the said parish of Compton in the enclosure numbered 68 on the $\frac{1}{2500}$ Ordnance map of Hampshire sheet No. XLIX.8 (edition of 1909);

Work No. 12 A reservoir in the said parish of Twyford in the enclosure numbered 282 on the $\frac{1}{2500}$ Ordnance map of Hampshire sheet No. L.10 (edition of 1909);

Work No. 13 A line or lines of pipes in the said parish of Otterbourne commencing in the road

from Eastleigh to Winchester opposite Rookwood and terminating in the said road at a point 1 chain north-west of the Southern Railway bridge at Allbrook.

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26. Subject to the provisions of the sections of this Act the marginal notes of which are respectively "Works below high-water mark not to be constructed without consent of Board of Trade" and "Crown rights" the Corporation may upon the lands acquired by them for the purposes of the water undertaking whether under the provisions of this or any other Act make and maintain all such cuts channels wells adits catchwaters pump-houses tunnels pipes conduits culverts drains sluices byewashes overflows waste-water channels gauges filter-beds tanks banks walls bridges roads ways embankments piers approaches engines buildings telegraphic telephonic and other means of communication rails plates sleepers sidings stations depots platforms sheds cranes machinery and appliances as may be necessary or convenient for the purposes of their water undertaking but nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them :

Subsidiary
and addi-
tional
works.

Provided that the Corporation shall not under the powers of this Act construct any adit in the parishes of Timsbury or Michelmersh at a depth less than sixty feet from the surface of the ground nor make any artificial communication between any such adit and the surface of the ground except the shafts required for the construction thereof and the pumping of water therefrom :

Provided also that any telegraphic telephonic and other means of electrical communication made or maintained under the provisions of this section shall not be used for the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 or be installed or worked in contravention of the Wireless Telegraphy Acts 1904 to 1926 or any statutory re-enactment or modification thereof and shall not be constructed maintained or used in such a manner as to interfere with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

A.D. 1931.

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Limiting
powers of
Corporation
to abstract
water.

27. The Corporation shall not construct any works for taking or intercepting water from any lands acquired by them (other than the lands shown on the plans deposited in respect of the Act of 1921 and such of the lands in the parishes of Otterbourne Twyford Timsbury and Michelmersh shown on the deposited plans as the Corporation are entitled to acquire for the enlargement improvement and protection of the existing pumping stations of the Corporation at Otterbourne Twyford and Timsbury) unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

Limits of
deviation
for water-
works.

28. In the construction of the works authorised by this Part of this Act the Corporation may deviate to any extent not exceeding the limits of deviation shown on the deposited plans (and where on any street or road no such limits are shown the boundaries of such street or road shall be deemed to be such limits) and they may also deviate from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards:

Provided that except for the purposes of crossing over a stream or railway no part of the lines of pipes authorised by this Act shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Period for
completion
of water-
works.

29.—(1) If the works authorised by this Part of this Act and shown on the deposited plans and sections or any part or parts thereof are not completed within ten years from the thirty-first day of October nineteen hundred and thirty-one then on the expiration of that period the powers granted by this Part of this Act for making those works shall cease as to such of them or so much thereof respectively as are not then completed.

(2) Provided that the Corporation may extend enlarge alter reconstruct renew or remove any of the said works and lay down additional lines of pipes as and when occasion may require.

Power to
take waters.

30. Subject to the provisions of this Act the Corporation may abstract collect and divert the waters of the river Itchen at the point of intake by means of

Work No. 1 authorised by this Part of this Act and may appropriate distribute and use the same for the purposes of the water undertaking. A.D. 1931.
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31. Unless Parliament shall otherwise determine the Corporation shall not in any day of twenty-four hours pump from the river Itchen by means of Work No. 1 authorised by this Act a quantity of water exceeding ten million gallons. Limiting quantity of water to be pumped.

32.—(1) The Corporation shall not abstract water from the river Itchen— Restriction on abstraction of water.

(a) on any day on which they pump at their wells at Otterbourne Twyford and Timsbury (all the said wells being used) a total quantity of water less than eleven million gallons;

(b) otherwise than by means of continuous pumping at a uniform rate throughout each day of twenty-four hours whenever it may be reasonably practicable so to pump;

but these restrictions respectively shall not apply at any time when owing to accidents necessary repairs or unavoidable cause the Corporation are unable to pump the said total quantity of water at their said wells or to pump continuously at a uniform rate as aforesaid.

(2) The Corporation shall not in any day of twenty-four hours pump from their wells at Otterbourne a total quantity of water exceeding eight million gallons but this restriction shall not apply to any water which it shall be necessary for the Corporation to pump to waste during any extension of adits at the said wells.

33.—(1) For the purpose of measuring the quantity of water abstracted collected or diverted from the river Itchen the Corporation shall before abstracting collecting or diverting water from the river Itchen provide and fix and shall thereafter maintain proper and suitable meters or gauges (including such automatic recorders as may be reasonably required) through or over which the quantity of water abstracted collected or diverted from the river Itchen by the Corporation shall pass. As to meters gauges &c.

(2) For the purpose of measuring the quantity of water pumped by the Corporation at their respective

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wells at Otterbourne Twyford and Timsbury the Corporation shall forthwith after the passing of this Act provide and fix (so far as they are not already provided and fixed) and shall thereafter maintain proper and suitable meters (including such automatic recorders as may be reasonably required) through which the quantity of water pumped at the said wells respectively shall pass.

(3) The situations in which the said meters or gauges shall be fixed and the designs thereof and of any automatic recorders shall be reasonably approved by the Minister of Agriculture and Fisheries before construction and the said meters or gauges and automatic recorders and the records obtained by means thereof shall be open at all reasonable times to the inspection and examination of the Hampshire Rivers Board of Conservators and all persons interested in the flow of the river Itchen or their duly accredited representatives and such persons or representatives may if they so desire take copies of any such records and copies of such records shall be sent monthly to the said board and to the county council.

(4) In case of any neglect on the part of the Corporation to maintain the said meters or gauges and automatic recorders or any of them in a state of efficiency or in case of any other neglect by or in consequence of which water shall be pumped abstracted collected or diverted by the Corporation in contravention of the provisions of this section the Corporation shall for every day on which such neglect occurs forfeit and pay to the said board (who may sue for and recover the same) the sum of five pounds and shall in addition make compensation for any loss or injury sustained by any persons injuriously affected thereby.

(5) If any difference arises between the Corporation and the Minister of Agriculture and Fisheries with respect to the situations or designs of the said meters gauges or automatic recorders or with respect to whether automatic recorders are required or between the Corporation and the said board or any person so interested as aforesaid with respect to the construction or use of the said meters gauges and automatic recorders or any of them or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed) on

the application of either party after notice in writing to the other of them by the President of the Institution of Civil Engineers. A.D. 1931.
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34. The Corporation shall not supply for domestic purposes any water abstracted collected or diverted from the river Itchen until the same shall have been adequately and effectively treated and purified. As to purification of water.

35. Subject to the provisions of this Act the works to be constructed by the Corporation under the authority of this Part of this Act shall for all purposes be deemed to be part of the water undertaking. Works to form part of water undertaking.

36.—(1) For the prevention of the pollution of the river Itchen above the point of intake and of any river stream or watercourse through which any water may for the time being flow into the river Itchen above that point the Corporation may with the consent of the county council or of the district council in whose district such pollution occurs or is likely to occur enforce the provisions of the Rivers Pollution Prevention Acts 1876 and 1893 or of the Public Health Acts with respect to such waters and watercourses or in respect of any nuisance which may exist in proximity thereto and the Corporation with such consent as aforesaid shall have and may if they think fit from time to time exercise such or the like powers as may for the time being be exercisable by the county council or such district council as the case may be under any enactment for the prevention of the pollution of the river Itchen or of any such river stream or watercourse or for the prevention or abatement of any such nuisance and the provisions of such enactment shall for the purpose aforesaid extend and apply with any necessary modifications to the Corporation. Provisions as to fouling of water.

(2) If the county council and the district council in whose district the pollution occurs or is likely to occur refuse or neglect for the space of fourteen days after being requested by the Corporation either to enforce the provisions of the said Acts or to consent to the enforcement thereof by the Corporation the Corporation may appeal to the Minister who may give to them such consent subject to such terms and conditions as he may think fit and thereupon the Corporation may proceed to enforce the provisions of the said Acts.

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(3) (a) The Corporation may from time to time contribute such annual or other sums as may be necessary to give effect to any term or condition subject to which the Minister may have given his consent under subsection (2) of this section.

(b) Every such annual or other sum shall be deemed to be payable as part of the cost of the construction or maintenance of the water undertaking and shall be paid by the Corporation accordingly.

(4) The powers conferred by this section shall be exercised subject to the following limitations:—

(a) If in pursuance of any requirement by the Corporation any expense is reasonably incurred by any owner or occupier of lands in fencing off any river or stream against horses or cattle and in providing or maintaining any watering place and supplying or keeping the same supplied with water suitable for the needs of horses and cattle in order to prevent the pollution or the risk of pollution of any waters which the Corporation are by this Act authorised to abstract collect or divert or which find their way into such last-mentioned waters such expense shall be repaid to such owner or occupier by the Corporation and may be recovered by such owner or occupier from the Corporation summarily as a civil debt;

(b) Nothing in this section shall authorise the prohibition of the reasonable use of manures or fertilizers for the purpose of agricultural horticultural or market gardening operations so long as the same are stored in a covered building or at a greater distance than fifty yards from the nearest river stream or watercourse or are stacked for immediate use in any field at a greater distance than twenty-five yards from the nearest river stream or watercourse and whether stored or stacked are on lands not liable to flooding and so long as the use of such manures or fertilizers does not cause the pollution of the water in any river stream or watercourse to such an extent as to infringe the rights of the riparian owners and occupiers thereon;

- (c) If and so long as no trade waste passes through any of the existing storm water outlets of the mayor aldermen and citizens of the city of Winchester (in this section referred to as "the Winchester Corporation") the Corporation shall not institute any proceedings under the Rivers Pollution Prevention Acts or the Public Health Acts in respect of such discharge of storm water into the river Itchen from the said outlets as is at the date of the passing of this Act permitted by the Winchester Corporation without objection from the county council but if the Corporation shall be of opinion that the continuance of such discharge is likely to endanger the purity of any of the waters of the river Itchen which may flow through the point of intake the Winchester Corporation shall construct such works as the Corporation may reasonably require for preventing the pollution of such last-mentioned waters by such discharge and the Corporation shall repay to the Winchester Corporation the reasonable cost and expenses incurred by the Winchester Corporation in and in connection with the construction and maintenance of such works;

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Any question which may arise between the Corporation and the Winchester Corporation under this subsection shall unless otherwise agreed be determined by the Minister.

37.—(1) If any person shall knowingly and wilfully discharge throw or put or cause or suffer to fall or flow into the river Itchen or any river stream or watercourse through which any water may for the time being flow into the river Itchen either between the point of intake and a point three miles from the point of intake measured therefrom up the course of the river Itchen and any such river stream or watercourse as aforesaid or within four hundred yards below the point of intake any offensive matter whether solid or fluid or any earth mud ashes dirt soil or refuse of any description so as either singly or in combination with other similar acts of the same or any other person to interfere with the due flow of the water or to pollute

Prohibition
of throwing
offensive
matter &c.
into rivers.

A.D. 1931. — the water or shall bathe or wash any part of his body in the river Itchen between a point three hundred yards above and a point three hundred yards below the point of intake he shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds :

Provided that where any offence against this enactment is committed from or out of any boat or other vessel the person in charge of such boat or other vessel shall be liable to be proceeded against and punished under this section.

(2) Nothing in this section shall extend to prohibit the reasonable use of manures or fertilizers for the purpose of agricultural horticultural or market gardening operations so long as the same are stored in a covered building or at a greater distance than fifty yards from the nearest river stream or watercourse or are stacked for immediate use in any field at a greater distance than twenty-five yards from the nearest river stream or watercourse and whether stored or stacked are on lands not liable to flooding and so long as the use of such manures or fertilizers does not cause the pollution of the water in any river stream or watercourse to such an extent as to infringe the rights of the riparian owners and occupiers thereon.

For protection of river Itchen and persons interested in waters thereof.

38. Notwithstanding anything contained in this Act the following provisions for the protection of the river Itchen and of the persons interested in the waters thereof shall apply and have effect (that is to say) :—

(1) The Corporation shall not under the powers of this Act—

(a) construct any adit within a distance of two hundred and fifty yards from the spring marked “ A ” on the signed plan ; or

(b) abstract or take any waters arising or flowing on or under the eastern lands otherwise than by means of adits constructed at a depth of not less than fifty feet from the surface of the ground :

(2) If the Corporation construct any shaft on the eastern lands or construct thereon any works (other than bridges and fences) or any

temporary erections in connection with any works which will interfere with the surface of the ground (except so far as is necessary for carrying Work No. 7 by this Act authorised over the river Itchen) they shall immediately upon the completion of the works remove any such works or temporary erections as are above the surface of the ground and restore the surface of the ground to its former condition :

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- (3) The Corporation shall at all times exercise any rights and powers with respect to the control of the waters of the river Itchen which may be exercisable by them by virtue of this Act or of their ownership of or interest in any mill upon the river Itchen or any locks sluices hatches or other works with due regard to the interests of all other persons interested in the waters of the river Itchen (including persons interested in fishing rights mills and water meadows) the prevention of injury to those interests and the preservation fostering and protection of fish :

Provided always that nothing contained in this subsection shall prejudice or affect the powers of the Corporation under the section of this Act of which the marginal note is "Power to take waters."

39. All buildings to be constructed by the Corporation under the powers of this Act which will be situate above the surface of the ground in the rural district of Winchester or the rural district of Hursley shall be constructed and maintained with due consideration to the amenities of the locality and all such buildings shall be constructed and maintained only in accordance with such elevations general drawings and particulars as shall be previously reasonably approved by the Winchester Rural District Council or the Hursley Rural District Council as the case may be :

For protec-
tion of
amenities of
Itchen
Valley.

Provided that if such council shall fail to signify their approval or disapproval of any such elevations drawings or particulars within one month after the same have been submitted to them they shall be deemed to have approved the same.

A.D. 1931..

Any difference which shall arise under the provisions of this section shall be referred to and determined by a single arbitrator to be agreed on between the parties or failing agreement to be appointed on the application of either party (after notice in writing to the other) by the President of the Royal Institute of British Architects and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

For protec-
tion of
Winchester
Corporation.

