



## CHAPTER lxiii.

An Act to confer further powers on the mayor  
aldermen and burgesses of the borough of  
Brentford and Chiswick in regard to their elec-  
tricity and market undertakings and to make  
further and better provision for the improvement  
health and local government of their borough  
and for other purposes. [14th July 1936.]

A.D. 1936.  
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**W**HEREAS the borough of Brentford and Chiswick  
(in this Act referred to as "the borough") is  
a borough under the government of the mayor aldermen  
and burgesses of the borough of Brentford and Chiswick  
(in this Act referred to as "the Corporation"):

And whereas the Corporation are the undertakers  
for the supply of electricity under the provisions of the  
Chiswick Electric Lighting Order 1891 (which was  
scheduled to and confirmed by the Electric Lighting  
Orders Confirmation (No. 4) Act 1891) and are now  
supplying electricity throughout the portion of the  
borough which was constituted the parish of Chiswick  
on the date of the passing of that Act and it is expedient  
that further powers should be conferred upon the  
Corporation with respect to their electricity undertaking:

54 Vict.  
c. lii.

And whereas the Corporation are the owners of  
the Brentford market within the borough and it is  
expedient to enlarge the powers of the Corporation with  
respect thereto:

A.D. 1936.

38 & 39 Vict.  
c. 55.

And whereas it is expedient to empower the Corporation to disestablish their market known as the Chiswick Retail Market (which was provided by their predecessors under the powers of section 166 of the Public Health Act 1875) and to sell or lease the market premises or demolish the same and develop the lands upon which it stands :

And whereas it is expedient that further and better provision should be made for the health good government and improvement of the borough and that the powers of the Corporation in regard thereto should be enlarged as in this Act provided :

And whereas it is expedient that the provisions in regard to the finances of the Corporation which are contained in this Act should be made :

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 :

23 & 24  
Geo. 5. c. 51.

And whereas in relation to the promotion of the Bill for this Act the requirements of sections 253 254 and 255 of the Local Government Act 1933 have been observed :

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

## PART I.

### PRELIMINARY.

Short title.

1. This Act may be cited as the Brentford and Chiswick Corporation Act 1936.

Division of  
Act into  
Parts.

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

Part I.—Preliminary.

Part II.—Electricity.

Part III.—Streets and buildings.

Part IV.—Infectious disease and sanitary provisions.

[26 GEO. 5. & Brentford and [Ch. lxiii.]  
1 EDW. 8.] Chiswick Corporation Act, 1936.

Part V.—Lands.

A.D. 1936.

Part VI.—Public buildings baths parks &c.

Part VII.—Markets.

Part VIII.—Financial.

Part IX.—Miscellaneous.

3. The Lands Clauses Acts except section 127 of the Lands Clauses Consolidation Act 1845 and except the provisions with respect to the purchase and taking of lands otherwise than by agreement (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act.

Incorporation of  
Lands  
Clauses  
Acts.  
8 & 9 Vict.  
c. 18.

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.

Interpreta-  
tion.

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

“The borough” means the borough of Brentford and Chiswick;

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

“The council” means the council of the borough;

“The electricity undertaking” means the electricity undertaking of the Corporation for the time being authorised;

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

“The markets undertaking” means the markets undertaking of the Corporation for the time being authorised;

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

A.D. 1936.  
9 & 10  
Geo. 5. c. 57.

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

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

52 & 53 Vict.  
c. 72.

“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;

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

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

18 & 19  
Geo. 5. c. 31.

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

“The Minister” means the Minister of Health.

“Daily penalty” means a penalty for each day on which any offence is continued by a person after conviction;

41 & 42 Vict.  
c. 76.

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

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

38 & 39 Vict.  
c. 83.

“Statutory security” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

[26 GEO. 5. & Brentford and [Ch. lxiii.]  
1 EDW. 8.] Chiswick Corporation Act, 1936.

“ Authorised security ” means any mortgage stock A.D. 1936.  
bond or other security which the Corporation  
are for the time being authorised to grant  
create or issue or upon or by means of which  
the Corporation are for the time being  
authorised to raise money;

“ Statutory borrowing power ” means any power  
whether or not coupled with a duty of borrowing  
or continuing on loan or reborrowing money  
or of redeeming or paying off or creating or  
continuing payment of or in respect of any  
annuity rentcharge rent or other security repre-  
senting or granted in lieu of consideration  
money for the time being existing under any  
Act of Parliament public or local passed or to be  
passed or under any Provisional Order confirmed  
by Act of Parliament passed or to be passed or  
under any order or sanction of any Government  
department made or given or to be made or  
given by authority of any Act of Parliament  
passed or to be passed but does not include  
the power to borrow by way of temporary  
loan or overdraft which is conferred by para-  
graph (a) of subsection (1) of section 215 of  
the Local Government Act 1933;

“ The revenues of the Corporation ” means revenues  
as defined by section 218 of the Local  
Government Act 1933.

## PART II.

### ELECTRICITY.

5.—(1) Subject to the provisions of this Act the  
provisions contained in the schedule to the Electric  
Lighting (Clauses) Act 1899 (with the exception of  
sections 83 and 84 of that schedule) as amended by the  
Electricity (Supply) Acts 1882 to 1936 are incorporated  
with and form part of this Act and the electricity under-  
taking and the Corporation with respect thereto shall be  
subject to those provisions and so much of the Chiswick  
Electric Lighting Order 1891 (which was scheduled to  
and confirmed by the Electric Lighting Orders Con-  
firmation (No. 4) Act 1891) as is inconsistent with

Incorpora-  
tion of  
Electric  
Lighting  
(Clauses)  
Act 1899.  
62 & 63 Vict.  
c. 19.

A.D. 1936. — those provisions is hereby repealed without prejudice to anything done or suffered thereunder.

(2) The provisions of section 70 (Saving as to river Thames) of the Chiswick Electric Lighting Order 1891 shall extend and apply to the provisions contained in the schedule to the Electric Lighting (Clauses) Act 1899 as amended by the Electricity (Supply) Acts 1882 to 1936 which are incorporated and applied by this section.

Acquisition  
of land for  
sub-  
stations.

6. The Corporation may be authorised from time to time to purchase compulsorily land within the electricity limits for the purpose of the erection thereon of a station for transforming converting or distributing electricity by means of a compulsory purchase order made by the Corporation and submitted to the Minister of Transport and confirmed by him and sections 161 162 174 and 175 and paragraphs (a) (b) and (c) of section 179 of the Local Government Act 1933 and the Sixth Schedule to that Act shall subject to the provisions of this section apply in relation to the purchase of land under this section with any necessary modifications and with the substitution of the Minister of Transport for the Minister Provided that anything which under the Local Government Act 1933 has to be prescribed shall for the purposes of this section be prescribed by the Minister of Transport in such manner as he may think fit.

As to area  
of supply of  
electricity.

7. Where the electricity limits are bounded by or abut upon any street wholly or for part of its width outside those limits the Corporation may for the purpose of supplying electricity to the owner or occupier of any premises within the electricity limits exercise with respect to the whole width of the street the like powers of breaking up the street for the purpose of laying maintaining inspecting repairing and renewing electric lines and works as are exerciseable by them in respect of streets within the electricity limits and subject to the like conditions :

Provided that nothing in this section shall entitle or require the Corporation to supply electricity to the owner or occupier of any premises outside the electricity limits.

8. The Corporation may supply electricity to any house or building which is partly within and partly outside the electricity limits in the same manner as if those premises were wholly within such limits :

Provided that the Corporation shall not supply electricity under this section to any such house or building within the limits of any other authorised electricity undertakers without the consent of such undertakers which consent shall not be unreasonably withheld Any question as to whether any such consent is unreasonably withheld shall be determined by the Electricity Commissioners.

9.—(1) Where the charges made by the Corporation for electricity supplied by them for one purpose are less than the charges made by them for electricity supplied for another purpose electricity supplied by the Corporation for the first-mentioned purpose shall not without the consent in writing of the Corporation be used (whether after transformation or conversion or not) for the last-mentioned purpose and if any person to whom any electricity is supplied uses it or suffers it to be used in contravention of the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(2) Where a person is convicted of an offence under this section in respect of the use of electricity for any purpose the court may direct that all or any portion of the electricity which has been supplied to him by the Corporation within one year previous to the date when the proceedings were instituted at a rate of charge lower than the rate of charge appropriate for electricity supplied for the said purpose shall be charged for at the last-mentioned rate.

(3) For the purposes of this section electricity shall not be deemed to be used for lighting purposes by reason only that it is used for the purposes of some electrical apparatus which contains a lamp if the purposes of the apparatus as a whole are not lighting purposes.

10.—(1) The powers conferred on the Corporation by section 24 of the Electric Lighting Act 1882 of entering premises shall be extended as follows :—

(a) The premises which may be entered shall include all premises in the electricity limits in which

A.D. 1936.

Supply to premises partly without electricity limits.

Use for one purpose of electricity supplied for another purpose.

Further powers as to entry upon premises. 45 & 46 Vict. c. 56.

A.D. 1936,

electric fittings are being or have been installed with a view to taking a supply of electricity from the Corporation;

- (b) The purposes for which premises may be entered shall include the following purposes that is to say the inspection of all meters and electric fittings on the premises whether belonging to the Corporation or not the ascertainment of whether or not there is or has been any contravention of any of the Acts or Orders applying to the Corporation or of any regulation or byelaw made thereunder and (where the Corporation are authorised under the provisions of any such Act Order regulation or byelaw to cut off the supply of electricity to the premises) the cutting off of such supply.

The Corporation shall not have any power of entry into any such premises except through an officer duly authorised by the Corporation who shall if so required produce his authority.

(2) Any person who shall refuse to admit any such officer of the Corporation to any premises which they are entitled to enter in pursuance of the said section 24 as amended by this section or shall hinder any such officer from entering any such premises or from exercising the powers conferred by the said section as so amended shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) For the purposes of this section "electric fittings" includes electric lines meters accumulators fittings works and apparatus for the supply of electricity.