40. For the protection of the mayor aldermen and citizens of the city of Winchester (in this section referred to as "the Winchester Corporation") the following provisions shall unless otherwise agreed in writing between the Corporation and the Winchester Corporation apply and have effect (that is to say):—

- (1) Notwithstanding anything contained in this Act or shown upon the deposited plans and sections the Corporation shall not in the exercise of the powers of this Part of this Act execute any works in the parishes of Compton and Twyford in the rural district of Winchester in the county of Southampton (in this section referred to as "the said works") so as to interfere to any greater extent than shall be necessary with any mains cables wires posts poles apparatus or other works (all of which are in this section referred to as "electrical apparatus") constructed erected laid down or placed by the Winchester Corporation in the said parishes in connection with the supply or transmission of electricity :
- (2) The provisions of section 18 of the schedule to the Electric Lighting (Clauses) Act 1899 shall apply to the execution of the said works by the Corporation Provided that for the purposes of this subsection the said section 18 shall be read and have effect as if the expression "electric wire or other work" included any posts poles or other apparatus or works from time to time erected or constructed for carrying or supporting any electric wire of the Winchester Corporation within the meaning of section 32 of the Electric Lighting Act 1882 :

- (3) The Corporation shall at their own expense .A.D. 1931.
make good all damage done to any electrical
apparatus of the Winchester Corporation in
executing maintaining repairing or renewing
any of the said works and shall make full
compensation for any loss or damage which
the Winchester Corporation may sustain by
reason of any such damage or of any inter-
ference with such electrical apparatus and
shall indemnify the Winchester Corporation
against all costs charges expenses and penalties
reasonably and properly incurred by the
Winchester Corporation arising out of any
actions claims or demands arising out of any
such damage or interference :
- (4) If in consequence of the exercise of the powers
of this Part of this Act or the execution of
any of the said works additional expense is
incurred by the Winchester Corporation in
the provision construction erection or main-
tenance of any electrical apparatus of the
Winchester Corporation including any additional
expenses in or in connection with the obtaining
of any necessary easements or rights of carrying
such electrical apparatus in under over or
across any lands the Corporation shall repay
to the Winchester Corporation the amount of
such additional expense :
- (5) The reasonable cost of all repairs or renewals
of any electrical apparatus of the Winchester
Corporation or any works in connection there-
with which may at any time be rendered
necessary by or in consequence of the acts or
defaults in the exercise of the powers of this
Part of this Act of the Corporation their
contractors agents workmen or servants or
any person in the employ of any or either of
them or by reason or in consequence of any
subsidence resulting from the construction or
failure of the said works whether during the
construction of the same or at any time there-
after shall be borne and paid by the Corporation :

A.D. 1931.

(6) If any difference shall arise between the Corporation and the Winchester Corporation under this section such difference shall be referred to and determined by an arbitrator to be agreed upon between them or failing such agreement to be appointed upon the application of either party (after notice in writing to the other of them) by the President of the Institution of Electrical Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference and determination.

For protec-
of East-
leigh and
Bishopstoke
Urban
District
Council.

41. Notwithstanding anything contained in this Act the following provision for the protection of the Eastleigh and Bishopstoke Urban District Council (in this section called "the urban council") shall unless otherwise agreed upon in writing between the Corporation and the urban council apply and have effect (that is to say):—

The Corporation shall (so far as they lawfully can and may) so operate the hatches known as "Horsebridge Hatches" as to secure that from and after the completion of the bathing pool about to be constructed by the urban council at Barton Peveril there shall at all times be a continuous flow of water through such pool.

For protec-
tion of
Major
T. T. Phelps.

42. For the protection of Major Thomas Tettrell Phelps or other the owner or owners for the time being of the property known as "Kingfisher Lodge" situate at Brambridge in the county of Southampton which is coloured pink and yellow on the plan (in this section referred to as "the signed plan") signed by William Vaux Graham on behalf of the owner and by Edward Charles Rodda on behalf of the Corporation one copy of which has been retained by the owner and the other by the Corporation and of the fishing and other rights in this section defined (all of whom are in this section referred to as "the owner") the following provisions shall notwithstanding anything contained in this Act or shown upon the deposited plans and sections and except so far as may be otherwise agreed in writing between

the Corporation and the owner apply and have effect (that is to say) :— A.D. 1931.

(1) In this section—

the expression “the fishing and other rights of the owner” or other like expression shall mean and include all such—

(i) rights of fishing in and of catching and carrying away fish from the river Itchen and the Itchen Navigation and in the streams and channels connected therewith;

(ii) rights of way necessary for the exercise of the said rights of fishing and for other purposes;

(iii) rights of entry for the repair of the banks of the said river and navigation and for the execution of works necessary for the purposes of the said rights of fishing;

(iv) rights of entry upon the bed and banks of the said river and navigation for the purpose of the clearing of weeds and the removal and deposit of mud;

(v) rights of user of and access to and of cleansing of drawns channels runnels and carriers and of user repair and control of sluices and hatches for the purposes of the said rights of fishing; and

(vi) rights of sporting;

as were respectively granted conveyed or demised to the owner by—

(a) a conveyance dated the second day of November nineteen hundred and twenty-six and made between Elizabeth Ffennell of the one part and the owner of the other part;

(b) a lease dated the twenty-second day of March nineteen hundred and twenty-seven made between Tankerville Chamberlayne of the one part and the owner of the other part; and

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—

(c) an agreement for a lease dated the tenth day of June nineteen hundred and twenty-seven made between Caroline G. Shipley of the one part and the owner of the other part;

or as are otherwise at the date of the passing of this Act legally vested in him :

(2) Notwithstanding the acquisition by the Corporation under this Act or otherwise of any of the mills upon the river Itchen or the Itchen Navigation or of any of the hatches overflow weirs overflows or other works of control of the waters of the said river or navigation or of any rights of control thereover respectively or of any other lands or property to or in relation to any of which the fishing or other rights of the owner extend the owner shall continue to be entitled to exercise and enjoy over or in relation thereto respectively his said fishing and other rights in the same manner as he was so entitled immediately prior to the passing of this Act subject nevertheless to the performance and observance on his part of the covenants obligations and conditions attaching to the exercise and enjoyment of such rights for the time being under or by virtue of the conveyance lease or agreement for lease referred to in subsection (1) of this section :

(3) (a) The Corporation shall at all times after the acquisition by them under this Act or otherwise of the hatches in this subsection referred to or of any rights of control thereover respectively delegate to the owner the exercise of all such rights as the Corporation may from time to time possess with respect to such hatches or to the control of water thereby so as to enable the owner to control subject to such legal rights as all other persons (other than the Corporation) may have in such hatches and to such legal rights (including rights conferred by this Act) as all other persons (including the Corporation in their capacity as riparian owners upon the banks of the

river Itchen or the Itchen Navigation below the said hatches respectively) may have in the waters controlled thereby— A.D. 1931
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(i) the flow of such water as may be in the Itchen Navigation into the draws channels runnels and carriers upon the eastern lands by means of the hatches marked " B " " C " and " D " upon the signed plan;

(ii) the flow of such water as may be in the Itchen Navigation into the water meadows of the owner to the west of the said navigation and coloured yellow on the signed plan by means of the hatch marked " N " thereon; and

(iii) the flow of such water as may be in the Itchen Navigation into the river Itchen by means of the hatch marked " L " on the signed plan;

without requiring from the owner any monetary or other consideration in respect of such delegation but subject to the owner at all times maintaining such hatches in an adequate state of repair if and so far as any such liability to maintain the said hatches may be upon the Corporation as the result of the acquisition thereof by them;

(b) The Corporation shall not do or permit anything which would prevent such water as may be in the Itchen Navigation from flowing through the hatches in this subsection referred to in the same manner as prior to the passing of this Act:

- (4) The owner shall at all times indemnify and keep indemnified the Corporation from and against all actions claims and demands against the Corporation by any person or persons arising out of the exercise by the owner of the rights delegated to him under paragraph (a) of subsection (3) of this section and against all damages costs and expenses with respect thereto but such indemnity shall not extend to any actions claims or demands

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against the Corporation arising out of the exercise by the Corporation of the powers with respect to the taking or abstraction of water conferred upon them by this Act :

- (5) The Corporation shall after the acquisition by them of the eastern lands and before they commence to abstract water from the river Itchen by means of the intake (Work No. 1) by this Act authorised reconstruct and at all times thereafter adequately maintain the overflow weir upon the river Itchen at the point marked " Z " on the signed plan in such manner that there shall at all times be allowed to flow over the said weir in a uniform flow (as nearly as may be practicable) out of such waters as may be in the said river into the southern continuation of the same which leaves the Itchen Navigation at that point a quantity of water not being less than twenty million gallons per day of twenty-four hours or such less quantity as the owner may from time to time by notice in writing to the Corporation require and the Corporation shall provide and maintain proper and suitable meters or gauges for measuring such flow and at all times permit the owner to inspect and take readings from the same :

Provided that all such requirements of the owner shall be subject to such legal rights (including rights conferred by this Act) as all other persons (including the Corporation in their capacity as riparian owners) may have in the waters of the river Itchen or the Itchen Navigation below the said point " Z " :

The Corporation shall take due precautions to maintain during the reconstruction of the said overflow weir a flow of water down the said southern continuation of the river Itchen from the point " Z " sufficient for the protection of fish and water life therein :

- (6) If by reason or in consequence of the exercise by the Corporation of the powers of this Act in relation to the pumping operations of the Corporation at their pumping station at

Otterbourne the owner sustains any loss or damage with respect to his fishing or other rights the Corporation shall pay to the owner compensation for such loss or damage : A.D. 1931.

The amount of any compensation to be paid by the Corporation to the owner under this subsection shall failing agreement between them be determined in the same manner as is provided under this Act with respect to the determination of any compensation payable by the Corporation under the Waterworks Clauses Acts :

- (7) For the purpose of screening the residence of the owner "Kingfisher Lodge" from any new or additional works which may be constructed by the Corporation in extension of the existing pumping station and works of the Corporation at Otterbourne after the passing of this Act and so far as may be practicable from the said existing pumping station and works the Corporation shall forthwith after such passing plant and at all times thereafter maintain and when reasonably necessary replace and renew a belt of quick-growing ornamental trees in such position and of such character as may be reasonably approved by the owner prior to such planting :
- (8) So much of the line or lines of pipes (Work No. 7) by this Act authorised as shall be situate upon the eastern lands (except upon such portion of the said lands as consists of so much of the river Itchen and the Itchen Navigation as is included within the limits of deviation with respect to the said Work No. 7 shown upon the deposited plans and such further portion of those lands with respect to which it is necessary that the said line or lines of pipes should be laid above the surface of the ground owing to their having been carried over the said river and navigation) and all works subsidiary or incidental thereto shall be so constructed that no part thereof when completed shall be above the surface of the ground and if and so soon as the said

A.D. 1931.
—

works shall have been commenced the Corporation shall proceed continuously to complete the same. Forthwith upon the completion of such construction the Corporation will restore the surface of the eastern lands disturbed thereby and spread level and turf over all soil subsoil and other debris occasioned by such construction :

(9) (a) The Corporation shall not—

(i) construct any shaft building or erection of any character (whether permanent or temporary) upon ;

(ii) execute any works which would interfere with the surface of the ground of ; or

(iii) deposit any soil subsoil or other debris upon

any part of the eastern lands to the south of the line marked " X.Y " on the signed plan ;

(b) If the Corporation construct any shaft upon so much of the eastern lands as is situate to the north of the said line marked " X.Y " on the signed plan or execute any works therein which will interfere with the surface of the ground they shall immediately after the completion of the construction of the adits for the purposes of which such shafts or other works interfering with the surface of the ground are constructed remove any such of the last-mentioned works (other than bridges and fences) as are above such surface and also restore such surface to its former condition by spreading levelling and turfing over the soil subsoil or other debris occasioned by such construction in such manner that the level of the surface as so restored shall not be higher than two feet above the level of the surrounding ground. In the event of any temporary suspension of the construction of any such adits as aforesaid the Corporation shall remove all works and apparatus above the surface of the ground (other than as aforesaid) until such time as the construction of such adits is resumed ;

(c) No soil subsoil or other debris shall be deposited in the river Itchen or the Itchen Navigation : A.D. 1931.

- (10) The Corporation shall (both prior to and during the construction of any of the works by this Act authorised and at all times thereafter) take all reasonable steps to prevent trespass by any officers workmen servants or others in their employment or in the employment of any contractors of theirs upon any of the lands of the owner or upon any lands (other than those owned by the Corporation) over or to which the fishing or other rights of the owner extend :
- (11) If any difference shall arise between the Corporation and the owner under the provisions of this section the same shall be referred to and determined by a single arbitrator to be agreed upon between them or in default of agreement to be appointed by the President of the Institution of Chartered Surveyors on the application of either party and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference :
- (12) The provisions of this section shall be in addition to and not in derogation of any rights of the owner under any other provisions of this Act or any Act or part of any Act incorporated therewith but in determining the amount of any compensation payable by the Corporation to the owner under this Act regard shall be had to the provisions of this section :
- (13) Nothing in this section shall prejudice or affect the exercise by the Corporation subject to the conditions imposed by this Act of the powers thereby conferred upon the Corporation with respect to the abstraction of water from the river Itchen by means of the intake Work .No. 1 by this Act authorised or the abstraction of water by means of adits or imply any admission on the part of the Corporation as to the title of the owner to his said property and fishing and other rights.

A.D. 1931.

For protec-
tion of
Alfred
Bowker.

43. The following provisions for the protection and benefit of Alfred Bowker or other the owner for the time being of the estate known as "The Malms" (in this section referred to as "the owner") shall have effect except so far as may be otherwise agreed in writing between the owner under his hand and seal and the Corporation under their corporate seal (that is to say) :—

- (1) The Corporation shall within six months from the passing of this Act serve on the owner (and shall not withdraw) notice to treat for all the estate and interest of the owner in the lands numbered 1 2 28 and 46 on the deposited plans and outlined green on the plan signed by the owner and Edward Charles Rodda on behalf of the Corporation (hereinafter called "the Malms plan") and the northern boundary of the said lands shall be twelve feet south of the boundary between the parish of Otterbourne and the parish of Twyford :
- (2) The Corporation shall erect and maintain an iron fence painted green unclimbable from the Corporation side along the western and northern boundaries of the land numbered 1 on the deposited plans as aforesaid from the point marked "A" to the point marked "B" and thence to the point marked "C" on the Malms plan except where the said boundaries cross the Itchen Navigation :
- (3) For the purpose of screening "The Malms" from any erection built or placed by the Corporation on the land acquired from the owner under the Act of 1921 or by virtue of this Act outlined green on the Malms plan the Corporation shall forthwith after the passing of this Act plant and at all times thereafter maintain and when reasonably necessary replace and renew a belt of quick-growing ornamental trees in such position and of such character as may be reasonably approved by the owner prior to such planting :
- (4) The Corporation shall reasonably silence the engines in the pumphouse authorised by this Act :

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- (5) There shall be reserved to the owner his servants agents and workmen the right to pass and re-pass at all times and for all purposes with horses vehicles and cattle over and along the roadway coloured yellow on the Malms plan which shall be repaired and maintained at the expense of the Corporation :
- (6) The Corporation shall maintain in the stream known as the Itchen Navigation at the point marked " L " on the Malms plan the existing iron grating :
- (7) The Corporation shall compensate the owner in respect of any damage arising to the owner from the prohibition of bathing imposed by the provisions of this Act including the reasonable cost of providing a similar bathing place (including inlets and outlets) in lieu of the bathing place the use of which is prohibited by those provisions :
- (8) Any chalk precipitate or sludge or refuse being deposited on the aforesaid lands or any part thereof shall forthwith be covered with earth and planted with grass seeds :
- (9) Subject to the provisions of the section of this Act of which the marginal note is " Power to take waters " the owner shall retain all rights of boating and navigation which appertain to the owner or his estate notwithstanding the aforesaid sale of the lands outlined green :
- (10) Within two months of the completion of Work No. 3 by this Act authorised the Corporation shall at their own expense lay down pipes for the purpose of giving to the owner a supply of water at the point marked " X " on the Malms plan and thereafter shall furnish to the owner free of charge at the said point not exceeding two hundred gallons a day and shall supply such further quantity of water as the owner may require at the current rates and charges :
- (11) The Corporation shall not be liable for a failure to afford a supply of water in pursuance of this section if such failure is due to frost unusual drought strike lock-out or any unavoidable cause or accident :

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(12) Any question that may arise between the Corporation and the owner under this section shall be referred to and determined by an arbitrator agreed upon between the owner and the Corporation or failing such agreement appointed by the President of the Institution of Chartered Surveyors and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such reference:

(13) The provisions of this section are additional to section 15 of the Act of 1921 and not in substitution therefor.

For protection of trustees of Henry Wheeler deceased and others.

44. Notwithstanding anything contained in this Act the following agreements (namely):—

(a) the agreement dated the sixteenth day of April nineteen hundred and thirty-one and made between Edmund George Wheeler and Charles Edward Godwin of the one part and the Corporation of the other part;

(b) the agreement dated the seventeenth day of April nineteen hundred and thirty-one and made between the Corporation of the one part and Harry Lovegrove Harry Chandler Lovegrove and George Walter Lovegrove of the other part;

(c) the agreement dated the twenty-first day of April nineteen hundred and thirty-one and made between the trustees of the Chamberlayne Estate of the one part and the Corporation of the other part; and

(d) the agreement dated the twelfth day of June nineteen hundred and thirty-one and made between John Ure Colville King the receiver and liquidator of Shears and Sons Limited (in liquidation) of the one part and the Corporation of the other part;

are hereby confirmed and made binding upon the parties thereto respectively and shall be carried into effect.

Prohibition against supply in bulk.

45. If and so long as the Corporation are exercising the powers of the section of this Act of which the marginal note is "Power to take waters" the Corporation shall not supply water in bulk beyond the water limits.

46.—(1) The limits within which the Corporation may supply water are hereby extended so as to include the part of the parish of Compton in the rural district of Winchester in the county of Southampton which is described in the section of this Act of which the marginal note is “As to water limits of Winchester Water and Gas Company” and also so much of—

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—
Extension
of water
limits.

- (a) the parish of Minstead in the rural district of New Forest;
- (b) the parish of Owslebury in the rural district of Winchester; and
- (c) the parish of Upham in the rural district of Droxford;

all in the county of Southampton as is hatched red upon the map signed in triplicate by the Right Honourable the Earl of Wemyss and March the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred one copy of which has been deposited in the Parliament Office of the House of Lords one copy in the Committee and Private Bill Office of the House of Commons and one copy with the town clerk.

(2) Subject to the provisions of this Act the Corporation shall have and may exercise within the areas mentioned in subsection (1) of this section (in this Act referred to as “the added limits”) all and the like powers privileges and authorities for and in relation to the supply of water and be subject to all and the like duties and obligations in respect thereof as they now have and are subject to within the existing water limits.

(3) The provisions of section 18 (For protection of Winchester Water and Gas Company) of the South Hants Water Act 1910 shall extend to and apply within the added limits.

(4) The provisions of section 7 (For protection of Southampton County Council) of the South Hants Water Act 1899 as amended by the Act of 1921 shall extend to and apply within the added limits and in their application within the added limits the said provisions shall be read and have effect as if county roads had been therein referred to instead of main roads.

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As to water limits of Winchester Water and Gas Company.

47.—(1) The part of the parish of Compton which is described in this section (being the part of such parish included within the added limits) shall cease to be within the limits of supply of the Winchester Water and Gas Company and notwithstanding anything contained in the Winchester Water and Gas Act 1865 or any other Act all rights and obligations of that company with respect to the supply of water in that part of the said parish shall cease and determine.

(2) The part of the parish of Compton referred to in this section comprises the enclosure 67 on the 1/2500 Ordnance map of that parish (sheet XLIX-8 edition 1909) and so much of enclosure 68 on the said map as was not immediately before the passing of this Act within the existing water limits.

Power to local authority &c. to supply water in case Corporation fails to supply.

48. If after the expiration of five years from the passing of this Act the Corporation are not furnishing or prepared on demand to furnish a sufficient supply of water in accordance with the provisions of this Act throughout so much of the district of any local authority as is within the added limits the local authority of that district may provide throughout such portion of the district as aforesaid a supply in accordance with the provisions of the Public Health Act 1875 or the local authority or any company body or person may apply for an Act of Parliament or Provisional Order for the purpose of supplying water in any part of the said portion of such district not sufficiently supplied by the Corporation and for the repeal of the powers of the Corporation in that behalf.

If any difference shall arise between the Corporation and any such local authority company body or person as to the sufficiency of the supply of water in any part of the said portion of such district such difference shall be settled by an arbitrator to be appointed on the application of either party by the Minister.

Cisterns to be provided for high level supplies.

49. The Corporation shall not be required to supply with water any premises erected after the passing of this Act on land at a higher level than fifty feet below the top water level of the service reservoir from which such supply would otherwise be furnished thereto by them until such premises have been provided with a cistern

or cisterns capable of containing a total quantity of water sufficient to provide an adequate supply therefor for a period of twenty-four hours. A.D. 1931.

50.—(1) The power of making byelaws conferred by section 39 (Byelaws for preventing waste of water) of the Act of 1921 shall extend to enable the Corporation to make byelaws as to the testing and stamping of valves fittings and other apparatus and prescribing the charge to be made for such testing and stamping. Extension of powers for preventing waste &c. of water.

(2) Any person who shall forge or counterfeit any stamp or mark used by the Corporation or by the authority of the Corporation for any of the purposes of this section or who shall use or supply anything marked with any such stamp or mark knowing the same to be forged or counterfeited shall for every such offence be liable to a penalty not exceeding twenty pounds.

(3) Nothing in this section or in any byelaw made thereunder shall apply to any valves pipes fittings or apparatus used on any premises (not being or being used as a hotel or dwelling-house) belonging to and forming part of the railway or any station or depot adjoining the railway or railway sidings or of the docks of the Southern Railway Company.

51.—(1) When water supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in premises where horses carriages or motor cars are kept the Corporation may if a hose-pipe or other similar apparatus is used either— Charges for hose-pipes and refrigerating apparatus.

- (a) charge any additional sum not exceeding twenty-five shillings per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings per annum for each motor car beyond the first; or
- (b) if they think fit require that all water so used shall be taken by meter on the conditions and paid for at the rates for the time being in force for the supply of water by the Corporation by meter or on such other terms as may be agreed.

The additional sums chargeable under paragraph (a) of this subsection shall be paid quarterly in advance and be recoverable in all respects with and as the rate for the supply of water for domestic purposes to the premises.

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(2) Where a person who takes a supply of water from the Corporation for any purpose desires to use the water so supplied for or in connection with a refrigerating or cooling apparatus or for or in connection with any apparatus depending for proper use upon a constant supply of running water the Corporation may if they think fit require that all water used for or in connection with the said apparatus shall—

(a) be taken by meter on the conditions and at the rates for the time being in force for the supply of water by the Corporation by meter and if the person only takes a supply for domestic purposes the minimum quarterly charge for the water so taken by meter shall not exceed ten shillings; or

(b) be paid for at such rates as may be agreed between the person and the Corporation.

(3) The sums or rates to be charged by the Corporation under this section shall throughout the water limits be the same for corresponding supplies in similar circumstances.

(4) Section 34 (Charges for hose-pipes) of the Act of 1921 is hereby repealed.

Special
terms for
supplies to
caravans &c.

52. Notwithstanding anything in any Act or Order relating to the Corporation a person shall not be entitled to demand or continue to receive from the Corporation a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Corporation to take such supply by meter or on such terms as he and the Corporation shall agree and unless he has secured to the reasonable satisfaction of the Corporation by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

Corporation
to connect
communica-
tion pipes
with mains.

53. Notwithstanding anything contained in any Act or Order relating to the Corporation the Corporation shall have the exclusive right of executing any works on any of the water mains of the Corporation for connecting any communication pipe therewith and the Corporation shall on the request in writing of any owner or occupier of any premises who is entitled to be supplied

with water by the Corporation execute on any such main any work which shall be necessary to connect the communication pipe of such owner or occupier therewith and the reasonable charges of the Corporation for so doing shall be repaid by the owner or occupier so requesting and shall be recoverable summarily as a civil debt. A.D. 1931.
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54. In the case of all buildings erected after the passing of this Act within the water limits and connected with the mains of the Corporation the Corporation may require the owner at the time when the communication pipes are laid to insert or to have inserted therein a stop-cock in some position as near as is reasonably possible to the main of the Corporation from which the supply is given to the said premises and if such owner make default the Corporation may so insert a stop-cock and recover the expense of so doing from the owner. Stop-cocks to be fitted in communication pipes.

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

Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and also be liable to a penalty under this section.

56. The Corporation by their agents or workmen after forty-eight hours' notice in writing under the hand of the waterworks engineer or some other officer of the Corporation to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Corporation is laid down or fixed and Power to remove meters and fittings.

A.D. 1931.

through or in which the supply of water is from any cause other than the default of the Corporation discontinued for the space of forty-eight hours may enter such house building or land between the hours of nine in the morning and four in the afternoon or with the authority in writing of a justice at any other time for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

Penalty for
turning on
valves &c.

57. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Corporation who shall without the authority of the Corporation turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Corporation and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 (Penalty for destroying valves drawing off water &c.) of the Waterworks Clauses Act 1847.

Penalty for
closing
valves &c.

58. Every person who shall wilfully (without the consent of the Corporation) or negligently close or shut off any valve cock or other work or apparatus belonging to the Corporation whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Corporation) be liable to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage thereby sustained by them:

Provided that this section shall not apply to a consumer closing the valve fixed on his communication pipe.

PART V.

TRANSPORT.

Through
carriages
and public
service
vehicles.

59. The Corporation may run through carriages along any of the routes of the tramways of the Corporation or any specified portion thereof and through public service vehicles along any route on which the Corporation are for the time being authorised to run

public service vehicles and such carriages and public service vehicles shall be distinguished from other carriages and public service vehicles in such manner as may be directed by the Corporation and they may demand and take for every passenger carried on such carriages and public service vehicles a fare or charge not exceeding the maximum fare or charge authorised for and in respect of the whole of such route or the whole of the portion thereof traversed by any such carriage or public service vehicle :

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Provided that during the running of such through carriages or public service vehicles the Corporation shall maintain a reasonably sufficient ordinary service of carriages or public service vehicles as the case may be :

Provided also that nothing in this section shall be in derogation of the provisions of Part IV of the Road Traffic Act 1930.

60. The Corporation may erect and maintain sheds shelters and waiting-rooms for the accommodation of passengers on any public service vehicle routes and may use for that purpose portions of the public streets or roads due regard being had to the convenience of the general traffic along any such street or road but shall not use for the purpose any part of the highway outside the borough without the consent of the local and road authorities.

Shelters or
waiting-
rooms.

61. The Corporation may provide cloakrooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depot or building used by them in connection with their tramway and public service vehicle undertakings and at suitable places on the routes of their tramways and public service vehicles and may make charges for the use of such cloakrooms rooms and sheds and for the deposit of articles and bicycles tricycles and other vehicles therein but shall not use for the purpose any part of the highway without the consent of the road authority.

Cloakrooms
&c.

62.—(1) The Corporation may attach to any lamp-post pole standard or other similar erection erected on or in the highway or on or near to any of the tramways or public service vehicle routes of the Corporation signs or directional signs indicating the position of stopping places for tramcars and public service vehicles :

Attachment
of signs
indicating
stopping
places to
lamp-posts
&c.

A.D. 1931.

Provided that in cases where the Corporation are not the owners of such lamp-post pole standard or similar erection they shall give notice in writing of their intention to attach thereto any such sign or direction and shall make compensation to the owner for any damage or injury occasioned to such lamp-post pole standard or similar erection by such attachment and the Corporation shall indemnify the said owner against any claim for damage occasioned to any person or property by or by reason of such attachment.

(2) Nothing in this section shall be deemed to require the said owner to retain any such lamp-post pole standard or similar erection when no longer required for his purposes.

(3) The Corporation shall not attach any such sign or direction to any pole post or standard belonging to the Postmaster-General except with his consent in writing.

(4) The Corporation shall not attach any such sign or direction to any lamp-post pole standard or any similar erection belonging to any railway company without the consent of such company in writing.

(5) The Corporation shall not attach any such sign or direction to any pole post standard or similar erection belonging to the Central Electricity Board or the Winchester Water and Gas Company without the consent in writing of that board or company (as the case may be).

(6) The exercise of the powers conferred upon the Corporation by this section shall be subject to any regulations made by the Minister of Transport with respect to traffic signs in pursuance of section 48 of the Road Traffic Act 1930.

63.—(1) Where the Corporation consider that any tree hedge or shrub overhangs any street outside the borough so as to be likely to obstruct or interfere with the passage of their public service vehicles or to obstruct the view of drivers thereof the Corporation may require the authority by whom powers may be exercised under section 23 of the Public Health Act 1925 to exercise those powers in respect of the trees hedges or shrubs to which the requisition refers.

(2) If the said authority have not adopted the said section or (having adopted the said section or being a county council) refuse or neglect to exercise those powers in accordance with the said requisition the Corporation may apply to the Minister for and the Minister may make an order conferring on the Corporation all or any of the powers under the said section in respect of the street or streets in which the said trees hedges or shrubs are situated.