(4) The provisions of this section shall not apply to or in respect of any building or premises (not being a dwelling-house) belonging to and used by any railway company for the purpose of their railway and forming part of any station or goods depot nor any building or premises belonging to and used by the county council of the administrative county of Middlesex for and in connection with the discharge of their powers and functions In this subsection the expression "railway company" includes the London Passenger Transport Board.



11. Notwithstanding anything in any Act or Order relating to the Corporation or the electricity undertaking the Corporation on the one hand and any authority company body or person (other than authorised distributors) to whom the Corporation are authorised to supply electricity on the other hand may enter into and carry into effect contracts or agreements for or with respect to the supply of electricity by the Corporation to such authority company body or person and at such price and on such terms and conditions as may be agreed and the Corporation may supply electricity accordingly Provided that the Corporation shall not in making any such contract or agreement show any undue preference to any such authority company body or person.

A.D. 1936:

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Agree-  
ments for  
supply of  
electricity.

12. If any question shall arise under section 23 of the Electricity (Supply) Act 1922 as to whether a supply of electricity is demanded or received for the purpose of a stand-by supply only or as to whether a supply of electricity or of gas steam or other form of energy is in use or ready for use for the purposes for which a stand-by supply of electricity is required the same shall in default of agreement be determined by arbitration in manner provided by the Electricity (Supply) Acts 1882 to 1936.

For  
determining  
stand-by  
supplies.  
12 & 13  
Geo. 5. c. 46.

13. Except in the case of electricity supplied in pursuance of any agreement the maximum electrical power with which any consumer shall be entitled to be supplied by the Corporation shall not include any supply of electricity taken on extraordinary occasions unless such consumer shall pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Corporation in order to meet the possible maximum demand for the premises of such consumer Any question as to whether the provisions of this section apply and if so the sum to be paid shall be determined in default of agreement by arbitration in the manner provided by the Electricity (Supply) Acts 1882 to 1936.

As to  
maximum  
power  
which  
may be  
demanded.

14. If the Corporation commence proceedings for the summary recovery of a sum due for the supply of electricity any other sum due or payable to the Corporation in respect of the sale or hire of any apparatus

As to  
recovery  
summarily  
of sums due  
for fittings.

A.D. 1936. — or fittings supplied by them for or in connection with the consumption or use of electricity or the provision of materials and work in connection therewith or the fixing setting up repairing altering maintaining or removal thereof may be included in the same summons and may be recovered summarily provided the amount due or payable in respect thereof does not exceed twenty pounds.

Attach-  
ment of  
brackets  
&c. to  
buildings  
and bridges.  
10 & 11 Vict.  
c. 15.

15.—(1) Notwithstanding anything in section 7 of the Gasworks Clauses Act 1847 the Corporation may with the consent in writing of the owner of any building or any bridge over any street attach thereto such brackets electric lines and attachments (in this section called "attachments") as may be required for the purposes of the electricity undertaking.

(2) Where in the opinion of the Corporation any consent under subsection (1) of this section is unreasonably withheld they may make complaint to a court of summary jurisdiction who may by order either allow the attachments subject to such terms (if any) as to compensation or rent or otherwise as they may think fit or disallow the attachments.

(3) The provisions of subsection (2) of this section shall not apply in relation to—

- (a) any building forming part of an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920; or
- (b) any building which the owner thereof alleges to be a building of architectural or historic interest; or
- (c) any building or bridge of any railway company or the county council of the administrative county of Middlesex or any building owned by the Gas Light and Coke Company;

10 & 11  
Geo. 5. c. 80.

but if in the opinion of the Corporation any consent under subsection (1) of this section is unreasonably withheld in relation to any such building or bridge they may appeal in the case of a building owned by the Gas Light and Coke Company to the Board of Trade and in any other case to the Minister of Transport and the said Board or Minister may by order either allow

the attachments subject to such terms (if any) as to compensation or rent or otherwise as they or he think fit or disallow the attachments : A.D. 1936.

Provided that the Minister of Transport shall—

- (i) before exercising his powers under this section in relation to any building forming part of such an aerodrome as aforesaid consult with the Secretary of State for Air ;
- (ii) before exercising his powers under this subsection with respect to any building alleged to be of architectural or historic interest consult with the Commissioners of Works.

In this subsection the expression “ railway company ” includes the London Passenger Transport Board.

(4) Where any attachments have been affixed to a building or bridge under this section and the person who gave the consent or who was the owner when the order allowing the attachments was made ceases to be the owner of the building or bridge the subsequent owner may give to the Corporation notice in writing requiring them to remove the attachments and subject to the provisions of this subsection the Corporation shall within three months after the service of the notice remove the attachments :

Provided that the provisions of subsection (2) and subsection (3) of this section shall apply in relation to any such notice as they apply in relation to a refusal of a consent to the making of attachments.

(5) Where any attachments have been made under this section to any building or bridge the owner of the building or bridge may require the Corporation at their own expense temporarily to remove the attachments where necessary during any reconstruction or repair of the building or bridge.

(6) In this section the expression “ owner ”—

- (a) in relation to a building occupied under a tenancy for a term of years whereof five years or more remains unexpired means the occupier of the building ;
- (b) in relation to a building occupied under any other tenancy means the person who is

A.D. 1936.

receiving the rack rent or who would receive the rack rent if the building were let at a rack rent;

- (c) in relation to a building forming part of an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 means (notwithstanding anything in this subsection) the person having control of the aerodrome;

and the expression "rack rent" means in relation to a building a rent which is not less than two-thirds of the full net annual value of the building.

Power of entry for substitution of cables &c.

**16.** In any case in which the proper and efficient supply of electricity necessitates the substitution of a new cable or other work situate in or upon the private property of a consumer the Corporation after giving forty-eight hours' notice in writing under the hand of the town clerk to the occupier or if there be no occupier then to the owner or lessee of any house building or land in which such cable or work is laid or fixed 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 effecting such substitution repairing all damage caused by such entry or substitution :

Provided that the Corporation shall not without the previous consent of any railway company or the London Passenger Transport Board exercise the powers of this section in respect of any premises which form part of the railway of such company or board.

As to use of transformers.

**17.** 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 subject to the provisions of the agreement under which the transformer was provided 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 so however that the powers conferred by this section shall not enable the Corporation to extend the transformer so provided beyond the limits of the original site thereof.

**18.**—(1) If the owner or occupier of any premises erected or in process of erection within the electricity limits on land abutting on any street laid out as such but not dedicated to public use or if so dedicated not repairable by the inhabitants at large applies to the Corporation for a supply of electricity to those premises then—

A.D. 1936.

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Power to  
break up  
private  
streets.

- (a) so much of any Act or Order applying to the Corporation as requires the consent of the person by whom the street is repairable to the breaking up by the Corporation of the street shall not have effect in relation to the street;
- (b) the Gasworks Clauses Act 1847 in its application to the Corporation shall have effect in relation to the land comprised in the street as if section 7 thereof had been excepted from incorporation with the Acts or Orders applying to the Corporation; and
- (c) except in the case of such streets as are referred to in subsection (2) of this section the authority who would be responsible for the maintenance and repair of the street if it were repairable by the inhabitants at large shall have the like rights under section 15 of the schedule to the Electric Lighting (Clauses) Act 1899 as are thereby conferred on the person by whom the street is repairable.

(2) Nothing in this section shall authorise the breaking up by the Corporation of any street which is repairable by a railway company or the London Passenger Transport Board unless the consent in writing of such company or board is obtained by the Corporation but such consent shall not be unreasonably withheld.

(3) Any question arising under subsection (2) of this section as to whether or not a consent is unreasonably withheld shall be determined by the Minister of Transport.

**19.**—(1) The provisions of section 38 of the Gasworks Clauses Act 1871 (incorporated with the Electric Lighting Act 1882) shall apply to any person who wilfully fraudulently or by culpable negligence injures or detaches or suffers to be injured or detached any of the sealing or

Protection  
of seals &c.  
belonging to  
Corporation.  
34 & 35 Vict.  
c. 41.

A.D. 1936.

locking devices attached to any sealed or locked receptacle meter or apparatus inserted by the Corporation in any electric line within a consumer's premises or opens or suffers to be opened any such sealed or locked receptacle meter or apparatus.

(2) If any person accidentally injures or detaches or suffers to be injured or detached any such sealing or locking device as aforesaid he shall within forty-eight hours of such injury or detachment give notice in writing thereof to the Corporation and any person who fails to comply with the provisions of this subsection shall be liable to a penalty not exceeding five pounds.

Byelaws as  
to wires  
apparatus  
and fittings.

**20.**—(1) The Corporation may for the purpose of preventing fire in or any injury to any building or premises supplied or proposed to be supplied with electricity by them or injury to any person make byelaws—

(a) with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such building or premises and required or used for the purpose of such supply; and

(b) with respect to the charging of accumulators.

(2) No byelaw made under this section shall apply to or in respect of any building or premises (not being a dwelling-house) belonging to and forming part of the railway or any station or depot adjoining the railway or railway sidings of any railway company or the London Passenger Transport Board or to or in respect of any building or premises to which the Factory and Workshop Act 1901 applies.

1 Edw. 7.  
c. 22.

Charges  
for special  
readings of  
electricity  
meters.

**21.** The Corporation may make 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 :

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

Period of  
error in  
defective  
meters.

**22.**—(1) Where a meter supplied by the Corporation is found on a test to register erroneously to a degree exceeding the degree permissible as respects meters of

[26 GEO. 5. & Brentford and [Ch. lxiii.]  
1 EDW. 8.] Chiswick Corporation Act, 1936.

the class to which the meter belongs it shall in the absence of agreement to the contrary be deemed to have registered erroneously to the degree so found from the penultimate date on which the register of the meter was ascertained before the date on which the meter was tested or removed for the purpose of the test except in a case where the meter is proved to have begun to register erroneously as aforesaid on some date after such penultimate date. A.D. 1936.

(2) The amount of the allowance to be paid to or the surcharge to be made upon such person by the Corporation shall be paid by or to the Corporation 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.

(3) The Corporation shall notify the consumer at least forty-eight hours in advance of any test of his meter and shall notify the consumer of the result of the test.