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(3) On the making of such order any authority having powers under the said section 23 shall during the continuance of the order cease to exercise such powers in respect of the said street or streets to the extent to which they have been conferred on the Corporation.

64. If any obstruction to the traffic on any of the tramways of the Corporation is 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
obstructions.

65. The Corporation shall not without the consent of the Southern Railway Company exercise the powers of the sections of this Part of this Act of which the marginal notes are "Shelters or waiting-rooms" and "Cloakrooms &c." upon any bridge or road belonging to or maintained by that company or so as to interfere with or render less convenient the access to or exit from any station of that company or any depot of that company adjacent to their railway or any dock premises of that company.

Saving for
Southern
Railway
Company.

PART VI.

ELECTRICITY.

66. The Corporation may upon the application of the owner or occupier of any premises within the electricity limits abutting on or being erected in any

Power to
lay electric
mains in
private
streets.

A.D. 1931. street laid out or made and whether dedicated to the public use or not lay down place take up alter relay or renew in across or along such street such mains wires and apparatus as may be requisite or proper for furnishing a supply of electricity to such premises and the provisions of the Electricity (Supply) Acts 1882 to 1928 and of the schedule to the Electric Lighting (Clauses) Act 1899 with respect to the breaking up of streets for the purpose of laying mains so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof and to any works constructed or executed by the Corporation under the provisions of this section :

Provided that the powers of this section shall not be exercised in respect of any street belonging to and forming the approach to any station or depot of the Southern Railway Company or any street forming part of the dock premises of that company except with the consent of that company nor shall the Corporation in carrying out any works authorised by this section unreasonably obstruct or interfere with the convenient access to any such street.

Provisions
as to supply
of electricity
by agree-
ment.

67.—(1) If any consumer of electricity supplied by the Corporation under the terms of any agreement uses the electricity supplied to him by the Corporation in any manner contrary to the terms of such agreement—

- (a) the Corporation may if they think fit discontinue to supply electricity to such consumer;
- (b) the consumer shall in respect of all the electricity supplied to him by the Corporation within one year previous to the date of any demand in that behalf made upon him by the Corporation (whether they determine to discontinue the supply or not) be liable to pay the Corporation at any higher rate which they may for the time being be charging for the supply of electricity for use in the manner or under the conditions in or under which such consumer used the electricity supplied to him; and

(c) the Corporation in any case in which they
discontinue the supply as aforesaid shall not
be required to resume the supply until—

A.D. 1931.

(i) they are satisfied that any electricity
supplied to such consumer will be consumed
in accordance with the terms of such
agreement; and

(ii) the consumer has paid to the Corpora-
tion the sum payable by him pursuant to the
foregoing paragraph (b):

Provided that before discontinuing any such supply
the Corporation shall give to the consumer taking the
same seven days' notice in writing of their intention so to
do and shall in such notice specify the respect in which
the electricity is used contrary to the terms of such
agreement.

(2) A consumer supplied with electricity by the
Corporation under the terms of any agreement shall
be deemed to be a person to whom the Corporation
may be and are required to supply energy within the
meaning of section 30 (Penalty for failure to supply)
of the schedule to the Electric Lighting (Clauses) Act
1899 and the provisions of that section shall apply to
the supply afforded by the Corporation under such
agreement unless the provisions of that section are
expressly excluded from application in that agreement
and if the Corporation fail to supply energy to such
consumer they shall not be liable for any damages occa-
sioned to such consumer by reason of such failure unless
the same is caused by or in consequence of the wilful
neglect or default of the Corporation:

Provided that the provisions of this subsection
shall not operate to deprive any consumer of electricity
supplied by the Corporation under the terms of any
agreement existing at the passing of this Act of any
right to which he would be entitled but for the said
provisions.

68.—(1) No consumer to whom electricity is
supplied by the Corporation shall without the consent
in writing of the Corporation use or suffer to be used
(whether after transformation or conversion or not)
for purposes of lighting or illuminating or for any process
operation or purpose involving or requiring the use of

Use for
lighting
purposes of
electricity
supplied for
other
purposes.

A.D. 1931. light (all of which purposes are in this section referred to as "lighting purposes") any electricity supplied to him by the Corporation for any other purpose.

(2) Any consumer who without such consent shall use or suffer to be used for lighting purposes electricity supplied to him by the Corporation through a meter fixed for the purpose of ascertaining the value of the supply to him of electricity agreed to be supplied to him for any purpose other than lighting purposes shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and shall in addition be liable to pay the Corporation at such higher rate as they may for the time being be charging for the supply of electricity for the purpose for which the electricity is used by the consumer for all or any portion of the electricity which has been supplied to him for any other purpose within one year previous to the date when the Corporation shall sue for any penalty as aforesaid.

(3) Any court having jurisdiction to impose such penalty may and on the application of the Corporation shall decide as to the portion (if any) of such electricity in respect of which the higher charge as aforesaid shall be payable to the Corporation.

(4) The provisions of section 18 (Power to refuse to supply electrical energy in certain cases) of the Electric Lighting Act 1909 shall apply to any person whom the Corporation have reasonable grounds for believing to be acting contrary to the provisions of this section.

As to use
of trans-
formers.

69. Where a separate transformer is provided at the expense of the Corporation for the purpose of affording a supply of electricity to any consumer the Corporation may use such transformer for the purpose of affording a supply of electricity to other consumers so long as such use does not prejudice or interfere with the supply for which such transformer was originally provided.

Period of
error in
defective
meters.

70.—(1) In the event of a meter of a construction and pattern approved by the Board of Trade or the Minister of Transport used by any consumer of electricity being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the

then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. A.D. 1931.

(2) The amount of the allowance to be paid to or of the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and in the case of a surcharge shall be recoverable in the like manner as charges for electricity are recoverable by the Corporation.

71.—(1) A notice to the Corporation from a consumer for the discontinuance of a supply of electricity shall not be of any effect unless it be in writing signed by or on behalf of the consumer and left at or sent by post to the offices of the electricity undertaking. Notice to
discontinue
supply of
electricity.

(2) Notice of the effect of this section shall be endorsed upon every demand note for charges for electricity.

72. The Corporation may levy and recover such charges as they think fit for taking the reading of any electricity meter fixed in a house which is either in whole or in part let furnished at the request of and for the convenience of consumers at times other than those of the periodical readings : Charges for
special
readings of
electricity
meters.

Provided that such charges shall not exceed the sum of two shillings for each reading.

73.—(1) For the purpose of preventing fire or injury to persons in any building or premises supplied or proposed to be supplied with electricity by the Corporation the Corporation may make byelaws with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings required or used in any such building or premises for the purpose of such supply and may refuse to supply electricity or cut off and discontinue the supply of electricity to any building or premises in respect of which such byelaws are not complied with. Byelaws as
to wires
apparatus
and fittings.

(2) The provisions of section 6 of the Electric Lighting Act 1882 shall apply to any byelaws made under this section.

(3) Nothing in this section or in any byelaw made thereunder shall apply to or in respect of any building

A.D. 1931.

or premises (not being or being used as a hotel or dwelling-house) belonging to and forming part of the railway or any station or depot adjoining the railway or railway sidings or of the docks of the Southern Railway Company.

Power to
cut off
supplies
where
charges
&c. not
wholly paid.

74. The powers of the Corporation under section 21 of the Electric Lighting Act 1882 of cutting off supplies of electricity and cutting or disconnecting electric lines or works and of recovering the expenses incurred in such cutting off shall be exerciseable in any case in which any part of any charge or sum due to the Corporation for electricity supplied by them or in respect of any installation apparatus or fitting let on hire by the Corporation or supplied by them on hire purchase terms and which the Corporation are under obligation to maintain remains unpaid after the expiration of such period from the date of demand thereof as the Corporation may from time to time determine.

Power to
recover cost
of cutting
off supplies.

75. In any case in which the Corporation lawfully cut off a supply of electricity by reason of any act omission or default of a consumer or any other person they may recover from the person to whom the supply was theretofore furnished or from any other person on account of whose act omission or default such supply was cut off the reasonable expenses incurred by them in such cutting off in like manner as charges for electricity are recoverable by the Corporation.

Service of
electricity
demand
notes.

76. 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.

Receipts
and
expenses.

77.—(1) Any expenses incurred by the Corporation in carrying into effect the provisions of this Part of this Act and not otherwise provided for shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of sections 7 and 8 of that Act shall extend and apply accordingly to such expenses.

(2) Any moneys received by the Corporation under this Part of this Act shall be deemed to be moneys received in respect of the electricity undertaking and shall be applicable accordingly.

PART VII.

A.D. 1931.

TRANSFER OF ITCHEN UNDERTAKING.

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

Definitions
in Part VII
of Act.

“The Itchen Acts” means the Itchen Floating Bridge Acts passed in the years 1863 1868 and 1872 and includes the provisions set out in the schedule to the Itchen Floating Bridge Act 1863;

“The company” means the Company of Proprietors of the Southampton and Itchen Floating Bridge and Roads;

“The undertaking” means the undertaking of the company and includes their ferry rights bridges and roads and all lands property rights powers privileges exemptions and interests of every description vested in or exerciseable or enjoyed by the company under or by virtue of the Itchen Acts or exerciseable used or enjoyed by them as the owners of or in connection with their bridge and roads howsoever the same may have been acquired or are held used exercised or enjoyed but does not include any stocks funds or securities in which on the day of transfer the reserve fund of the company is invested nor any cash of the company in hand or at their bank on that day nor such of the minute books books of account and other books and papers belonging to the company as may properly be required by them for the purposes of the winding up and dissolution of the company and any other property of the company which the company and the Corporation may by writing under their respective common seals agree to exclude.

79.—(1) The company shall sell to the Corporation and the Corporation shall purchase the undertaking for such price or consideration and upon and subject to such terms and conditions as may be agreed between the company and the Corporation or as failing such agreement

Acquisition
of under-
taking.

A.D. 1931. shall be determined by arbitration in accordance with the provisions of the Lands Clauses Acts other than the Acquisition of Land (Assessment of Compensation) Act 1919 and those provisions shall apply as if the undertaking were land which the Corporation are authorised to acquire compulsorily :

Provided that for the purpose of ascertaining the maintainable net revenue of the company in connection with any arbitration for determining the price to be paid by the Corporation to the company for the undertaking the net revenue of the company for the year nineteen hundred and thirty is not to be taken into account :

Provided further that the said matters shall be determined by a single arbitrator agreed between the parties or failing such agreement appointed on the application of either party by the President of the Institution of Civil Engineers.

(2) The sale and transfer under this section shall be carried into effect on such day as may be agreed between the Corporation and the company or failing agreement on the quarter day next occurring after the amount of the price or consideration has been determined either by agreement or by arbitration in pursuance of this Act and such day is in this Act referred to as "the day of transfer."

(3) The Corporation shall serve upon the company notice to treat in respect of the undertaking not later than on the thirty-first day of December nineteen hundred and thirty-two.

Existing
officers and
servants.

80.—(1) Every officer and servant who having been on the first day of January nineteen hundred and thirty-one in the whole time employment of the company is immediately before the day of transfer in the whole time employment of the company (in this section referred to as an "existing officer" and an "existing servant") shall as from the day of transfer become an officer or servant of the Corporation and shall hold his office or situation by the same tenure and upon like terms and conditions under the Corporation as he would have held the same under the company if

the transfer of the undertaking had not taken place and while performing the same duties shall receive not less salaries wages or pay than he would have been entitled to from the company if the transfer of the undertaking had not taken place. A.D. 1931.

(2) Every existing officer and existing servant shall perform such duties in connection with the undertaking as they may be required to perform by the Corporation.

(3) The Corporation may abolish the office or situation of any existing officer or existing servant which they deem unnecessary and any existing officer or existing servant required at any time within a period of five years after the day of transfer to perform duties such as are not analogous or which are an unreasonable addition to those which as an officer or servant of the company in connection with the undertaking he was required to perform may relinquish his office or service.

(4) Every existing officer or existing servant whose office is so abolished or who so relinquishes his office or service as aforesaid or who otherwise suffers any direct pecuniary loss in consequence of the undertaking being transferred to the Corporation shall be entitled to be paid by the Corporation compensation for such pecuniary loss.

(5) If within a period of five years after the day of transfer the services of any existing officer or existing servant are dispensed with by the Corporation because his services are not required and not on account of misconduct or incapacity or the salary of any existing officer or existing servant is reduced on the ground that his duties have been diminished in consequence of the undertaking being transferred to the Corporation the officer or servant shall be deemed unless the contrary is shown to have suffered direct pecuniary loss in consequence of the transfer of the undertaking to the Corporation.

(6) In determining the compensation payable to any person who becomes entitled to compensation in pursuance of this Act the provisions of the Eighth Schedule to the Local Government Act 1929 shall

A.D. 1931. apply subject to the following and any other necessary modifications:—

- (a) any reference in that schedule to an officer shall be construed as a reference to an existing officer or an existing servant as the case may be as defined in this section;
- (b) any reference in that schedule to the council shall be construed as a reference to the Corporation;
- (c) any reference in that schedule to the appointed day shall be construed as a reference to the day of transfer.

(7) The Corporation shall on the day of transfer pay to such of the part time officials of the company whose names and descriptions are set out in the First Schedule to this Act as shall be in the employment of the company immediately before the day of transfer the several amounts set out in such schedule opposite their names.

Company to be entitled to receipts and to pay outgoings until transfer.

81.—(1) The company shall be entitled to all tolls rents profits and sums of money accrued due in respect of the undertaking up to the day of transfer (other than such as represent sums paid in advance in respect of any period after the day of transfer) and shall discharge all liabilities and outgoings up to that day.

(2) As from the day of transfer all liabilities and outgoings incurred in respect of the undertaking after that day shall be borne and paid by the Corporation who shall be entitled as from that day to all tolls rents profits and sums of money in respect of the undertaking.

Exercise of company's powers until transfer.

82. Until the day of transfer the company shall maintain and carry on the undertaking as heretofore in the ordinary course of business but the company shall not without the previous consent of the Corporation in writing under the hand of the town clerk raise any further capital or borrow money or issue debenture stock or make or enter into any new contract agreement liability or other obligation in respect of the undertaking which shall extend beyond the day of transfer.

83. The transfer and sale of the undertaking shall be carried into effect by a deed which may be in the form set forth in the Second Schedule to this Act or to the like effect or in such other form as may be agreed between the company and the Corporation and on the execution of the deed by the Company the undertaking shall by virtue of the deed and of this Act be transferred to and become vested in the Corporation.

A.D. 1931.

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Deed of transfer.