(4) Nothing in this section shall affect the rights of the Corporation under section 38 of the Gasworks Clauses Act 1871 (which relates amongst other things to the injuring of meters).

**23.** The minimum charges per quarter which are specified in the Fourth Schedule to the Chiswick Electric Lighting Order 1891 as for the time being revised by any order of the Minister of Transport shall if so required by the Corporation be paid to them by the occupier of any premises connected to a distributing main of the Corporation in respect of each quarter of any year during the whole or any part of which quarter such premises are so connected whether electricity has actually been consumed on such premises or not during the currency of such quarter. Minimum charges for electricity.

**24.—**(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 be left at or sent by post to the office of the Corporation. Notice to discontinue supply of electricity.

(2) Notice of the effect of this section shall be endorsed on any demand note for electricity.

A.D. 1936.

Service of  
electricity  
demand  
notes.  
15 & 16  
Geo. 5. c. 90.

Discounts  
for prompt  
payment.

For pro-  
tection of  
Commis-  
sioner of  
Police.

For  
protection  
of Middlesex  
County  
Council.

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

**26.** The Corporation may if they think fit make an allowance by way of discount on all sums of money due to them for the supply of electricity from any person who pays the same within such time of the demand thereof as the Corporation think fit to prescribe in that behalf and notice to that effect shall (if and so long as the Corporation shall allow such discount) be endorsed on every demand note in respect of such charges. Provided that the Corporation shall make the same allowance to all consumers under similar conditions.

**27.** Before breaking up or otherwise interfering with any street or road in connection with the execution of any works under the powers of this Part of this Act the Corporation shall (except in case of emergency) give seven days' notice in writing to the Commissioner of Police of the Metropolis and make such arrangements with the said commissioner as may be reasonably necessary so as to cause as little interference as may be reasonably practicable with the traffic in the street or road during the construction of such works.

**28.** In its application to the powers conferred upon the Corporation by the sections of this Act of which the marginal notes are "As to area of supply of electricity" and "Power to break up private streets" section 18 of the Electric Lighting (Clauses) Act 1899 shall extend and apply to any sewer or drain under the jurisdiction or control of the county council of the administrative county of Middlesex as if the said county council were a local authority.

### PART III.

#### STREETS AND BUILDINGS.

Adjust-  
ment of  
boundaries  
of streets.

**29.**—(1) The Corporation may enter into and carry into effect agreements with any owner of lands adjoining any street (other than a road to which the provisions of section 63 (Exchanges for road improvements) of the



[26 GEO. 5. & Brentford and [Ch. lxiii.]  
1 EDW. 8.] Chiswick Corporation Act, 1936.

Middlesex County Council (General Powers) Act 1921 A.D. 1936.  
apply) for the adjustment of the boundary of any such  
street and for such purpose may give up to such owner  
land including land forming part of the street in exchange  
for other land 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.

11 & 12  
Geo. 5. c. xl.

(2) Provided that no such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the borough and if during such period of one month any four inhabitant householders of the borough by themselves or their agents give notice to the Corporation of their intention to appeal under the provisions of this section the Corporation shall not proceed with their proposals (unless the notice of appeal is withdrawn) pending a decision on or the withdrawal of the appeal The advertisement in the newspaper shall include notice of this proviso.

(3) Any four inhabitant householders of the borough may appeal to a court of summary jurisdiction against any proposal of the Corporation for an adjustment of the boundaries of a street under this section within the period mentioned in subsection (2) of this section.

(4) On any such appeal the court shall have power to make such order in the premises and on such terms and conditions as the court may think fit and to award costs.

(5) 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 such street as if the same had continued to be part of the street and if by reason or in consequence of any such agreement it becomes necessary to alter any such telegraphic line the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration as though the Corporation or the owner of the adjoining

A.D. 1936. — land (as the case may be) were undertakers within the meaning of the said Act.

(6) Nothing in this section shall be taken to dispense with the consent of any Government department to any appropriation exchange or other disposition of any lands of the Corporation in any case in which such consent would have been required if this Act had not been passed.

Power to vary width of carriageways and footways.

**30.** The Corporation may if they think fit in any case vary the relative widths of the carriageway and footway or footways in any street repairable by the inhabitants at large Provided that the Corporation shall not exercise the powers of this section in regard to any county road vested in the county council of the administrative county of Middlesex without the consent in writing of the said county council and provided also that twenty-one days before commencing under this section any work 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.

Fire-plugs.

**31.** Any person who shall cover over or wilfully or negligently obstruct or interfere with the convenient access to any fire alarm fire-plug or hydrant or who shall remove or efface any plate or mark indicating the position of such alarm plug or hydrant shall be liable to a penalty not exceeding five pounds.

Provisions as to forecourts.

**32.—(1)** If the Corporation shall by resolution determine that any stall structure or other erection on any forecourt is by reason of its character injurious to the amenities of the street in which the forecourt is situate they may by notice in writing require the owner of or person responsible for the stall structure or other erection within such period not being less than seven days as may be specified in the notice to make such alterations to the stall structure or other erection as may be necessary to prevent it from being injurious to the amenities of such street :

Provided that this subsection shall not apply to any notice or announcement board or similar erection of a temporary character for the display of any advertisement or statement relating to the occupier's own business.

(2) In any case in which the forecourt of any premises adjoining a street or any steps or projection placed in any such forecourt or any goods placed thereon whether for sale or not is or are a source of danger obstruction or inconvenience to the public the Corporation may require the owner of the premises well and sufficiently to fence such forecourt from the street. A.D. 1936.

(3) Any person who fails to comply with a requirement of the Corporation under this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(4) (a) Any person aggrieved by any requirement of any notice of the Corporation under the provisions of this section may appeal to a court of summary jurisdiction within seven days after the service upon him of such notice by the Corporation provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk.

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

**33.** The powers conferred upon the Corporation by section 17 of the Public Health Acts Amendment Act 1907 to vary the intended position of a new street so far as is necessary for the purpose of securing more direct easier or more convenient means of communication with any other street or intended street shall be extended so as to enable them (subject to the provisions contained in that section) to require that the corners formed at the junction of a new street with another street (whether new or existing) shall be rounded off so as to be coincident with the arc of a circle tangential to the adjacent boundaries of the two streets and having such radius not being less than forty feet as may be determined by the Corporation. Rounding of corners at street junctions. 7 Edw. 7. c. 53.

**34.** The Corporation when carrying out any private street works may with the consent in writing of the owners of land or premises having a rateable value of not less than one-half of the rateable value of the land or premises in such street cause trees or shrubs to be planted and grass margins to be laid out in such street and erect guards or fences and otherwise do everything Planting of trees in private streets.

A.D. 1936. expedient for the protection of such trees shrubs and grass margins and any expense incurred by the Corporation under this section shall be deemed part of the expenses of carrying out the private street works in any such street :

Provided that no such tree shrub grass margin guard or fence shall be placed or laid out in such a situation as to hinder the reasonable use of the highway by any person entitled to the use thereof or so as to be a nuisance or injurious to the owner or occupier of any land or premises adjacent to the said street :

Provided also that for the purposes of section 7 of the Telegraph Act 1878 any work done in exercise of the powers conferred by this section shall be deemed to be work done in the execution of an undertaking authorised by an Act of Parliament and the Corporation shall be deemed to be the undertakers.

Direction  
signs.

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

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

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

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

(4) The exercise of the powers conferred by this section shall be subject to the provisions of the Road Traffic Acts 1930 to 1934 with respect to traffic signs and to any regulations made or any general or other directions given by the Minister of Transport in pursuance of the said provisions.

A.D. 1936.  
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**36.**—(1) At any time within one month after deposit of the plans of any new building intended or adapted for use as a dwelling-house (or where such plans have been approved but the erection of the building has not been commenced at any time before the passing of this Act then at any time before the erection of such building is commenced) the Corporation may by notice in writing require the provision either before the building is erected or before it is sold let or occupied (as the Corporation shall specify) of sufficient means of communication between the building and a street which is either a highway repairable by the inhabitants at large or has been laid out and constructed in accordance with the byelaws or other provisions for the time being in force with respect to new streets.

Means of  
access to  
buildings.

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

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

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

A.D. 1936.

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

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

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

No buildings to be erected until street formed.

**37.**—(1) Any person who lays out or intends to lay out a new street or part of a new street shall as soon as any building is erected and roofed in abutting on such new street or part of a new street if required by the Corporation so to do construct the carriageway of such new street or such part of the new street as may be required by the Corporation with a foundation of suitable materials and of sufficient depth to be capable of carrying the traffic which will make use of the same and shall also if required sewer such street or such part of such street :

Provided that where any new street is or is intended to be constructed of a length exceeding one hundred yards the Corporation shall not be empowered to require such new street to be constructed in its entire length by one operation but such street may be constructed in parts and in such event nothing in this section shall prevent the erection or roofing in of a new building abutting on any part of such street in reference to which the foregoing provisions of this section have been complied with.

55 & 56 Vict. c. 57.

(2) The execution of any works under the provisions of this section shall not relieve any person of any liability under the Private Street Works Act 1892 or under the local Acts for the time being in force within the borough.

(3) Any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds. A.D. 1936.

**38.**—(1) Section 157 of the Public Health Act 1875 in its application to the borough shall be extended so as to empower the Corporation to make byelaws with respect to the following matters (that is to say):— Extension of section 157 of Public Health Act 1875.

- (a) the number of dwelling-houses which may be erected in one block or in one continuous row;
- (b) the provision of an open space for separating blocks or rows of dwelling-houses and the width of such space;
- (c) the situation construction and height of walls or fences upon or across such open space;
- (d) requiring work to be done in connection with the alteration whether in use or structure of a building or part thereof for securing stability and the prevention of fire and for purposes of health;
- (e) requiring that every fireplace opening or chimney opening in a new building shall have a sufficient hearth extending throughout the length and depth of such opening;
- (f) the adequate lighting of buildings;
- (g) for securing that waterclosets shall be so constructed and supplied with water that they can be adequately flushed by mechanical means and the provision to be made for securing the protection of the same from frost;
- (h) the provision of fixed baths in such classes of new dwelling-houses as may be prescribed in the byelaws;
- (i) 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 through such hole otherwise than by means of a gas main or pipe;
- (j) securing that any geyser or similar gas-heated water apparatus of the rapid water-heating

A.D. 1936.  
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type or gas apparatus for heating a building or any part of a building is properly fixed and adequately ventilated; and

- (k) requiring every person who shall erect houses tenements or flats which are to be situate over shops or other premises to make and construct a principal means of access to such houses tenements or flats (otherwise than through any such shop or other premises) of such width as may be prescribed by such byelaws :

Provided that any byelaws made under paragraphs (d) (f) (i) or (j) of this subsection or under the said section 157 with respect to the ventilation of a room in which any apparatus of the kind specified in the said paragraph (j) is fixed may be made so as to affect buildings erected before the times mentioned in the said section 157 :

Provided further that before making any byelaw under paragraph (j) of this subsection the Corporation shall submit a copy thereof to the Gas Light and Coke Company who shall be entitled to object to the confirmation thereof.

(2) For the purpose of framing any such byelaws in relation to buildings to be constructed wholly or partly with metal framework or of reinforced concrete and with respect to the use and composition of metal for framework and of reinforced concrete in the construction of buildings the Corporation may carry out such investigations and make such tests as they may deem necessary.

(3) The said section 157 shall also in its application to the borough be read and have effect as if it empowered the Corporation to require by byelaws the deposit of plans and sections by persons intending to construct any drains in connection with a building.

Secondary  
means of  
access.

53 & 54 Vict.  
c. 59.

**39.** The power of the Corporation to make byelaws with respect to secondary means of access under section 23 of the Public Health Acts Amendment Act 1890 shall extend to enable them to require every person who shall erect fronting a street or intended street terraces or other continuous blocks of houses not giving



access through their own grounds to the backs of such houses to make and construct a back and side roads at the back and at each end of such terraces or continuous blocks of houses of such widths as may be prescribed by such byelaws and to keep such roads open and unobstructed for the full width thereof.

A.D. 1936.

40.—(1) Every dwelling-house erected after the passing of this Act shall be provided with sufficient and properly ventilated and reasonably fly-proof larder or other food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Food storage accommodation to be provided.

(2) (a) Every dwelling-house the erection of which was commenced but not completed before the passing of this Act shall where reasonably practicable be provided with sufficient and properly ventilated and reasonably fly-proof larder or other food storage accommodation and every existing dwelling-house shall where reasonably practicable be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house which can reasonably be so provided but which is not so provided after one month's notice from the Corporation requiring the same to be done shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(b) Any person aggrieved by any requirement of the Corporation under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk.

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

41.—(1) (a) No fence wall 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

As to hoardings and similar structures.

A.D. 1936. street shall be erected or brought forward on any land  
— in any street—

15 & 16  
Geo. 5. c. 14.

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

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

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

A.D. 1936.

(4) The provisions of this section shall not apply to a wall (not being the wall of a dwelling-house) constructed by or belonging to or which may hereafter be constructed by or belong to any railway or canal company in the exercise of their statutory powers so long as such wall is used or held by such company for railway or canal purposes.

**42.**—(1) Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may order the owner at his option either to take down or repair or rebuild such building (in this section referred to as a “neglected structure”) or any part thereof or otherwise to put the same or any part thereof into a state of repair and good condition to the satisfaction of the Corporation within a reasonable time to be fixed by the order and may also make an order for the costs incurred up to the time of the hearing.

Dilapi-  
dated and  
neglected  
buildings.

(2) If the order is not obeyed the Corporation may with all convenient speed enter upon the neglected structure and execute the order.

(3) Where the Corporation in the execution of any such order under the provisions of subsection (2) of this section take down a neglected structure or any part thereof the Corporation may remove the materials to a convenient place and (unless the expenses of the Corporation under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

A.D. 1936.

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation from the proceeds of the sale and the surplus (if any) shall be paid by the Corporation on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Corporation or if the proceeds of the sale are insufficient to defray such expenses the Corporation may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof in a summary manner but without prejudice to his right to recover the same from any lessee or other person liable for the expenses of repairs.

Lock-up shops and places of business not to be improperly used for habitation.

**43.** Section 33 of the Public Health Acts Amendment Act 1890 in its application to the borough shall extend and apply to any part of a building which—

(a) is described on a plan submitted to and approved by the Corporation either before or after the passing of this Act as; or

(b) appears to be intended to be separated from the remainder of the building for the purpose of being used as;

a lock-up shop or workshop shed or place of business and not as a dwelling-house.

Power to order alteration of chimneys.

**44.**—(1) A court of summary jurisdiction upon complaint by the Corporation upon a report by the medical officer or the sanitary inspector that any smoke gas or vapour or any soot 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 may make an order requiring the owner of such chimney to cause the same to be raised or a funnel or pipe to be placed thereon for conveying away such smoke gas vapour or soot or such other means to be adopted as may seem fitting to the court for preventing or mitigating such nuisance within such time as shall be specified in such order where the estimated cost of complying with such requirement does not exceed twenty pounds.

(2) Any such owner as aforesaid who shall neglect or refuse to obey such order shall be liable to a penalty

[26 GEO. 5. & Brentford and [Ch. lxiii.]  
1 EDW. 8.] Chiswick Corporation Act, 1936.

not exceeding five pounds and to a daily penalty not exceeding forty shillings. A.D. 1936.

45. Every person who negligently breaks throws down or otherwise damages any public lamp or lamp-post street danger signal or street orderly bin or other receptacle for the temporary deposit and collection of dust ashes and rubbish street sand bin or fire alarm being the property of the Corporation shall make full compensation to the Corporation for the damage done and such compensation to an amount not exceeding ten pounds shall be recoverable summarily as a civil debt. Compensation for ... injuring lamps &c.

46.—(1) No person shall without the consent of the Corporation erect or place against or in front of any house or building any projection for advertising purposes which extends for more than two feet over any street or which extends for more than six inches over any street and is more than two feet six inches in height from the top to the bottom thereof. Projecting signs.

(2) The consent of the Corporation under this section shall not be withheld except on the ground that in their opinion the projection would be objectionable by reason of its size construction or situation or would be a danger or an injury to the amenities of the street and such consent may be given subject to such terms and conditions as the Corporation may think fit.

(3) Any person who offends against the provisions of this section or 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 forty shillings.

(4) Any person aggrieved by the withholding by the Corporation of any consent 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 provided he give twenty-four hours' written notice of the appeal and of the grounds thereof to the town clerk and such court shall have power to make such order and on such terms and conditions as the court may think fit and to award costs.

A.D. 1936.

47. If—

As to  
evasion by  
owners of  
private  
street  
works  
expenses.

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

then such expenses or so much thereof as has not been recovered by the Corporation may to such extent as the court may determine be recovered from that owner in the same manner as expenses of the execution of private street works may be recovered under the Private Street Works Act 1892 as though he had not made such conveyance sale lease or disposal and as though the said amount of the said expenses had been apportioned on the land of that owner which before such conveyance sale lease or disposal was made fronted adjoined or abutted on such street.

Saving for  
railway and  
canal  
companies.

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

- “ Adjustment of boundaries of streets ”;
- “ Provisions as to forecourts ”;
- “ Direction signs ”;
- “ As to hoardings and similar structures ”;

“ Lock-up shops and places of business not to be improperly used for habitation ”; A.D. 1936.

“ Power to order alteration of chimneys ”;

“ Projecting signs ”;

shall extend or apply to any building (not being a dwelling-house) railway wharf or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway or canal company in the exercise of their statutory powers or to any lands held or acquired or which may hereafter be held or acquired by any such company with the authority of Parliament so long as any such building railway wharf work or land is used or held by the said railway company primarily for railway purposes or by the said canal company primarily for canal purposes.

In this section the expression “ railway company ” includes the London Passenger Transport Board.

49. For the protection of the Metropolitan Water Board the Gas Light and Coke Company the Brentford Electric Supply Company Limited and the Metropolitan Electric Supply Company Limited (each of whom are in this section referred to as “ the protected body ”) the following provisions shall unless otherwise agreed in writing between the Corporation and the protected body have effect (that is to say) :—

For  
protection  
of certain  
statutory  
under-  
takers.

- (1) Whenever the Corporation in the exercise of the powers of the section of this Act of which the marginal note is “ Adjustment of boundaries of streets ” shall give up land forming part of a street in exchange for other land there then being in such first mentioned land at the date of such giving up any mains pipes valves works or apparatus (in this section referred to as “ apparatus ”) of the protected body the Corporation shall give notice in writing to the protected body of such exchange with a plan showing the position and dimensions of the portion of the street so exchanged and the protected body may alter the position of such apparatus to such other position as may be reasonable having regard to the circumstances

A.D. 1936.

and the Corporation shall repay to the protected body the reasonable expenses of and in connection with such alteration of position :

- (2) Not less than twenty-one days before the Corporation in the exercise of any of the powers of the section of this Act of which the marginal note is " Power to vary width of carriageways and footways " add to the carriageway of a street any portion of any footway in or under which any apparatus of the protected body is for the time being situate the Corporation shall give notice in writing to the protected body and the protected body may and if so required by the Corporation shall alter the position of any apparatus of the protected body in or under such footway by relaying the apparatus in such position (under either the carriageway or the footway) and at such depth as may be reasonable and the Corporation shall repay to the protected body the reasonable expenses of or in connection with such alteration of position :
- (3) The protected body shall give to the Corporation not less than twenty-one days' notice of their intention to alter otherwise than by the requirement of the Corporation the position of any apparatus under the provisions of subsection (1) or subsection (2) of this section and shall at the same time deliver to the Corporation a plan and section of the proposed alteration. If such plan and section are not disapproved by the Corporation within twenty-one days from the receipt thereof the depth and position of the apparatus shown thereon shall be deemed to be reasonable :
- (4) Any difference between the Corporation and the protected body under this section shall be referred to arbitration.

#### PART IV.

#### INFECTIOUS DISEASE AND SANITARY PROVISIONS.

**50.** For the purposes of the sections of this Act of which the marginal notes are—  
Definitions for purposes of certain

" Parents &c. to notify infectious disease " ;



“ Power to close schools and exclude children from entertainments ”; and A.D. 1936.