84.—(1) All debts and liabilities upon or affecting the undertaking or due from or payable by the company which at the day of transfer shall remain undischarged unpaid or unsatisfied shall be discharged paid or satisfied by the company and all mortgages bonds and charges shall be discharged paid or satisfied by the Corporation.

Liabilities to be defrayed by company.

(2) If at the day of transfer any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the company the same shall not abate or be discontinued or in any wise prejudicially affected by reason of the transfer or of anything in this Act but the same may be continued prosecuted and enforced by against or in favour of the company as and when it might have been continued prosecuted and enforced by against or in favour of them if this Act had not been passed.

(3) In arriving at the amount of the price or consideration to be paid for the acquisition of the undertaking the arbitrator shall have regard to the liability (if any) of the Corporation under this section.

85. Subject to the provisions of this Act and to any agreement that may be entered into between the Corporation and the company all agreements conveyances contracts deeds and other instruments entered into or made with or by the company and in force at the day of transfer shall be as binding and of as full force and effect in every respect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the company the Corporation had been a party thereto.

Contracts with company to be binding on Corporation.

86. All books and documents which if the transfer had not been made would have been evidence in respect of any matter for or against the company shall

Books &c. to remain evidence.

A.D. 1931. — be. admitted in evidence in respect of the same or the like matter for or against the Corporation.

Distribution of assets of company.

87. Forthwith after the day of transfer the directors of the company shall proceed to wind up the affairs of the company and realise their assets and after discharging paying and satisfying the liabilities upon or affecting the undertaking or due from or payable by the company and the settlement of outstanding actions (including the costs and expenses of and incidental to the winding up of the affairs of the company and carrying into effect the purposes of this Act) shall pay to and among the several persons who at the day of transfer are the registered holders of preference shares in the capital of the company or their respective executors administrators or assigns the nominal amount of such shares held by them respectively and thereafter shall pay and distribute the net moneys remaining in their hands and available for distribution to and among the several persons who at the day of transfer are the registered holders of shares in the ordinary capital of the company or their respective executors administrators or assigns according to the amount of the shares held by them respectively.

Company to wind up affairs.

88.—(1) (a) From and after the day of transfer the company shall continue to exist only for the purpose of discharging the liabilities upon or affecting the undertaking or due from or payable by the company and for the purpose of bringing defending settling or compounding any actions accrued or accruing and of receiving and recovering the purchase money payable to the company in accordance with the provisions of this Act and of winding up the affairs of the company and carrying into effect the purposes of this Act so far as they relate to the company and the company may and they are hereby empowered so to do by resolution duly passed at a special assembly of the shareholders allocate and set aside out of the said purchase money or out of the reserve fund or other funds or assets of the company such a sum as they may think fit as compensation to the directors for loss of office and such sum shall be paid to and divided among the directors in such proportions as the directors or the majority of them may decide.

(b) The directors who are in office on the day of transfer and the survivor or survivors of them shall continue without re-election to hold the office of directors and they or a majority of them shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes of this section. If before the completion of the winding up the number of directors be reduced by death resignation or otherwise below three the continuing directors shall from time to time choose a shareholder or shareholders of the company to fill the vacancy or vacancies so caused. A.D. 1931.

(2) For the purpose of the payment and distribution of the assets of the company remaining in the hands of the directors the several persons whose names shall appear in the books of the company at the day of transfer as the proprietors of shares therein shall unless the contrary be proved to the satisfaction of the directors be considered to be shareholders of the company and the receipt in writing of such persons or of their executors administrators or assigns or of the committee or guardian of the estate of any such person who shall be an idiot lunatic or minor shall be an effectual discharge to the company and the directors for the money therein expressed to be received and shall exonerate them from any obligation affecting the shares or interest in respect whereof that money is paid.

(3) If the directors are for six months after the day of transfer unable after diligent inquiry to ascertain the person to whom any money ought to be paid or who can give an effectual receipt for the same or if there is no person able to give an effectual receipt therefor the directors shall pay the said money into the High Court or where the amount does not exceed five hundred pounds into the county court of Southampton holden at Southampton under any Act for the time being in force for the relief of trustees and every such payment into court shall effectually discharge the company and the directors from all further liability with respect to the money so paid in.

89. When and so soon as the company shall have completed the winding up of their affairs (as to which a certificate in writing under the hands of any two or Dissolution of company.

A.D. 1931. — more of the directors and the clerk of the company shall be filed with the clerks of the peace for the borough and for the county of Southampton and shall be conclusive evidence) the company shall by virtue of this Act be dissolved and cease to exist.

Upon the dissolution of the company the minute books books of account and other books and papers retained by them shall be transferred to the Corporation.

Application
of Itchen
Acts.

90.—(1) As from the day of transfer the Itchen Acts except the provisions relating to the constitution and capital of the company and except the provisions hereinafter mentioned shall apply and have effect as if the Corporation were referred to therein instead of the company.

(2) As from the day of transfer the following provisions shall cease to have effect:—

The Itchen Bridge and Roads Act 1834—

Section XXXVII (Parishes not to be liable to the repairs of roads);

Section LXXV (Roads to be measured and milestones and direction posts &c. to be set up).

The Itchen Bridge and Roads Acts Amendment 1839—

Proviso to section II (Power to purchase lands roads &c.).

The Southampton and Itchen Floating Bridge and Roads Acts Amendment 1851—

Section IX (Instead of paying off mortgages rateably company may do so by lot);

Section X (Saving rights of the mortgagees of the company);

Section XLVI (Power to order an engineer to inspect the condition of the bridge and works);

Section XLIX (For giving effect to the proviso for re-entry);

Section L (Purchasers' covenants to run with the lands).

The Itchen Floating Bridge Act 1863— A.D. 1931.

- Section 67 (Power to take roads tolls);
Section 68 (Roads tolls to be taken once a day only);
Section 69 (Persons crossing river by bridge or boats exempted from roads tolls);
Section 79 (Power to obtain from discharged collector possession of toll-house &c.);
Section 86 (Husbandry exemptions from roads tolls);
Section 87 (Other exemptions from toll);
Section 89 (Tolls may be distrained for);
Section 90 (For settling differences concerning tolls);
Section 95 (Penalties for offence by toll collector);
Section 98 (Penalty for offences as to bridge &c. as under General Turnpike Acts);
Section 100 (Penalty for destroying bridge &c.);
Section 103 (For securing offenders whose names &c. are unknown);
Section 104 (Justices may act in both counties).

91. As from the day of transfer—

- (1) So much of the roads included in the undertaking as is situate in the borough shall be highways repairable by the inhabitants at large within the meaning of the Public Health Act 1875 : As to vesting &c. of roads.
- (2) So much of the roads included in the undertaking as is situate outside the borough shall be vested in the county council and be deemed to be county roads within the meaning and for the purposes of the Local Government Act 1929 Provided that—
- (a) the Corporation shall make good so much of the said roads as aforesaid at their existing widths to such standard

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and in accordance with such specifications as may be agreed between the county council and the Corporation or as failing agreement shall be settled by the Minister of Transport having regard to the traffic which is using the same;

(b) if such making good is not completed before the day of transfer such vesting as aforesaid shall not take effect until the date of such completion; and

(c) as from the date of such vesting as aforesaid the Corporation shall not be under any obligation in regard to any road so vested:

(3) No tolls shall be demanded or taken in respect of the user of any such roads.

Taking and recovery of tolls.

92. As from the day of transfer the tolls to be demanded and taken by the Corporation under the powers of this Part of this Act shall be paid to such persons and at such places and in such manner as the Corporation shall appoint and the Corporation may recover any unpaid tolls in a summary manner as a civil debt or by action in any court of competent jurisdiction.

Repeal of provisions of Act of 1928.

93. The provisions of the Southampton Corporation Act 1928 so far as they relate to the undertaking are hereby repealed.

Accounts to be furnished to Minister of Transport.

94. The Corporation shall in every year after the day of transfer within three months after the close of their financial year or such longer period as the Minister of Transport may allow furnish to the Minister of Transport a copy of the annual accounts of the undertaking.

PART VIII.

STREETS BUILDINGS AND DRAINS.

Byelaws as to intersecting streets.

95. The power of the Corporation to make byelaws with respect to new streets under section 157 of the Public Health Act 1875 shall extend to enable them to require intersecting streets in connection with the

laying out of new streets at such intervals as the byelaws may determine. A.D. 1931.

For the purposes of this section "intersecting street" means a side or cross street forming a junction with another street.

96. The Corporation may enter into and carry into effect agreements with any owner of land to give up land for the purpose of widening opening enlarging or otherwise improving any 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. Adjustment of boundaries of streets.

For the purposes of this section the Corporation shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey the same in accordance with an agreement entered into in pursuance of this section :

Provided that notwithstanding any agreement entered into under this section 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 under any such agreement as if the same had continued to be part of the street :

Provided further that if the Corporation or the owner of the land desires an alteration of any such telegraphic line the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such 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.

97. The Corporation may if they think fit in any case vary the relative widths of the carriageway and footway or footways in any street in the borough repairable by the inhabitants at large : Power to determine width of carriageways and footways.

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Provided that twenty-one days before commencing any work under this section which will materially reduce the width of any carriageway or footway the Corporation shall send notice of the proposed work to the Minister of Transport.

Powers as
to future
line of
street.

98.—(1) The Corporation may at any time after prescribing the improvement line of any street in pursuance of the power conferred upon them by section 33 (Power to prescribe improvement line for widening streets) 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 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 :

Provided that this section shall not apply in respect of any improvement line prescribed by the Corporation before the twentieth day of November nineteen hundred and thirty and shall not apply to any land specifically authorised by Parliament to be used by the Southampton Gaslight and Coke Company for the manufacture distribution or storage of gas or to any building or erection upon land used by the said company for those purposes.

(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.

99.—(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 : Temporary stoppage of streets.

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.

100. The Corporation may from time to time place repair renew and maintain and (when they think fit) remove fences rails and posts on the sides of any footways or carriageways adjacent to the entrances to or exits from any schools public parks recreation grounds alleyways or passageways within the borough for the purpose of preventing danger to children from traffic. Power to place fences near school entrances &c.

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Police
telephone
call boxes
and fire
alarms.**101.**—(1) The Corporation may—

- (a) erect or fix and maintain police telephone call boxes and shelters or boxes for the use of police officers in such positions in any street or public place within the borough as they think fit;
- (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 or public place in the district of any local authority with whom the Corporation shall 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) Any person who shall knowingly and improperly use or cause to be used by means of any false or malicious statement message or otherwise any telephone in any such police telephone call box shall be liable to a penalty not exceeding five pounds.

(3) The Corporation shall not under the powers of this section erect fix or maintain any box shelter or fire alarm in any street belonging to or maintainable by the Southern Railway Company or so as to interfere with or render less convenient the access to or exit from any station depot or premises of that company.

Restrictions
on ad-
vertisement
hoardings.

102.—(1) For the purpose of preserving the amenities of the borough it is hereby enacted that it shall not be lawful to erect any hoarding or similar structure in or abutting on or adjoining any street 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.

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(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) (a) Any person aggrieved by the refusal of the Corporation to grant such consent or by the conditions attached to such consent may within fourteen days from the date of such refusal or grant (as the case may be) appeal to a court of summary jurisdiction.

(b) Any person so appealing shall 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 in the matter as the court may think fit and to award costs.

103. The Corporation may by notice in writing require the owner of or other person using any hoarding wall fence or similar structure for advertising purposes to maintain the same and any advertising matter thereon in good order and condition and if any such owner or person 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 from such owner or person any expense incurred by them in so doing.

Repair of
hoardings.

104.—(1) Before placing or erecting any hoarding wall (not being a wall forming part of the structure of a permanent edifice) fence or similar structure at or within a distance of ten yards from the corner of any street the person proposing to place or erect such hoarding wall fence or similar structure shall give notice of his intention so to do to the Corporation and such notice shall be accompanied by plans and particulars of the hoarding wall fence or similar structure proposed so to be placed or erected.

As to erection of
hoardings
&c. at street
corners.

(2) If the placing or erection of such hoarding wall fence or similar structure would in the opinion of the Corporation constitute a danger to traffic by obstructing the view of any foot passenger or the driver of any vehicle in a street of vehicular or pedestrian traffic the Corporation may within one month of the receipt of the said notice prohibit such placing or erection or may allow

A.D. 1931. the same subject to such conditions or modifications of the said plans and particulars as they may think fit. If within one month of the receipt of the said notice the Corporation shall not have prohibited such placing or erection or allowed the same subject to a condition or to a modification of such plans or particulars they shall be deemed to have allowed such placing or erection.

(3) Any person who places or erects any hoarding wall fence or similar structure in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and the Corporation may remove the hoarding wall fence or similar structure so placed or erected and may recover the expense incurred by them in so doing from such person.

(4) (a) Any person aggrieved by any requirement or prohibition or by the withholding of any approval of or by the Corporation under this section may within fourteen days from the date of such requirement prohibition or refusal of approval appeal to a court of summary jurisdiction.

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

(5) For the purposes of this section the corner of any street shall be deemed to be the point at which the frontage or boundary line of that street (if necessary continued in a straight line) intersects the frontage or boundary line of any other street (if necessary similarly continued).

As to
hoardings
and similar
structures.

105.—(1) (a) No wall fence hoarding or other similar structure (in this section referred to as a "structure") of a greater height than six feet six inches above the level of the ground at the nearest boundary of the 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

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(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.

(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 retained in contravention of such notice.

(3) The provisions of this section 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.

106.—(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

As to erection of retaining walls.

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

As to
pavement
lights.

107.—(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.

(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.

(3) 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.

As to
elevations
of buildings
on certain
lands.

108.—(1) No person shall construct a building or an addition to an existing building (including the reconstruction of an existing part of such building)—

(a) so that nothing save a garden or forecourt and the width of a highway or either a garden or forecourt or the width of a highway intervenes between such building or addition and the land known as West Marlands and described in section 4 of the Southampton Corporation Act 1929; or

(b) which abuts on or is separated only by a garden or forecourt from that part of Above Bar

A.D. 1931.

Street which is situate between the commencement of Street Work No. 2 by this Act authorised and the northern boundary of No. 15 Above Bar Street on the west side and the northern boundary of No. 28 Above Bar Street on the east side or from the widening of Above Bar Street and High Street executed in accordance with the said Street Work No. 2 or from the new streets or footway Street Works Nos. 4 5 and 7 by this Act authorised;

unless—

- (i) the elevation of such building or addition facing such land widening street or footway (as the case may be) shall as regards height design character and materials conform to the elevations prescribed by the Corporation in respect of buildings fronting or abutting on such land widening street or footway (as the case may be); and
- (ii) such building or addition shall neither project in front of nor be set back from the building line prescribed by the Corporation in respect of the site of such building or addition.