“ Restrictions on attendance at schools and places of assembly ”; sections of this Act.

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

**51.**—(1) Any parent or other person having the care or charge of a child attending at a school 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 &c. to notify infectious disease.

(2) 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.

(3) In this section the expression “ school ” shall include a Sunday school.

**52.**—(1) If the Corporation or any committee of the council acting on the advice of the medical officer with the view of preventing the spread of infectious disease require the closing of any Sunday school or day school or any department thereof or the exclusion of certain children therefrom for a specified time or the exclusion of children from places of public entertainment or assembly for a specified time such requirement shall be at once complied with. Power to close schools and exclude children from entertainments.

(2) Any person responsible for the conduct or management of any Sunday school or day school or any department thereof or place of public entertainment

A.D. 1936. — or assembly wilfully failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding five pounds.

Restric-  
tions on  
attendance  
at schools  
and places  
of assembly.

**53.**—(1) No person of or exceeding the age of sixteen years who has the custody charge or care of a child—

- (a) who is or has been attending any school or any part thereof which for the time being is closed by order of the Corporation or of the education committee of the council with the view of preventing the spread of infectious disease; or
- (b) who is suffering from an infectious disease; or
- (c) who with the view of preventing the spread of infectious disease has been prohibited from attending school by the medical officer or school medical officer;

shall permit such child to attend any Sunday school or day school or place of public entertainment or assembly without having procured from the medical officer or school medical officer a certificate (which if granted shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school or day school or place of public entertainment or assembly without undue risk of communicating disease to others.

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

Application  
to day  
schools.

**54.** In the two last foregoing sections the expression “day school” means a school (not being a school provided by a local education authority) at which some or all of the children are not boarders and the provisions of those sections shall not apply to the attendance at a day school of children who are boarders at that school.

Disinfection  
in case of  
tuberculosis.

**55.**—(1) (a) Where the medical officer certifies that the cleansing and disinfecting of any building (including in that term any tent van shed or similar structure used for human habitation) would tend to prevent or check tuberculosis the town clerk shall give notice in writing to the owner or occupier of such building that the same or any part thereof will be cleansed and disinfected by

and at the cost of the Corporation unless the owner or occupier of such building informs the Corporation within twenty-four hours from the receipt of the notice that he will cleanse and disinfect the building or the part thereof to the satisfaction of the medical officer within a time to be fixed in the notice. A.D. 1936.

(b) If within twenty-four hours from the receipt of such notice the owner or occupier of such building has not informed the Corporation as aforesaid or if having so informed the Corporation as aforesaid he fails to have the building or the part thereof cleansed and disinfected as aforesaid within the time fixed by the notice the building or the part thereof shall be cleansed and disinfected by the officers of and at the cost of the Corporation under the superintendence of the medical officer. Provided that any such building or part thereof may without any such notice being given as aforesaid but with the consent of the owner or occupier be cleansed and disinfected by the officers of and at the cost of the Corporation under the superintendence of the medical officer.

(c) For the purpose of carrying into effect the provisions of this subsection the Corporation may by any officer who shall be authorised in that behalf in writing under the hand of the medical officer and who shall produce his authority enter on any premises between the hours of ten o'clock in the forenoon and six o'clock in the afternoon.

(d) Every person who shall wilfully obstruct any duly authorised officer of the Corporation in carrying out 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 medical officer if generally empowered by the Corporation in that behalf may by notice in writing require the owner or person in possession of any household or other articles books things bedding or clothing which have been exposed to the infection of tuberculosis of the lung or other forms of tuberculosis with discharges to cause such articles books things bedding or clothing to be delivered to an officer of the Corporation for removal for the purpose of disinfection and any person who fails to comply with such requirement shall be liable to a penalty not exceeding five pounds.

A.D. 1936.

(b) Such articles books things bedding and clothing shall be disinfected by the Corporation and returned to the person from whom they were taken free of charge.

(3) If any person sustains any damage by reason of the negligent exercise by the Corporation of any of the powers of subsections (1) and (2) of this section in relation to any matter as to which he is not himself in default compensation shall be made to such person by the Corporation and the amount of compensation shall be recoverable in and in the case of dispute may be settled by a court of summary jurisdiction.

Byelaws  
as to  
stables.

**56.** The Corporation may make byelaws for securing the proper ventilation and lighting of any stable for the time being used for the accommodation of horses (whether the same is used as such at the passing of this Act or not) and for the prevention of insanitary conditions (a) in or about or arising out of any such stable or (b) in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected after the passing of this Act.

Byelaws as  
to lodging-  
houses.

**57.** Section 6 of the Housing Act 1925 shall operate so as to empower the Corporation to make byelaws relating to houses which are let in lodgings or occupied by members of more than one family so as to require a separate approach to each room or tenement separately occupied without passing through any other room or tenement.

Prohibition  
on infected  
person  
carrying on  
business.

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

Power to  
prohibit  
persons in  
advanced  
state of  
tuberculosis

**59.—**(1) If the medical officer shall certify that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state and that he is employed within the borough in the cooking preparation or handling of food intended for consumption by persons other than

himself or members of his household and that his continuance in such employment would in the judgment of the medical officer be detrimental to the public health the Corporation may request such person to stop his employment and on such request being made the Corporation may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage.

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—  
from selling  
&c. food.

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

(3) If any such person fails to comply with any such order he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

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

**60.**—(1) Any premises used or proposed to be used for the preparation or manufacture of sausages or potted pressed pickled or preserved meat fish or other food intended for the purposes of sale shall be registered by the owner or occupier or intending occupier thereof with the Corporation.

Registra-  
tion of  
premises  
used for  
preparation  
of potted  
and  
preserved  
foods.

(2) Any person using for any of the purposes mentioned in subsection (1) of this section any premises not registered for that purpose pursuant to this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) If the Corporation are satisfied that any premises registered or sought to be registered with them pursuant to this section are unsuitable for the purpose for which they are registered or sought to be registered they may serve upon—

(a) the person on whose application the premises were registered or the occupier of the premises;  
or

(b) the person applying for such registration;

A.D. 1936. (as the case may be) 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 remove the premises from the register or refuse to register the premises (as the case may be) and if he fails to show cause to their satisfaction accordingly they may remove the premises from the register or refuse to register the premises (as the case may be).

(4) Any person aggrieved by the decision of the Corporation under subsection (3) of this section may within fourteen days from the date of such decision appeal to a court of summary jurisdiction provided that he gives or causes to be given written notice of such appeal and of the grounds thereof to the town clerk before lodging his appeal. The court may on any such appeal by order either confirm the decision of the Corporation or require the Corporation to retain the premises on the register or to register the premises (as the case may be) 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.

(5) The decision of the Corporation to remove any premises from the register or to refuse to register any premises shall not have effect until the expiration of the time prescribed by subsection (4) of this section for appeal to a court of summary jurisdiction nor where any such appeal is brought until the appeal is either abandoned or determined and where notice of appeal from a court of summary jurisdiction is duly given according to the provisions of the Summary Jurisdiction Acts such decision of the Corporation as aforesaid shall not take effect until the appeal to quarter sessions is either abandoned or determined.

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

(7) In the case of meat or fish the word "preserved" in subsection (1) of this section includes preparation by any process of cooking.

(8) This section shall not apply to hotels restaurants or other premises where food is in the ordinary course of business prepared for consumption on the premises.

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- 61.—(1) (a) Any person being a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity; and  
(b) any premises used or proposed to be used for the manufacture or sale of ice-cream or other similar commodity;

Registration of ice-cream manufacturers and premises.

shall be registered with the Corporation in the case of any such person by himself and in the case of any such premises by the owner or occupier thereof.

(2) No person shall carry on the business of a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity unless he be so registered and no premises shall be used for the purposes aforesaid unless they be so registered.

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

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

62.—(1) The Corporation if they are satisfied that the public health is or is likely to be endangered by any act or default of any person who is registered or who seeks to be registered as a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity in relation to the quality storage or distribution of the ice-cream or other commodity may serve upon him 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 him or remove him from the register as the case may be either absolutely or in respect of any specified premises and if he fail to show cause to their satisfaction accordingly they may refuse to register him or remove him from the register as the case may be.

Power to refuse registration of or remove from register ice-cream manufacturers and premises.

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(2) Any person aggrieved by any such decision of the Corporation as aforesaid may within fourteen days give notice of appeal to a court of summary jurisdiction and that court may by order require the Corporation to register such person or not to remove him from the register.

(3) The Corporation or such person as aforesaid may appeal from the decision of the court of summary jurisdiction to the next practicable court of quarter sessions who may confirm or reverse the said decision.

(4) The decision of the Corporation to refuse registration or to remove any person from the register under this section shall not have effect until the expiration of the time for appeal to a court of summary jurisdiction nor where any such appeal is brought until the appeal is determined and where notice of appeal from a court of summary jurisdiction under this section is given within fourteen days from the date thereof such decision of the Corporation as aforesaid shall not take effect until the appeal to quarter sessions is either abandoned or determined.

(5) Where the appeal is from a refusal to register such person as aforesaid may until the appeal is finally determined carry on business as a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity notwithstanding that he is not registered.

Byelaws as  
to food.

**63.**—(1) The Corporation may make byelaws for promoting and securing sanitary and cleanly conditions in the transport or exposure for sale in the open air of any article intended to be sold for food.

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

(3) The medical officer and the sanitary inspector or any other officer duly authorised by the Corporation in that behalf shall be entitled at all reasonable times



to enter into and inspect any premises on which he suspects that there is any contravention of a byelaw made under this section and any person refusing such entry or inspection or obstructing any such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings. A.D. 1936.