Copies of the drawings plans sections and specifications of or relating to all such prescribed elevations or showing all such prescribed building lines shall be deposited at the town clerk's office.

(2) Any person aggrieved by any requirement under this section in respect of a building to which paragraph (a) of subsection (1) of this section applies may appeal to the next practicable court of quarter sessions in accordance with the provisions of the section of this Act whereof the marginal note is "As to appeals."

(3) Any person acting in contravention of the provisions of this section shall without prejudice to any other right or remedy of the Corporation be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

(4) Copies of the said drawings plans sections and specifications certified by the town clerk to be true shall be received in all courts of justice and elsewhere as prima facie evidence of the respective contents thereof or of the form and nature of the said prescribed elevations

A.D. 1931. — or the positions of the said prescribed building lines (as the case may be).

Amend-
ment of
section 157
of Public
Health
Act 1875.

109.—(1) Section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 in its application to the borough shall extend to empower the Corporation to make byelaws with respect to the following matters:—

- (a) the provision of walls roofs and floors of incombustible material in rooms used for the purpose of a garage in whatever premises they may be situate;
- (b) the number of dwelling-houses which may be erected in one block or in one continuous row;
- (c) the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space;
- (d) the situation construction and height of walls or fences upon or across such open space;
- (e) the uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting doors in connection therewith and the occupation of buildings when united;
- (f) the testing of drains of new buildings;
- (g) the securing that waterclosets shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and the securing the protection of the same from frost;
- (h) the ensuring that any hole made through the wall of a building below the level of the ground shall be so stopped as to prevent the passage of gas into the building;
- (i) the securing that any geyser or similar gas-heated water apparatus of the rapid water-heating type or any gas apparatus for heating a building or any part of one is properly fixed and adequately ventilated.

(2) Any byelaws made under subsection (1) of this section or under the said section 157 with respect to the ventilation of a room in which any apparatus of

the kind specified in paragraph (i) of that subsection is fixed may be made so as to affect buildings erected before the times mentioned in the said section 157. A.D. 1931.

110. Section 38 (As to buildings of iron or reinforced concrete) of the Act of 1910 is hereby repealed without prejudice to anything done or suffered thereunder. As to buildings of iron or reinforced concrete.

111.—(1) Every building to which this section applies and which is erected after the passing of this Act shall be provided on each of the storeys the upper surface of the floor whereof is more than twenty feet above the level of the ground immediately in front of the face of such building with such means of escape in case of fire for the persons dwelling sleeping or employed in or resorting to such storey as may reasonably be required by the Corporation in 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. Means of escape from buildings in case of fire.

(2) If in the opinion of the Corporation a building to which this section applies (other than a building erected after the passing of this Act) is not provided on each of the storeys the upper surface of the floor whereof is more than twenty feet above the level of the ground immediately in front of the face of such building with proper and sufficient means of escape in case of fire for the persons dwelling sleeping or employed in or resorting to such storey the Corporation 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 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 means of escape so required.

(3) Where the means of escape in case of fire provided in connection with any building to which this section applies 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 means of escape as may

A.D. 1931. — reasonably be 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 fourteen days after the receipt of the requirement.

(b) Any person so appealing shall 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 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 requirement of the Corporation under either of the said subsections.

(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 requirement of the Corporation under this section.

(6) If the owner alleges that the occupier of the building ought to bear or contribute to the expenses of complying with any requirement of the Corporation under this section he may apply to the county court and thereupon the court after giving the occupier an opportunity of being heard may make such order as appears to the court just and equitable in all the circumstances of the case.

(7) The means of escape in case of fire provided in connection with any such building as aforesaid shall not be altered without the consent of the Corporation and shall at all times be maintained and kept by the occupier of the building in good and efficient condition and free from obstruction.

(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) This section applies to every building—

(a) which exceeds two storeys in height and in which the upper surface of the floor of any

storey is more than twenty feet above the level of the ground immediately in front of the face of such building; and A.D. 1931.

(b) which is used or intended to be used—

(i) as flats; or

(ii) as a tavern hotel restaurant hospital boarding-house common lodging-house warehouse school or offices; or

(iii) for any other purpose (except a private dwelling-house) if sleeping accommodation is or is intended to be provided in the building for persons employed in or about the same;

but shall not apply to any premises to which section 14 or section 15 of the Factory and Workshop Act 1901 applies.

(10) Section 42 (Means of escape from buildings in case of fire) of the Act of 1910 is hereby repealed and this section shall apply to every building to which that section applied and which has been erected since the passing of that Act as if it were erected after the passing of this Act.

Any certificate issued by the Corporation under the said section 42 shall be deemed to have been issued by the Corporation under this section.

112.—(1) The provisions of section 36 (Means of ingress to and egress from places of public resort) of the Public Health Acts Amendment Act 1890 shall extend and apply to shops and departmental stores in the borough whether existing before or after the passing of this Act where more than twenty-five persons are employed. Means of ingress to and egress from large shops and departmental stores.

(2) (a) Any person aggrieved by a requirement of the Corporation under the said section 36 in its application to a shop or departmental store in pursuance of this section may appeal to a court of summary jurisdiction within fourteen days after the receipt of the requirement.

(b) Any person so appealing shall give written notice of such appeal and of the grounds thereof to the town clerk before lodging his appeal and the

A.D. 1931. 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 of a requirement of the Corporation under the said section 36 in its application to a shop or departmental store in pursuance of this section.

(3) For the purposes of this section section 7 (Appeals to quarter sessions) of the said Act of 1890 shall not apply.

As to
dangerous
buildings.

113.—(1) If any building appear to the Corporation on the report of any duly qualified officer to be dangerous to the inmates or persons working therein the Corporation may order a complete external and internal inspection and examination of 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 enter upon examine and inspect such building 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.

(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 building into a safe and proper condition for the purposes for which the same is used the Corporation in respect of such building and the works to be carried out therein or thereto shall have and may exercise all or any of the powers vested in the Corporation with respect to dangerous structures.

Power to
order
alteration of
chimneys.

114.—(1) 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 of a washhouse or outbuilding forming part of or in proximity to a dwelling-house is a nuisance to any of the inhabitants of the borough to make an order requiring the owner of such chimney within such time as shall be specified in such order to cause the same to be raised or a funnel or pipe to be placed thereon for

conveying away such smoke gas or vapour 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 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. A.D. 1931.

(2) This section shall not apply in respect of any chimney belonging to or used by the Southampton Gaslight and Coke Company for or in connection with the manufacture of gas.

115. 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. As to powers of requiring sanitary conveniences for manufactories &c.

116. Section 62 (Local authority may require houses to be supplied with water in certain cases) 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.

117.—(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 situate within the borough without the previous approval of the Corporation. Prohibition of tents vans &c.

(b) It shall not be lawful for any person without the previous approval 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 and with sufficient privy earthcloset or watercloset accommodation to the satisfaction of the Corporation.

(2) (a) Any person aggrieved by the withholding by the Corporation of any approval under the provisions of this section may within fourteen days from the date of the decision of the Corporation appeal to a court of summary jurisdiction.

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(b) Any person so appealing shall 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 in the matter of the appeal as the court may think fit and to award costs.

(3) This section shall not apply to—

(a) a tent van shed or similar structure unless it is used or intended to be used as a means of habitation for a 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 not being a pedlar or hawker.

(4) Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Provisions
as to tents
vans &c.

118.—(1) 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 borough be deemed to be a house or building within the meaning of those words where they first occur in the said section.

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

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

As to
defective
drains &c.

119.—(1) In any case where it appears to the medical officer or sanitary inspector that any drain (including any joint or combined drain) watercloset or soil-pipe is stopped up or otherwise defective the medical officer or sanitary inspector shall give notice to the owner or occupier of the premises served by such drain or upon which such drain watercloset or

soil-pipe is situate to remedy such defect and if such notice is not complied with within twenty-four hours from the service thereof the Corporation may carry out the work necessary to remedy such defect and may subject as hereinafter provided recover the expenses incurred in that behalf from such owner or occupier. A.D. 1931.
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(2) Upon any proceedings under this section the court may inquire whether any requirement contained in any notice given under this section or work done by the Corporation was reasonable and whether the expenses incurred by the Corporation in doing such work or any part thereof ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such expenses or their apportionment as appears to the court to be just and equitable in the circumstances of the case.

120. If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Corporation it shall be lawful for the Corporation if in their opinion such drain can be sufficiently repaired at a cost not exceeding twenty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner of such drain : As to repair of drains.

Provided that where such expenses do not exceed twenty shillings the Corporation may remit the payment of the same by the owner if the Corporation think fit.

121. In exercising any powers of entry upon and inspection of any building or works in course of construction the surveyor and his assistants shall have from the builder of or contractor for such building or works free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works. Powers on inspection.

Any person who shall refuse such use and assistance as aforesaid or shall obstruct the surveyor or his assistants in the use of such ladders scaffolding and plant as aforesaid shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

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—
Penalty for
failure to
carry out
work until
after issue of
summons.

122. In any proceedings under the Public Health Acts for the abatement of a nuisance to which the provisions of section 91 of the Public Health Act 1875 apply if the person on whom a notice to abate a nuisance has been served delays making compliance with any of the requisitions thereof until after a summons has been issued requiring him to appear before a court of summary jurisdiction the court in addition to any other powers conferred upon them by the said Acts may if satisfied that the alleged nuisance existed impose a penalty not exceeding five pounds on the person on whom the notice was served notwithstanding that the nuisance is abated.

Further
saving for
Southern
Railway
Company.

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

- “ Temporary stoppage of streets ”;
- “ Police telephone call boxes and fire alarms ”;
- “ Restrictions on advertisement hoardings ”;
- “ Repair of hoardings ”;
- “ As to erection of hoardings &c. at street corners ”;
- “ As to hoardings and similar structures ”;
- “ As to pavement lights ”;
- “ Means of escape from buildings in case of fire ”;
- “ Prohibition of tents vans &c. ”;
- “ Provisions as to tents vans &c. ”; and
- “ Penalty for failure to carry out work until after issue of summons ”;

shall extend or apply to any building (not being or being used as a hotel or 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 any such building railway work or land is used or held by that company primarily for railway or dock 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 Southern Railway Company in the exercise of their statutory powers so long as such wall is used or held by that company for railway or dock purposes.

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PART IX.

INFECTIOUS DISEASE AND SANITARY MATTERS.

124.—(1) Any person being a parent or having the care or charge of a child attending at a school in the borough who is aware of or has reason to suspect the occurrence of any infectious disease in any person residing with such parent or other person and who fails forthwith to notify such occurrence to the head teacher principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings.

Parents to
notify
infectious
disease.

In any proceeding under this section a certificate purporting to be under the hand of the head teacher principal or superintendent of the school at which the child named in the certificate is in attendance stating that he has or has not received any notification as required under this section shall be evidence of the facts stated in such certificate unless the defendant shall require that the person by whom the certificate has been signed shall be called as a witness.

(2) For the purpose of this section—

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

the expression “infectious disease” includes measles german measles whooping cough chicken pox scabies ringworm and influenza in addition to the diseases referred to in the section of this Act whereof the marginal note is “Interpretation.”

125. If any person shall at the request of the Corporation acting on the advice of the medical officer cease his employment for the purpose of preventing the spread of infectious disease the Corporation may make compensation to him for any loss he may sustain by reason of such ceasing.

Power to
compensate
persons for
ceasing
employment
to prevent
spread of
disease.

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Removal of
infirm and
diseased
persons in
certain
cases.

126.—(1) If the medical officer certifies in writing that any person in the borough—

- (a) is aged or infirm or physically incapacitated and resides in premises which are insanitary owing to any neglect on the part of the occupier thereof or under insanitary conditions; or
- (b) is suffering from any grave chronic disease;

and that such person is unable to devote to himself or to receive from persons with whom he resides proper care and attention and that thorough inquiry and consideration have shown the necessity in the interest of the health of such person and for preventing injury to the health of or serious nuisance to other persons that he should be removed from the premises in which he is residing the medical officer may make application to a court of summary jurisdiction and such court upon oral proof of the allegations in such certificate and subject to examination of such person by a registered medical practitioner to be nominated by them (if they think fit) may make an order for the removal of such person to a suitable hospital infirmary or other institution or other suitable place provided within the borough or within a convenient distance of the borough and for the detention and maintenance of such person therein for such period not exceeding three months as may be determined by such order or such further period or periods each not exceeding three months as may be determined by any further order or orders made under and in accordance with the provisions of this section.

(2) The medical officer shall give to any person proposed to be removed under the provisions of this section or to some person being in charge of such person three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(3) The cost of the removal of any person to a hospital infirmary or other institution or place as aforesaid and of his detention and maintenance therein in pursuance of an order made under this section shall be borne by the Corporation and during any period for which a person is so detained the Corporation may and if so required by the court shall make towards the maintenance of any dependants of that person such contributions as

the Corporation think fit or as may be directed by the court as the case may be. A.D. 1931.

(4) An order under this section may be addressed to such officer of the Corporation or to such constable as the court making the same may think expedient and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.

(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to the court by or on behalf of the person in respect of whom the order was made for the rescission of the order and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made.

Such person or other the person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

(6) The powers of this section shall not be put into operation by the medical officer unless he is authorised by a resolution of the Corporation so to do either generally or in any particular case in which those powers are proposed to be exercised.

127.—(1) (a) No person shall carry on the business of a manufacturer or vendor of or dealer in ice-cream or of a manufacturer of preserved meat within the borough unless he be registered by the Corporation.

Registration
of ice-cream
and pre-
served meat
manufac-
turers and
premises.

(b) No premises shall be used for the manufacture for sale or sale of ice-cream or for the preparation or manufacture of preserved meat 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

A.D. 1931. name any such premises are registered) revoke the registration of such person or premises 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 dealer in ice-cream or as a manufacturer of preserved meat in relation to the quality storage or distribution of the ice-cream or preserved meat 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 registered or 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 the person registered 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.

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

(d) Any person so appealing shall give 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 revocation 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.

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(3) In this section the expression "ice-cream" includes any other similar commodity and the expression "preserved meat" includes sausages and any potted pressed pickled or preserved meat fish or other food.

(4) The provisions of this section shall not in any way affect the operation of the Factory and Workshop Act 1901.

(5) The provisions of this section shall not apply to any premises used as a club hotel or restaurant or railway refreshment rooms or as a theatre music-hall or other similar place of entertainment.

(6) The provisions of this section shall come into force on the first day of January nineteen hundred and thirty-two.

128.—(1) (a) The Corporation may by written requisition 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 six 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 requisition) as may be specified in the requisition 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 or occupier of such slaughter-house shall have removed the grounds of objection thereto no such written requisition as is first above mentioned shall be given to them by the Corporation in respect of such slaughter-house.

(c) Provided also that such owner or occupier may within one month after receiving any such notice in

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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 requisition as is first above mentioned shall in respect of the slaughter-house in question be given to the owner or occupier thereof.

(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 six 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 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.

129.—(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.

130.—(1) The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop to provide portable covered galvanised iron dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such dustbins shall be of such size and construction as may be approved by the Corporation.

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—
Regulation
dustbins.

(2) Every owner or occupier having provided any dustbin pursuant to this section shall maintain the same in good order and condition and (when necessary) replace or renew it.

(3) Provided that the foregoing provisions of this section shall not apply to any covered ashtubs or other receptacles for refuse in use at the passing of this Act so long as the same are of suitable material size and construction and in proper order and condition.

(4) From and after the passing of this Act it shall not be lawful for any person to use any dustbin or ashtub for any purpose other than the deposit of dust ashes or other house refuse (not being of a liquid or partly liquid character) intended for removal by or on behalf of the Corporation.

(5) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation under subsection (1) of this section or who fails to comply with his obligation under subsection (2) of this section as the case may be shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings and any person contravening the provisions of subsection (4) of this section shall be liable to a penalty not exceeding ten shillings and to a daily penalty not exceeding ten shillings.

(6) Nothing in this section shall apply to any warehouse belonging to a railway company from which the Corporation do not remove the refuse.

131.—(1) Public notice of the effect of the foregoing provisions of this Part of this Act shall be given as soon as is reasonably practicable after the passing of this Act by advertisement in two newspapers published or circulating in the borough.

Notice to be
given of this
Part of Act.

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

A.D. 1931.

PART X.

POLICE.

Music and
dancing
licences.

132.—(1) A place shall not be kept or used for the purposes of public dancing singing music or any other public entertainment of the like kind (in this section referred to as “entertainment purposes”) without a licence from the Corporation under this section (in this section referred to as a “licence”).

(2) The Corporation may grant licences for any period not exceeding thirteen months to such persons as they think fit to keep or use places for entertainment purposes on such terms and conditions and subject to such restrictions as they think fit.

(3) The Corporation may (if they think fit) make regulations prescribing generally the terms conditions and restrictions (including a condition that a constable may enter any place licensed under this section in respect of which he has reason to suspect that an offence under this section is being committed) on and subject to which licences are to be granted and where any such regulations are in force every licence shall (without prejudice to the power of the Corporation to grant a licence on and subject to any special terms conditions or restrictions) be deemed to be granted subject to the regulations.

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

(4) The Corporation may transfer any licence to any person whom they think fit.

(5) On the grant of a licence there shall be paid by the person applying therefor such fee not exceeding twenty shillings or in the case of a licence granted for the sole purpose of a charitable entertainment not exceeding five shillings as the Corporation may determine and on the transfer of a licence such fee not exceeding five shillings as the Corporation may determine.

(6) Save as hereinafter provided no licence or transfer shall be granted unless the applicant has given twenty-one days' written notice to the town clerk and to the chief constable of his intention to apply for the licence or transfer and has for twenty-one days kept a copy of the notice posted in a conspicuous position on the exterior of the place to which the application relates and on the consideration of the application by the Corporation any person living in the neighbourhood of the place whom the Corporation deem to be concerned shall be entitled to be heard : A.D. 1931.

Provided that—

- (a) the provisions of this subsection as to notice shall not apply in the case of an application by any person for the grant of a licence in respect of any place by way of renewal (on the same terms and conditions) of a licence held at the date of the application by that person in respect of that place; and
- (b) a licence for a period not exceeding fourteen days may be granted notwithstanding that the provisions of this subsection as to notice to the town clerk have not been complied with and in the case of an application for such a licence the length of notice required to be given to the chief constable and the time during which the copy is required to be posted shall be seven instead of twenty-one days.

(7) If any place is kept for entertainment purposes without a licence the person so keeping the place and unless he proves to the satisfaction of the court that the place is so kept without his consent or connivance any person occupying or rated as occupier of the place shall be liable to a penalty not exceeding five pounds for every day on which the place is so kept.

(8) If the holder of a licence acts in contravention of or fails to comply with any term condition or restriction on or subject to which the licence was granted he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds and the licence of any person so convicted may be revoked by the Corporation.

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(9) Any constable authorised in that behalf by a warrant granted by a justice of the peace may enter any place in respect of which he has reason to suspect that an offence under this section is being committed.

Byelaws as to bicycles &c. on certain footpaths.

133. The Corporation may make byelaws prohibiting or restricting the use by persons riding bicycles tricycles or other similar vehicles of any footpaths specified and defined in such byelaws.

Prohibition of vehicles on Common.

134. No person shall ride or drive any motor vehicle (including a motor cycle) upon any footway or road on the lands known as the Common and any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding forty shillings :

Provided that this section shall not apply to—

- (1) the Avenue;
- (2) the road known as Cemetery Road leading direct from the Avenue to Southampton Cemetery;
- (3) the road known as Highfield Avenue leading from the north-western end of Highfield Lane to the Avenue;
- (4) Oak Mount Avenue;
- (5) Winn Road;
- (6) Westwood Road;
- (7) Highfield Road;
- (8) Northlands Road;
- (9) the road leading direct from the Avenue to the tramway depot of the Corporation in Highfield Road;
- (10) the road from the Avenue commencing at a point one hundred feet north of Winn Road and proceeding in a north-westerly direction to the front entrance of the Cowherds Inn thence in a north-easterly direction to the Avenue; or
- (11) the road from the Avenue commencing at a point opposite the eastern end of Westwood Road and proceeding due west for about

three hundred and fifty feet and afterwards in a north-westerly direction to the entrance in the northern boundary of the curtilage of "Hawthorne." A.D. 1931.

135. Every person who has in his possession or conveys in any manner anything which may be reasonably suspected of being stolen or unlawfully obtained shall unless he gives an account to the satisfaction of a court of summary jurisdiction of how he came by the same be liable to a penalty of not more than five pounds or (except in the case of a first conviction) in the discretion of the court to imprisonment with or without hard labour for any period not exceeding two months. Punishment of persons having in their possession or conveying stolen goods.

136. The powers conferred by section 21 of the Town Police Clauses Act 1847 shall extend to enable the Corporation within the borough on days appointed for ceremonies public processions rejoicings 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. Power to make regulations as to traffic on carnival &c. days.

137. The power to make byelaws conferred on the Corporation by section 23 of the Municipal Corporations Act 1882 shall be deemed to enable the Corporation to make byelaws in accordance with the provisions of this section for prohibiting animals from being led or driven along such streets of the borough as may be specified in such byelaws and for prescribing the hours during which and the manner according to which animals may be led or driven along any streets in the borough : Byelaws as to leading or driving cattle.

Provided that the route or routes prohibited by any such byelaws shall not be such as would prevent the passage of cattle by a reasonably short and convenient route between any market or licensed or registered slaughter-house and any railway station in the borough or any place beyond the boundary of the borough when such animals are merely passing between such market or slaughter-house and railway station or other place as aforesaid :

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Provided also that any such byelaw shall not prevent the owner of any animal driving the same to his own premises :

Provided also that if there shall be any conflict between any byelaw made under this section and any direction contained in the highway code issued by the Minister of Transport pursuant to section 45 of the Road Traffic Act 1930 the provisions of the latter shall prevail.

PART XI.

FINANCE AND MISCELLANEOUS.

Power to borrow.

138.—(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 of that table and they shall pay off all moneys so borrowed within the respective periods mentioned in the third column of the same table (namely) :—

1	2	3
Purposes.	Amount.	Period for repayment.
(a) The purchase of land for the purposes or under the powers of this Act.	£ 405,565	Sixty years from the date or dates of borrowing.
(b) The construction of the street improvements authorised by this Act.	20,482	Thirty years from the date or dates of borrowing.
(c) The construction of the waterworks authorised by this Act.	328,000	Forty years from the date or dates of borrowing.
(d) The provision of distributing mains and additional pumping machinery wells and adits in connection with the existing pumping stations of the Corporation.	280,000	Thirty years from the date or dates of borrowing.
(e) The purchase of the undertaking of the Itchen Floating Bridge and Roads Company and defraying the costs and expenses incidental to such purchase and to the transfer of the undertaking to the Corporation (other than the costs of this Act).	The sum requisite.	Sixty years from the date or dates of borrowing.
(f) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) (a) The Corporation may also with the consent of the Minister of Transport borrow such further money as may be necessary for any of the purposes of Part V (Transport) of this Act and with the consent of the Minister of Health borrow such further money as may be necessary for any of the purposes of this Act other than the purposes of Part V hereof. A.D. 1931.

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Minister with whose consent the money is borrowed.

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

139. 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.

140. The Corporation may instal fit up maintain renew use and work mechanical washers mechanical wringers box mangles and other mechanical and time-saving appliances in or in connection with any of their public baths or washhouses for the use convenience or assistance of persons resorting thereto and may make such charges for or in respect of the use of such appliances as the Corporation may determine: Appliances in wash-houses.

Provided that nothing in this section shall authorise the Corporation to carry on the business of a launderer or to permit the proprietors or part proprietors or the duly authorised representatives of firms or corporate bodies who are proprietors or part proprietors of a laundry dyeing or cleaning business to make use of any such appliances as aforesaid for the purpose of their trade or business.

141.—(1) Subject to the provisions of this section the Corporation may accept hold and administer any gift of property whether real or personal for any public purpose connected with the borough and may execute Gifts and bequests.

A.D. 1931. — any works (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section and where the purposes of the gift are purposes for which the Corporation are empowered to expend money raised from the general rate they may subject to any condition or restriction attaching to such power expend money so raised in the execution of such works in relation to the subject-matter of the gift.

(2) This section shall not extend to property relating to affairs of the church within the meaning of the Local Government Act 1894 or to an ecclesiastical charity within the meaning of that Act.

(3) Accounts of the income and expenditure of the Corporation under this section shall be kept by the chief financial officer and shall be made up and audited as part of the general accounts of the Corporation.

Power to
establish
information
bureaux.

142. The Corporation may establish and maintain or may subscribe towards the establishment and maintenance of an information bureau or information bureaux in the borough for the purpose of supplying information with regard to the borough and neighbourhood and may employ and pay such number of clerks assistants and servants as they may think fit for the purpose and may if they think fit make charges for the use of such bureau or bureaux or for information supplied by means thereof.

Silencers for
internal
combustion
engines.

143.—(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

belonging to any railway or gas company and used by them for the purposes of their respective railway or gas undertakings. A.D. 1931.

(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.

144. If a justice is satisfied on complaint by any rating officer that any person is quitting or about to quit any premises in the borough 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 borough 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. Recovery of rate from persons removing.

145. Notwithstanding anything contained in the Second Schedule to the Municipal Corporations Act 1882 a summons to a member of the council to attend a meeting of the council may be served by post and need not be registered. Service of summons on members of council.

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. Expenses may be declared private improvement expenses.

147. The provisions of section 102 (Power of entry of local authority) and section 103 (Penalty for disobedience of order) of the Public Health Act 1875 shall extend and apply to the purposes of Part VIII (Streets buildings and drains) and Part IX (Infectious Power to enter premises.

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disease and sanitary matters) of this Act as if those purposes had been mentioned in the said section 102.

Penalty on occupier refusing execution of Act.

148. If the occupier of any house or part of a house or premises shall prevent the owner thereof from carrying into effect any requirement of the Corporation under Part VIII (Streets buildings and drains) or Part IX (Infectious disease and sanitary matters) of this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the work required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said work he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding two pounds and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such work.

Several sums in one summons.

149. 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 borough 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.

Consents of Corporation to be in writing.

150. All consents given by the Corporation under the provisions of this Act or of any local Act Order byelaw or regulation for the time being in force in the borough shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk or other duly authorised officer of the Corporation.

Apportionment of expenses in case of joint owners.

151. Where under the provisions of this Act or any local Act Order byelaw or regulation for the time being in force in the borough the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those provisions or any of

them are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction. A.D. 1931.

152. Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment or any local Act or Order for the time being in force in the borough whether provision is or is not made for such 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. Recovery of demands.

153. Any person deeming himself 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 VIII (Streets buildings and drains) and Part IX (Infectious disease and sanitary matters) of this Act or by any order made by a court of summary jurisdiction under the provisions of this Act may if no other mode of appeal is provided by this Act 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. As to appeals.

154. 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 local Act Order byelaw or regulation for the time being in force in the borough may be prosecuted and recovered in a summary manner : Recovery of penalties &c.

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.

155. The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to General provisions as to byelaws.

A.D. 1931. byelaws authorised to be made by the Corporation under the powers of this Act :

Provided that—

- (1) this section shall not apply to byelaws made under the section of this Act whereof the marginal note is “Byelaws as to wires apparatus and fittings”; and
- (2) as regards confirmation of byelaws under the section of this Act whereof the marginal note is “Byelaws as to bicycles &c. on certain footpaths” and inquiries in relation thereto the Secretary of State shall be substituted for the Minister.

Application
of sections
200 and 265
of Public
Health
Act 1875.

156. Section 200 (Power of urban authority to appoint committees) and 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 any local Act for the time being in force in the borough as if the same were re-enacted therein.

Application
of existing
enactments.

157.—(1) The following enactments shall with any necessary modifications and subject as regards mortgages granted under the provisions of section 80 (Power to use one form of mortgage for all purposes) of the Act of 1910 to the provisions of that section extend and apply to the exercise of the powers of this Act as if the same were re-enacted in this Act (namely):—

The Act of 1897—

- Section 27 (Provisions as to mortgages);
- Section 34 (Power to borrow under Local Loans Act 1875);
- Section 36 (Protection of lenders from inquiry);
and
- Section 40 (Application of money borrowed).

The Act of 1910—

- Section 16 (Subsidiary works);
- Section 19 (Correction of errors &c. in deposited plans and book of reference);
- Section 20 (Owners may be required to sell parts only of certain lands and buildings);

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 Corporation Act, 1931.

- Section 21 (Provisions as to compensation); A.D. 1931.
Section 24 (Persons under disability may grant
 easements &c.);
Section 25 (Power to retain sell &c. lands);
Section 26 (Proceeds of sale of surplus lands);
Section 75 (Mode of payment off of money
 borrowed);
Section 76 (Sinking fund) as amended by sec-
 tion 23 (Rate of accumulation of
 payments to sinking fund) of the
 Southampton Corporation Act
 1925;
Section 77 (Corporation not to regard trusts);
Section 84 (Audit of accounts);
Section 100 (Compensation how to be deter-
 mined);
Section 101 (Informations by whom to be laid);
Section 103 (Judges not disqualified);
Section 105 (Saving for indictment &c.); and
Section 107 (Powers of Act cumulative).