**64.** Sections 116 to 118 of the Public Health Act 1875 as amended by section 28 of the Public Health Acts Amendment Act 1890 shall extend to authorise the medical officer or the sanitary inspector to inspect examine and search any cart or other vehicle or any basket sack bag or parcel whether open or closed in which he has reason to suspect that there is any animal or any of the articles referred to in the said sections intended for sale or in the course of delivery after sale for food and the provisions of such sections shall apply accordingly Provided that in the exercise at any railway station or upon any railway premises of a railway company of the powers conferred upon him by this section the medical officer or the sanitary inspector shall conform to such reasonable requirements of the railway company as are necessary to prevent the working of their traffic being obstructed or interfered with and with respect to any cart or other vehicle belonging to the railway company the powers conferred upon the medical officer or the sanitary inspector by this section shall be so exercised as not unreasonably to obstruct or interfere with the collection or delivery of goods by the railway company. Further powers in relation to unsound food.

**65.**—(1) Every registered medical practitioner attending on a person who is or is suspected to be suffering from food poisoning shall forthwith on becoming aware that such person is or is suspected to be so suffering send to the medical officer a notification of the case stating the name of such person and the place at which such person is. Medical practitioners to notify cases of food poisoning.

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

(3) Every person required by this section to give notice who fails to give the same in accordance with

A.D. 1936. — this section shall be liable to a penalty not exceeding forty shillings.

Notice of  
Part IV.

**66.**—(1) Public notice of the effect of the 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 a newspaper published or circulating in the borough.

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

## PART V.

### LANDS.

Further  
powers for  
acquisition  
of lands.

**67.**—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable that the Corporation should acquire for or in connection with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the borough.

(2) When any lands purchased or acquired or taken on lease by the Corporation under this section shall be appropriated to any undertaking or to any of their powers or duties a transfer of the outstanding loan in respect thereof shall be effected to the proper account in the books of the Corporation and pending such appropriation all expenses incurred by the Corporation under this section shall be payable out of the general rate fund and general rate.

Retention  
and  
disposal of  
lands.

**68.**—(1) Notwithstanding anything in section 127 of the Lands Clauses Consolidation Act 1845 to the contrary the Corporation may retain and hold and use or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the district

(other than the Housing Acts 1925 to 1935) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange : A.D. 1936.  
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Provided that the Corporation shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such lands or any interest therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained :

Provided also that nothing in this section shall be taken to dispense with the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Corporation in any case in which such consent would have been required if this Act had not been passed.

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

69. The Corporation on selling any lands may reserve to themselves all or any part of the rights or easements belonging thereto and may make the sale subject to such reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect

Reservation  
of ease-  
ments &c.

A.D. 1936. — to the exercise of noxious trades or the discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Powers with reference to leases of lands.

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

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

Power to develop lands.

**71.**—(1) The Corporation may with the consent of the Minister lay out and develop any lands for the time being belonging to them 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.

(2) The Corporation 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.

Dwelling-houses for persons in employment of Corporation.

**72.**—(1) The Corporation may purchase or take on lease dwelling-houses for persons employed by them for the purposes of their several undertakings and offices and other buildings for those purposes and may erect fit up maintain and let any such houses and buildings upon any lands for the time being belonging to the Corporation and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for those purposes.

(2) Nothing contained in this section shall empower the Corporation to create or permit a nuisance. A.D. 1936.  
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**73.**—(1) The Corporation may (so far as they consider necessary) apply subject to the approval of the Minister any capital moneys received by them on the re-sale or exchange of or by leasing any lands acquired under the authority of this Act in the purchase of other lands but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act or any other Act and such application shall be in addition to and not in substitution for any other mode of extinguishment of such loan except to such extent and upon such terms as may be approved by the Minister. Proceeds of sale of surplus lands.

(2) Any capital moneys received by the Corporation on the re-sale or exchange of or by leasing any lands acquired under any Act other than this Act shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister.

**74.** The Corporation may enter into and carry into effect agreements and arrangements with the owners of or other persons interested in any lands or buildings which may be acquired by the Corporation under the provisions of any general or local enactment from time to time in force in the borough with respect to the reinstatement of any such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange. Power to reinstate owners of property.

## PART VI.

### PUBLIC BUILDINGS BATHS PARKS &C.

**75.**—(1) Subject to the provisions of this Act—  
(a) the Corporation may provide or acquire or may (subject to the approval of the Minister in the case of any lands not so utilised at the passing of this Act) on any lands of which for the time being they may be the owners erect and hold furnish equip maintain Power to provide and let public hall and other buildings.

A.D. 1936.  
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and insure a concert hall public hall assembly rooms rooms for all social purposes museums pavilions conservatories winter gardens bandstands and other buildings with all necessary and suitable offices committee rooms entertainment rooms reading rooms ante-rooms shelters waiting rooms refreshment rooms kitchens cloak rooms lavatories gardens pleasure grounds promenades model yacht ponds outbuildings conveniences and appurtenances and may for any such purposes alter adapt extend or otherwise deal with existing buildings for the time being belonging to the Corporation and may provide erect and maintain offices as part of any such building or buildings;

(b) the Corporation may grant or let with or without charge the use of the whole or any part of any buildings acquired or constructed by them under the powers of this section for the purpose of any public or other meetings or any musical or other entertainments or for other purposes approved by the Corporation on such terms and conditions as they may think fit;

(2) Nothing in this section shall enable the Corporation to grant or let the use of any such buildings for the purposes of a theatre music hall or cinematograph theatre except on the best terms that can be obtained.

(3) Nothing in this section shall be taken to dispense with the consent of the Board of Education to any appropriation lease or other disposition of any lands of the Corporation in any case in which such consent would have been required if this Act had not been passed.

Power to charge for admission.

**76.** The Corporation may make such reasonable charges as they may think fit for admission to and for the use of any public building belonging to them or for the use of model yacht ponds or lands used for the purposes mentioned in this Part of this Act and they may also make such charge for the use of chairs and for admission to the public halls concert halls pavilions conservatories winter gardens assembly rooms and conveniences in connection therewith authorised by this Act as the Corporation may deem fit.

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

A.D. 1936.

—  
Provision  
of concerts  
entertain-  
ments &c.

Provided that nothing in this subsection contained shall enable the Corporation themselves to use any concert hall public hall assembly room pavilion conservatory winter garden or other building provided by them under the powers of this Act for the purposes of a cinematograph theatre :

Provided also that the concerts entertainments and amusements which the Corporation may provide under the powers of this section shall include concert and pierrot entertainments and other like entertainments whether costume is or is not used in connection therewith and either with or without appropriate scenery but the Corporation shall not themselves provide or arrange for the provision or carrying on of stage plays performed by persons other than members (resident in or near the borough) of any amateur dramatic society or any entertainment for which scenery or theatrical costume is used and which forms a complete programme of variety entertainment as usually given at a music hall.

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

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

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

(5) The Corporation may pay or contribute towards the cost of providing and maintaining at railway stations and other public places in the borough and on public service vehicles and omnibuses plying in the borough or between the borough and other places and in newspapers magazines and other publications published in the county of Middlesex or any county adjoining that county advertisements relating to any concerts entertainments exhibitions swimming contests athletic meetings regattas or amusements given or provided in pursuance of this section.

15 &amp; 16

Geo. 5. c. 71.

(6) Any expenses incurred by the Corporation under the provisions of this section may be paid by the Corporation out of the general rate fund Provided always that the net amount of any payments or expenses made and incurred by the Corporation under the provisions of (a) this section and (b) section 56 of the Public Health Act 1925 after deducting any moneys received by them under the provisions of such sections shall not in any one year exceed the amount (calculated in accordance with the rules made from time to time by the Minister under sections 9 and 58 of the Rating and Valuation Act 1925) which would be produced by a rate of one penny in the pound levied in that year to the general rate Provided that the limitation hereby imposed shall not apply to or in respect of any rate in excess of the rate of one penny in the pound which may be approved by the Minister under the provisions of subsection (3) of section 56 of the Public Health Act 1925 and of section 75 of the Local Government Act 1929.

19 &amp; 20

Geo. 5. c. 17.

Saving for  
licensing  
powers.

**78.** Nothing in the sections of this Act of which the marginal notes are "Power to provide and let public hall and other buildings" and "Provision of concerts entertainments &c." shall affect the provisions of any enactment by virtue of which a licence for racecourses or tracks or for the public performance of stage plays or for public dancing or music or public display of boxing or other public entertainment of the like kind or a cinematograph exhibition is required.



[26 GEO. 5. & Brentford and [Ch. lxiii.]  
1 EDW. 8.] Chiswick Corporation Act, 1936.

79.—(1) Subject to the provisions of this Act the Corporation may in any park recreation ground or open space belonging to them construct and maintain boating or bathing pools together with such buildings works appliances and conveniences as may be necessary or proper in connection therewith. A.D. 1936.  
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Boating and bathing pools.

(2) The Corporation may make such reasonable charges as they may think fit for the admission to and use of any bathing or boating pools by this Act authorised to be constructed or any part thereof or any works appliances or conveniences provided in connection therewith or any other buildings erected with the approval of the Minister and the Corporation may if they think fit let any such works appliances conveniences and buildings.

(3) The provisions of subsection (2) of section 44 of the Public Health Acts Amendment Act 1890 shall apply as if a bathing or boating pool were a lake or piece of water in a park or pleasure ground provided by the Corporation.

(4) The Corporation may for any of the purposes mentioned in section 69 of the Town Police Clauses Act 1847 make byelaws for regulating the use of any of the said bathing or boating pools and works appliances and conveniences in connection therewith. 10 & 11 Vict. c. 89.

(5) In the exercise of the powers conferred by this section the Corporation shall be subject to the provisions of sections 327 328 329 332 and 333 of the Public Health Act 1875 as if such powers were exercised under and by virtue of that Act.

80.—(1) When any portion of any park or place of public resort or recreation is set apart by the Corporation for any purpose under section 76 of the Public Health Acts Amendment Act 1907 the Corporation may permit the exclusive use by any club or other body or persons of any part of any park or place of public resort or recreation set apart as aforesaid and specially laid out for cricket tennis and other games and of any pavilions buildings or refreshment or other rooms or conveniences subject to such charges and conditions as the Corporation may think fit. Charges for and letting of parks &c. for games.

A.D. 1936.

(2) Provided that nothing in this section shall empower the Corporation to let at one and the same time the exclusive use of more than twenty-five per centum of the total area of any park or place of public resort or recreation for the time being belonging to them or under their control.