The Southampton Corporation Act 1925—

Section 31 (Inquiries by Minister of Health).

The Southampton Corporation Act 1928—

Section 30 (Inquiries by Minister of Transport).

(2) Provided that—

- (a) in the application of section 20 of the Act of 1910 that section shall have effect with the substitution of the Third Schedule to this Act for the First Schedule to that Act;
(b) in the application of section 21 of the Act of 1910 that section shall have effect as if the twentieth day of November nineteen hundred and thirty were therein mentioned instead of the first day of January nineteen hundred and ten;
(c) in the exercise of the powers of section 25 of the Act of 1910 as applied to this Act the Corporation shall not without the consent of the Minister sell lease exchange or otherwise dispose of any lands or interests therein

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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 Minister is necessary or has been obtained;

- (d) nothing in the said section 25 shall release the Corporation or any person purchasing or acquiring any lands from them under that section as applied to this Act 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.

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

158. 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. A.D. 1931.
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159. 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 without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose. Crown
rights.

160. For the protection of the Southern Railway Company (in this section referred to as "the company") the following provisions shall notwithstanding anything contained in this Act or shown on the deposited plans and sections and unless otherwise agreed in writing between the Corporation and the company apply and have effect (that is to say) :— For protec-
tion of
Southern
Railway
Company.

(1) In this section—

"Street Work No. 10" and "Street Work No. 12" mean respectively Street Work No. 10 and Street Work No. 12 authorised by Part III of this Act;

"Work No. 2" "Work No. 3" and "Work No. 7" mean respectively Work No. 2 Work No. 3 and Work No. 7 authorised by Part IV of this Act;

"The engineer" means the chief engineer of the company;

"The railway works" means the railways works and property of the company;

"The said works" means Work No. 3 and so much of Works Nos. 2 and 7 as may pass under or across or in any way affect the railway works:

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(2) (a) The Corporation shall not under the powers of this Act enter upon take or use any lands or property of the company other than—

(i) the lands required for the purposes of Street Work No. 10 shown by red colour on the plan signed by Sidney George Stanton on behalf of the Corporation and George Ellson on behalf of the company;

(ii) such easements as may be required by the Corporation for the purposes of constructing and maintaining Works Nos. 2 3 and 7 through or under the railway works; and the company shall if so required by the Corporation convey and grant the said lands and easements to the Corporation;

(b) The Corporation shall not either temporarily or permanently enter upon take use or interfere with the railway works save only so far as may be necessary for the said purposes;

(c) Any lands or easements to be conveyed or granted by the company to the Corporation under the provisions of this section shall be conveyed or granted on such terms as (failing agreement) shall be determined in the manner provided by the Acquisition of Land (Assessment of Compensation) Act 1919 and for the purposes of any such determination the acquisition of any such easement shall be deemed to be a taking of lands within the meaning of the Lands Clauses Consolidation Act 1845 :

(3) (a) All works of drainage in connection with Street Works Nos. 10 and 12 where the same shall pass over the Blechynden tunnel of the company shall be constructed and maintained in accordance with plans sections and specifications to be previously submitted to and reasonably approved by the engineer :

Provided that if the engineer shall not express his disapproval of or requirements in regard to such plans sections and specifications within twenty-eight days from the submission thereof he shall be deemed to have approved the same ;

(b) Nothing in this Act shall prejudice or affect the respective rights of the Corporation and the company under or by virtue of an indenture of conveyance of lands over and adjoining the said Blechynden tunnel dated the twenty-fifth day of July eighteen hundred and sixty-six and made between the London and South Western Railway Company of the one part and the Corporation of the other part :

- (4) (a) The Corporation shall construct Work No. 3 of such strength and design as may be reasonably required by the engineer :

Provided that if the company give notice in writing to the Corporation within twenty-eight days after the submission of the plans sections specifications and particulars referred to in subsection (6) of this section that the company desire themselves to construct Work No. 3 they may and shall with all reasonable expedition on behalf of the Corporation construct the same in accordance with the said plans sections specifications and particulars as approved by the engineer or determined by arbitration as hereinafter provided together with any such temporary works as are referred to in paragraph (b) of this subsection and the Corporation shall repay to the company the reasonable expense (including any compensation payable to any workmen or their legal representatives or their dependants in respect of the injury or death of such workmen) incurred by them in that behalf such repayment to be made by monthly instalments as the work proceeds in accordance with certificates by the engineer but subject to adjustment on the completion of the work and the Corporation shall pay to the company interest at the rate of five per centum per annum on any instalment not paid within fourteen days after the delivery to the Corporation of the engineer's certificate ;

(b) Before the Corporation commence the construction of Work No. 3 any temporary works which may be reasonably necessary to

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ensure the stability of the railway works shall be carried out by and at the cost of the Corporation to the reasonable satisfaction of the engineer or the company may if they so elect themselves carry out such temporary works for the Corporation and the reasonable cost thereof and any reasonable expense in connection therewith (including any compensation payable to any workmen or their legal representatives or their dependants in respect of the injury or death of such workmen) shall be repaid by the Corporation to the company;

(c) All work in connection with the construction of Work No. 3 shall be executed in such a manner as will not (in the reasonable opinion of the engineer) require the imposition of a speed restriction on engines trains or traffic passing over the railway works during the months of July August and September in any year;

(d) The construction of Work No. 3 when commenced shall (subject to the provisions of this section) be carried on and completed with the utmost possible dispatch and so that any temporary interference with the traffic on the railway works shall be of the least practicable duration and unless otherwise required by the engineer all temporary works in connection therewith shall be removed from the railway works immediately the permanent works have been completed;

(e) Work No. 3 shall become the property of the company and shall be maintained by them as part of their undertaking at the reasonable expense of the Corporation;

(f) If it shall appear to the engineer either during the construction or within two years after the completion of Work No. 3 that owing to or in consequence of the execution thereof any additional works or other measures of precaution are reasonably required either by way of addition to the railway works or in connection with the works of the Corporation or in relation to the method of executing the same so as to prevent subsidence or damage

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happening to the railway works the Corporation shall on being reasonably required in writing by the engineer so to do make and execute at their own expense and according to plans sections and specifications to be reasonably approved by him such additional works or take such measures of precaution (including the temporary cessation of the said works) as the engineer shall reasonably require :

- (5) (a) The Corporation shall at their own expense maintain so much of Works Nos. 2 and 7 as may pass under across or in any way affect the railway works in substantial repair and good order and condition to the reasonable satisfaction of the engineer and if and whenever the Corporation fail so to do after fourteen days' notice in writing to be given by the company to the Corporation or in case of emergency after such notice as is reasonably practicable the company may make and do in and upon as well the lands of the Corporation as their own land all such works and things as may be requisite and the amount of the expenditure reasonably incurred by the company in that behalf shall be repaid to them by the Corporation ;

(b) The Corporation shall if required so to do by the engineer provide and maintain such stop valves as may be reasonably necessary on Works Nos. 2 and 7 where the same are laid under or across or in any way affect the railway works :

- (6) Before commencing the execution or construction of the said works the Corporation shall submit to the engineer for his reasonable approval plans sections specifications and particulars of the said works and of the stages by which it is proposed to carry out the same :

Provided that if the engineer shall not signify his disapproval or requirements within twenty-eight days after the submission to him of the said plans sections specifications and particulars he shall be deemed to have approved of the same :

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The said works shall be executed only in accordance with such plans sections specifications and particulars and by such stages as shall be approved as aforesaid or settled by arbitration as hereinafter provided :

- (7) Before commencing the said works the Corporation shall give seven days' or in the case of Work No. 3 twenty-one days' previous notice in writing to the engineer of their intention to commence the same Such notice shall be accompanied by a sufficient description of the works to be executed and all such works shall be carried out only at such times as the engineer shall reasonably require :
- (8) The said works shall be executed by the Corporation so as not to endanger the structure or stability of the railway works and all the works and operations of the Corporation in connection with the said works shall be executed so as to cause as little delay to or interference as may be with the working of traffic on the railway works and if any such delay or interference shall take place the Corporation shall pay to the company all reasonable costs and expenses to which they may be put as well as reasonable compensation for any loss sustained by them by reason of any such delay or interference :
- (9) The said works shall be executed under the superintendence (if such be given and not withdrawn) and to the reasonable satisfaction of the engineer and the Corporation shall repay to the company all reasonable costs charges and expenses incurred by them in respect of such superintendence and of the employment by them of a reasonably sufficient number of inspectors watchmen and signalmen to be appointed by them (including compensation payable to any workmen or their legal representatives or dependants in respect of the injury or death of such workmen whilst so employed) for inspecting and watching the said works and for watching signalling and protecting the railway works

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and the traffic thereon and for preventing as far as may be interference obstruction danger and accident from any of the operations of the Corporation or from the acts or defaults of their contractors or of any person in their respective employ :

- (10) The Corporation shall make good to the company all costs charges losses damages and expenses not otherwise provided for which may be occasioned to the company or to the railway works or to any persons lawfully using the same by reason of the construction alteration maintenance or failure of any of the said works (not being occasioned by any default on the part of the company in maintaining Work No. 3) or of any act or omission of the Corporation or of their contractors or others or of any person in the employ of any of them and the Corporation shall effectually indemnify and hold harmless the company from and against all claims and demands upon or against them by reason of such construction alteration maintenance failure act or omission :
- (11) If by reason of the construction of the said works or of Street Work No. 10 it shall become necessary to reconstruct add to or alter or remove any ground frame signal cabin signal post signal telegraph or telephone posts and wires permanent way fences or other works or apparatus belonging to or on or connected with the railway works or to substitute other works therefor the company may effect any such reconstruction addition alteration removal or substitution and the reasonable expense thereof shall be repaid to them by the Corporation :
- (12) Any additional expense which the company may reasonably incur in widening or altering under their existing powers or reconstructing repairing or maintaining the railway works by reason of the existence of the said works upon across or under the same shall be paid by the Corporation to the company :

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(13) The fact that any work or thing has been done in accordance with any plan section or specification approved by or in accordance with any requirement of the engineer or under his superintendence shall not excuse the Corporation from any liability for damage or affect any claim of the company for injury to the railway works or the traffic thereon :

(14) Except as provided in subsection (2) hereof any difference which may arise between the company and the Corporation under this section shall be referred to and determined by an engineer to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such determination.

For protec-
tion of
Southamp-
ton Gaslight
and Coke
Company.

161.—(1) In and for the purposes of this section—

“ the company ” means the Southampton Gaslight and Coke Company ;

“ apparatus ” means mains pipes or apparatus laid down or used by the company for carrying conveying or supplying a supply of gas ;

“ the permitted works ” means all such works and things as the Corporation are by this section authorised to execute or do.

(2) The Corporation for any purpose in connection with the exercise by them of the powers conferred by this Act may and (if and when reasonably required by the company) shall remove divert alter the position or line or level of or carry out any other alterations to any apparatus in any street or part of a street and any other apparatus connected with any apparatus so removed diverted or altered and may remove any other obstruction in under or near such street or part of a street and shall make such appropriate substituted works either permanent or temporary as may be reasonably necessary and shall in executing any of the permitted works cause as little detriment and inconvenience as circumstances admit and shall make reasonable compensation to the company for any damage caused to them by the execution of the permitted works :

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Provided that before the Corporation execute any of the permitted works relating to any apparatus they shall (except in cases of emergency) give to the company notice of their intention to do so such notice to be given seven days at least before the commencement of the execution of such works and such works shall be done under the superintendence (at the expense of the Corporation) of the company unless the company refuse or neglect to give such superintendence at the time specified in the notice for the commencement of such works or discontinue the same during the execution of such works and the Corporation shall execute such works to the reasonable satisfaction of the company.

(3) If within seven days after notice under subsection (2) of this section has been served upon the company they so elect they shall themselves execute such works to their apparatus as may be necessary for the purposes of this section and the reasonable cost of executing such works shall be repaid to them by the Corporation :

Provided that such works shall be carried out in accordance with the directions and to the reasonable satisfaction of the Corporation.

(4) If any difference arises between the Corporation and the company touching the amount of any compensation or cost to be paid to the company by the Corporation under the foregoing provisions of this section or touching any work matter or thing to be done or executed by the Corporation or by the company under such provisions or touching the mode of doing or executing the same such difference shall be settled by arbitration.

162. Nothing in this Act shall authorise the Corporation to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description under the management or control of the Forestry Commissioners without the consent in writing of the Forestry Commissioners first had and obtained for that purpose (which consent the Forestry Commissioners are hereby authorised to give).

Saving for
Forestry
Commis-
sioners.

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Costs of Act.

163. The costs charges and expenses preliminary to and of and incidental to preparing applying for obtaining and passing this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund and the revenues of the water undertaking the tramway undertaking and the electricity undertaking and out of the tolls taken by the Corporation under Part VII (Transfer of Itchen undertaking) of this Act in such proportions as the Corporation may by resolution determine or out of money to be borrowed for that purpose.

The SCHEDULES referred to in the
foregoing Act.

A.D. 1931.

THE FIRST SCHEDULE.

PART-TIME OFFICIALS OF THE COMPANY OF PROPRIETORS OF THE SOUTHAMPTON AND ITCHEN FLOATING BRIDGE AND ROADS.

Officer's name.	Description.	Total amount.
Frederick Beresford Turner -	Clerk -	£3,000
Henry Ashton Hornby Swayne	Auditor -	£120
Edward Watts Catherington Whittaker - - - -	Auditor -	£120
Leonard William Lankester -	Manager -	Amount per annum for life £160

THE SECOND SCHEDULE.

FORM OF DEED OF TRANSFER.

Pursuant and subject to the provisions of the Southampton Corporation Act 1931 and in consideration of pounds paid by the mayor aldermen and burgesses of the borough of Southampton (hereinafter called "the Corporation") to the Company of Proprietors of the Southampton and Itchen Floating Bridge and Roads (hereinafter called "the company") the company hereby grant convey and assign to the Corporation the undertaking property and assets of the company to hold the same unto the Corporation their successors and assigns and the Corporation hereby accept the same accordingly.

In witness whereof the parties hereto have respectively affixed their respective common seals this
day of 19 .

[Ch. xcix.]

Southampton
Corporation Act, 1931.

[21 & 22 GEO. 5.]

A.D. 1931.

THE THIRD SCHEDULE.

PREMISES OF WHICH PARTS ONLY ARE REQUIRED.

Borough.	Numbers on deposited plans.
Southampton - - - -	44 45 48 95 239 to 243 363 367 376 377 410 and 411.

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FOR

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