Saving for covenants and conditions affecting trusts.

**81.** No power conferred upon the Corporation by the preceding provisions of this Part of this Act shall be exercised in such a manner as to be at variance with any trust subject to which any lands or buildings are held managed or controlled by the Corporation without an order of the High Court or of the Charity Commissioners or the Board of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of such donor or other person.

Power of constables to enforce byelaws as to parks &c.

**82.** From and after the passing of this Act every police constable shall have the same power of enforcing byelaws made by the Corporation under the provisions of the Public Health Acts or any Act or Order for the time being in force within the borough relating to any park or place of public resort or recreation ground under the control of the Corporation as is given to the servants of the Corporation by the byelaws for the time being in force under the said provisions.

Power to appoint officers.

**83.**—(1) The Corporation may appoint officers for securing the observance of this Part of this Act and of the provisions of all other Acts relating to parks and pleasure grounds and of the byelaws and regulations made thereunder and may procure such officers to be sworn in as constables for that purpose but any such officer shall not act as a constable unless in uniform or provided with a warrant.

11 & 12  
Geo. 5. c. 31.

(2) Nothing in this section shall be deemed to render applicable to any such officer the provisions of the Police Pensions Act 1921 or any other enactments relating to pensions gratuities and allowances in respect of police service.

## PART VII.

### MARKETS.

Extension of powers

**84.** The Corporation may lease or agree to lease any land or buildings belonging to them and used as

part of a market for any term not exceeding ninety-nine years either at a reserved rent or on a fine or both subject to such conditions as to the erection or maintenance of buildings shops or premises for commercial purposes as the Corporation shall think fit.

A.D. 1936.

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of leasing  
market  
land and  
buildings.

**85.** The Corporation may provide maintain and let on hire in connection with their markets and the markets undertaking moveable stalls trestles and stands and may charge for the use thereof sums not exceeding two-thirds of the stallages rents or tolls which they are from time to time entitled to charge in respect of the use of the space occupied by such moveable stalls trestles and stands.

Corporation  
may  
provide  
moveable  
stalls.

**86.** The Corporation may grant leases (with the right if they think fit of assigning the same with their consent) of any of the stalls standing places benches cellars or other conveniences in any market house market hall or market place belonging to them or under their control to any person for any term not exceeding seven years and may grant leases (with a similar right) of any office shop store warehouse tenement or building situate in any of their markets or forming part of or acquired or erected in connection with the markets undertaking to any person for any term not exceeding twenty-one years.

Power to  
lease stalls  
shops &c.  
in markets.

**87.** If any tenant stall-holder or occupier shall not after any stallages rents or tolls have become due and payable to the Corporation in respect of any stall standing place bench cellar or other convenience in any market house market hall or market place belonging to the Corporation and after demand has subsequently been made therefor pay the same within three days of the demand the Corporation may enter upon and take possession of such stall standing place bench cellar or other convenience and re-let the same without prejudice to any other remedy for the recovery of such stallages rents or tolls.

Power to  
take  
possession  
of stalls  
for non-  
payment  
of rent &c.

**88.**—(1) The Corporation may discontinue the market held by them in Chiswick High Road in the borough known as the Chiswick Retail Market and may if they think fit sell or lease the market premises or may demolish the same and lay out and develop the site

Discontin-  
ance of  
Chiswick  
Retail  
Market.

A.D. 1936. — thereof and any lands adjoining the same belonging to the Corporation and may erect and maintain on such site and lands shops offices warehouses and other buildings and may sell lease exchange or otherwise dispose of any such shops offices warehouses or buildings upon and subject to such terms conditions and restrictions as they may think fit :

Provided that the Corporation shall not without the consent of the Minister sell or lease the market premises at a price or rent or for a consideration of a value less than the current market value of the same but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained.

(2) Any capital moneys received by the Corporation in respect of any sale or lease under this section shall be applied by them in or towards the extinguishment of any loan raised by them under the authority of this Act for the purposes of this section or with the approval of the Minister for any other purpose to which capital money may be applied.

## PART VIII.

### FINANCIAL.

Power to borrow.

**89.**—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Local Government Act 1933 from time to time to borrow without the consent of any sanctioning authority the sum or sums requisite for the payment of the costs charges and expenses of this Act and they shall pay off all moneys so borrowed within such period as the Corporation may determine not exceeding five years from the passing of this Act.

(2) The provisions of Part IX of the Local Government Act 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed for the repayment of any money borrowed under this section shall as respects that money be the fixed period for the purpose of the said Part IX.

**90.** Sections 213 and 214 of the Local Government Act 1933 shall apply with respect to any sinking fund formed by the Corporation for the repayment of any money borrowed (otherwise than by the issue of stock) before the passing of this Act under any statutory borrowing power as if it had been borrowed by way of mortgage and the Corporation shall make such adjustments of any existing sinking funds as may be proper.

A.D. 1936.

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Application of Local Government Act 1933 to existing sinking funds.

**91.—(1)** In addition to any other form of borrowing the Corporation may exercise any statutory borrowing power by the issue of bonds to be called "Brentford and Chiswick Corporation bonds" (and in this Act referred to as "bonds") in accordance with the provisions of this Act.

Power to borrow by issue of bonds.

(2) Where the Corporation raise money by the issue of bonds sections 209 210 211 212 213 and 214 of the Local Government Act 1933 shall apply as if the money had been raised by borrowing by mortgage under that Act and bonds were mortgages within the meaning of that Act.

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

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

62 & 63 Vict.  
c. 9.  
7 Edw. 7.  
c. 13.

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

54 & 55 Vict.  
c. 39.

**92.—(1)** The Corporation may give notice to any person being registered as a holder of any authorised security of the Corporation (other than stock) that they intend to send interest or dividends to him by post if he does not object and if such person does not within fourteen days from the receipt of such notice give notice to the Corporation of such objection the Corporation may from time to time send orders for the payment of interest or dividend warrants by post to the address of such person appearing in the register

Dividend warrants by post.

A.D. 1936. — Provided that if such person give notice to the Corporation that he desires such orders or warrants to be sent to another person at a given address the Corporation may from time to time send the same by post to such other person at such address.

(2) Where more persons than one are registered as joint holders of any authorised security any one of them may for the purpose of this section be regarded as the holder of the security unless notice in writing to the contrary has been given to the Corporation by any other of them.

(3) The posting by the Corporation of an order for the payment of interest or a dividend warrant in pursuance of this section shall as respects the liability of the Corporation be equivalent to the delivery of the order or warrant to the registered holder of the authorised security.

45 & 46 Vict. c. 61. (4) Every order or warrant so sent by post shall be deemed to be a cheque and the Corporation shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

Receipts in case of minors. **93.** If any money is payable to a stockholder being a minor the receipt of his guardian shall be a sufficient discharge to the Corporation.

Closing of registers. **94.**—(1) The Corporation may close any transfer books or the registers of transfers of authorised securities (other than stock) during the whole of the period of thirty days or any shorter period next before the date on which interest on the authorised securities to which such transfer book or register relates is payable.

(2) The persons who on the date on which the transfer book or register is closed are entered therein as holders of any security of the class to which such transfer book or register relates shall be entitled to the interest next payable thereon.

Use of moneys forming part of sinking and other funds. **95.** Notwithstanding anything contained in this or any previous enactment the Corporation may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part of but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a

reserve renewals repairs depreciation capital reserve A.D. 1936.  
contingency or other similar fund (in this section referred —  
to as "the lending fund") subject to the following  
conditions :—

- (1) The moneys so used shall be repaid out of the general rate fund within the period and by the method within and by which a loan raised under the statutory borrowing power would be repayable :

Provided that the Corporation shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding as the case may be as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the general rate fund or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power :

- (2) In the accounts of the general rate fund an amount equal to interest calculated at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power on any moneys so used and for the time being not repaid shall be credited to the lending fund and debited to the undertaking or purpose with reference to which the moneys are so used :
- (3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power and the provisions of any enactment as to reborrowing of sums raised under the statutory borrowing power shall apply accordingly.

96.—(1) Notwithstanding anything contained in any other Act or Order on and after the thirty-first day of March one thousand nine hundred and thirty-seven Consolidated loans fund.

A.D. 1936. — the Corporation may (if they think fit) establish a fund to be called “the consolidated loans fund” to which shall be paid—

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

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

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

- (a) in the redemption of authorised securities the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Corporation; and
- (b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Corporation:

And the moneys of the consolidated loans fund not used or applied in these ways or about to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not except with the consent of the Minister be used or applied otherwise than as provided in this subsection.



A.D. 1936.

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

(4) The Corporation may pay into the consolidated loans fund any moneys forming part of any reserve renewals depreciation capital reserve contingency or other similar fund (hereinafter referred to as "the lending fund") and not for the time being required and such moneys shall be deemed to be moneys borrowed by the Corporation within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

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

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

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

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

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

(8) Any scheme approved by the Minister under this section may be altered amended or revoked by a scheme made in like manner as the original scheme.

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Capital  
reserve  
fund.

**97.**—(1) The Corporation may establish a fund to be called “the capital reserve fund” for the purpose of defraying any expenditure to which capital is properly applicable (other than expenditure in connection with the electricity undertaking) to an amount not exceeding five thousand pounds in any one transaction and such fund shall be formed by appropriating in the accounts of the Corporation such sums out of the general rate fund as the Corporation from time to time deem expedient:

Provided that—

(a) except as provided by subsection (2) (b) of this section any sum or sums so appropriated to the capital reserve fund from the general rate fund shall not exceed in any year the equivalent of a rate of twopence in the pound calculated according to the rules made pursuant to sections 9 and 58 of the Rating and Valuation Act 1925;

(b) appropriations to and payments into the capital reserve fund shall cease to be made whenever the said fund amounts to the sum of twenty-five thousand pounds.

(2) (a) Pending the application of the capital reserve fund to the purposes authorised in the foregoing subsection the moneys in the fund shall (unless applied in any other manner authorised by this Act) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the capital reserve fund in the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by proviso (b) to subsection (1) of this section) an amount equivalent to such income shall be credited to the capital reserve fund.

Renewal  
and repairs  
fund.

**98.**—(1) The Corporation may if they think fit in any year apply from the general rate fund or from the proceeds of the general rate to a fund to be called “the renewal and repairs fund” any sum not exceeding the equivalent of a rate of one penny in the pound calculated according to the rules made pursuant to sections 9 and 58 of the Rating and Valuation Act 1925.

(2) The maximum amount standing to the credit of the renewal and repairs fund shall not at any time exceed fifteen thousand pounds. A.D. 1936.

(3) The renewal and repairs fund shall be applicable only to meet expenses requisite for the provision maintenance and renewal of horses carts mechanically propelled vehicles stables depots boilers equipment and apparatus in connection therewith and the maintenance and repair of paths and apparatus in public walks and pleasure grounds and of buildings which are not comprised in the undertakings of the Corporation from which revenue is derived and shall be so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect of such expenses :

Provided that nothing in this section shall apply to buildings in respect of which the Corporation are required by the Housing Acts 1925 to 1935 to keep a housing repairs account.

(4) (a) Pending the application of the renewal and repairs fund to the purposes authorised in the foregoing subsection the moneys in the fund shall (unless applied in any other manner authorised by this Act) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the renewal and repairs fund in the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (2) of this section) an amount equivalent to such income shall be carried to the renewal and repairs fund.

**99.**—(1) The Corporation may if they think fit establish a fund to be called “ the insurance fund ” with a view to providing a sum of money which shall be available for making good all losses damages costs and expenses to which the Corporation may be subjected in consequence of the happening of any event against which in the absence of that fund the Corporation would ordinarily insure. Insurance fund.

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from

A.D. 1936. insuring in one or more insurance offices against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide.

(3) In each year after the establishment of the insurance fund the Corporation shall carry to the credit of that fund such a sum as they may think fit but when the said fund shall amount to such sum as may from time to time be prescribed by the Corporation the Corporation shall discontinue such yearly credits but if the said fund is at any time reduced below the sum so prescribed the Corporation may recommence and continue the said yearly credits until the said fund be restored to the sum so prescribed.

(4) The amounts carried to the credit of the insurance fund as aforesaid shall be debited in the accounts of the Corporation against the particular undertaking department or service of the Corporation which if the risks against which it is intended to provide were insured against in an insurance office would be properly chargeable with the payment of the premiums of such insurance.

(5) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence of the happening of any event against which the fund is intended to provide insurance or are used in the manner authorised by the sections of this Act of which the marginal notes are "Use of moneys forming part of sinking and other funds" and "Consolidated loans fund" respectively all moneys for the time being standing to the credit of the insurance fund shall be invested in statutory securities.

(6) For the purposes of this section the Corporation may if they deem it expedient include in the risks to be covered by the insurance fund risks of accident to any person employed in any school college educational institute or hostel maintained by the Corporation notwithstanding that such school college institute or hostel has not been provided by the Corporation as the local education authority.

(7) The insurance fund may be applied to meet any losses damages costs or expenses sustained by the Corporation in consequence of the happening of any event against which it is intended to provide insurance

in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Corporation may with the sanction of the Minister borrow at interest such sums of money as will be necessary to make up the deficiency The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings departments or services of the Corporation and in such proportions as the Minister may direct having regard to the risks through which such deficiencies arise. A.D. 1936.

**100.**—(1) Notwithstanding anything contained in any other Act or Order all moneys received by the Corporation whether on capital or revenue account including (but without prejudice to the generality of this provision)— Receipts and expenses.

- (a) all money received on account of the revenue of any of the undertakings of the Corporation;
- (b) interest and other annual proceeds received on the investments forming part of any fund accumulated for the redemption of debt or as a reserve renewals repairs depreciation capital reserve contingency consolidated loans fund or other similar fund (including any interest payable to any such fund or any other fund in pursuance of the sections of this Act of which the marginal notes are "Use of moneys forming part of sinking and other funds" and "Consolidated loans fund"); and
- (c) all moneys received by the Corporation in respect of special services;

shall be carried to and form part of the general rate fund and all payments and expenses made and incurred by the Corporation in respect of any of the said undertakings or in carrying into execution the powers and provisions of this or any other Act (including interest on moneys borrowed by the Corporation and all sums

A.D. 1936. — required by law to be paid or transferred or which the Corporation may determine to pay or transfer to any such fund as is referred to in paragraph (b) of this subsection) shall be paid or transferred out of the general rate fund :

Provided that in the accounts of the Corporation—

- (i) an amount equivalent to the interest and other annual proceeds as aforesaid shall (subject in the case of any of the said funds to any prescribed limit on the amount thereof) be credited to the fund on the investments of which the same is received;
- (ii) an amount equivalent to the money received by the Corporation in respect of the special services shall be credited to and an amount equivalent to the payments and expenses made and incurred by the Corporation in respect of the special services shall be debited against the specified rating areas.

(2) Nothing in this section shall authorise the Corporation to apply capital money to any purpose other than a purpose to which capital money is properly applicable.

(3) In this and the succeeding section of this Act the expression "special services" means the services for the time being provided by the Corporation and in respect of which any payments and expenses made and incurred by the Corporation are—

- (a) chargeable separately on a part of the rating area of the Corporation by additional items of the general rate under subsection (5) of section 2 of the Rating and Valuation Act 1925; or
- (b) the subject of partial relief from rates in part of the borough under the provisions of article 21 of the Brentford and Chiswick (Union of Urban Districts) Order 1926 as confirmed by the Middlesex (Brentford and Chiswick Urban Districts) Confirmation Order 1927.

Accounts of under-takings.

**101.**—(1) The Corporation shall keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or

division in respect of each of the undertakings of the Corporation as from time to time existing from which revenue is derived (each of which is in this section separately referred to as "the undertaking") and in respect of each of the special services on the one side all receipts in respect of the undertaking or special service (including the income from any such fund as is referred to in paragraph (b) of subsection (1) of the last preceding section of this Act authorised in connection with the undertaking) and on the other side all payments and expenses in respect of the undertaking or special service such payments and expenses being divided so as also to show in each case the amounts representing—

A.D. 1936.

- (a) the working and establishment expenses and cost of maintenance of the undertaking or special service;
- (b) the interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking or special service;
- (c) the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking or special service;
- (d) all other expenses (if any) of the undertaking or special service properly chargeable to revenue;
- (e) the amount (if any) paid to any reserve fund which the Corporation are from time to time authorised to maintain; and
- (f) any money expended on any of the purposes mentioned in the section of this Act of which the marginal note is "Application of revenue of undertakings."

(2) The Corporation shall show in their accounts relating to any undertaking or purpose or special service all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose.

(3) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to any of them any receipts credits

A.D. 1936, — payments and liabilities which from time to time ought to be so apportioned or carried.

Application  
of revenue  
of under-  
takings.

**102.**—(1) If in respect of any year the moneys received by the Corporation on account of the revenue of any of the undertakings of the Corporation (including the interest and other annual proceeds received by the Corporation in that year on the investments representing or forming part of any such fund as is referred to in paragraph (b) of subsection (1) of the section of this Act of which the marginal note is “Receipts and expenses” provided in connection with the undertaking) shall exceed the moneys expended or applied by the Corporation in respect of that undertaking for the several purposes mentioned in paragraphs (a) (b) (c) and (d) of subsection (1) of the last preceding section the Corporation may in respect of that year (if they think fit but subject to the provisions hereinafter contained) apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes:—

- (a) In reduction of capital moneys borrowed for the purposes of the undertaking;
- (b) In the renewal and (subject in the case of the electricity undertaking to the consent of the Electricity Commissioners as respects expenditure chargeable to capital account) the construction extension or improvement of any works and conveniences for the purposes of the undertaking;
- (c) In providing a reserve fund in respect of any of the undertakings of the Corporation by setting aside such an amount as they may from time to time think reasonable and (unless the amounts so set aside are used in any other manner authorised by this Act) investing the same in statutory securities until the fund so formed amounts in the case of the electricity undertaking to a sum equal to one-tenth of the aggregate capital expenditure of the Corporation on that undertaking and in the case of other undertakings to the maximum reserve fund from time to time prescribed by the Corporation.



(2) Any reserve fund which has been provided in respect of any undertaking of the Corporation and which is in existence on the first day of April one thousand nine hundred and thirty-six shall be carried to and form part of any reserve fund provided under this section in respect of such undertaking. A.D. 1936.  
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(3) Any reserve fund provided under this section may be applied—

- (a) in making good to the general rate fund any deficiency at any time happening in the income of the Corporation from the undertaking in connection with which it is formed; or
- (b) in meeting any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking; or
- (c) (subject in the case of the electricity undertaking to the consent of the Electricity Commissioners as respects expenditure chargeable to capital account) in or towards the payment of the cost of renewing improving or extending any works forming part of the undertaking or otherwise for the benefit thereof;

and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(4) Resort may be had to a reserve fund provided under this section although such fund may not at any time have reached or may have been reduced below the prescribed maximum.

**103.**—(1) In lieu of the provisions of subsection (1) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899 and of the amendments to that subsection set out in the Fifth Schedule to the Electricity (Supply) Act 1926 the following provisions (in addition to the provisions of the section of this Act of which the marginal note is “Application of revenue of undertakings”) shall apply with respect to the electricity undertaking (namely):—

Provisions  
as to  
surplus  
electricity  
revenue.  
16 & 17  
Geo. 5. c. 51.

If in respect of any year the moneys received by the Corporation on account of the revenue of the undertaking (including the interest and

A.D. 1936.

annual proceeds received by the Corporation in that year on the investments representing or forming part of any such fund as is referred to in paragraph (b) of subsection (1) of the section of this Act whereof the marginal note is "Receipts and expenses" provided in connection with the undertaking) shall exceed the aggregate of the moneys paid or expended in respect of the undertaking for the several purposes mentioned in paragraphs (a) to (f) of subsection (1) of the section of this Act whereof the marginal note is "Accounts of undertakings" then—

(a) if the reserve fund in respect of the electricity undertaking does not amount to more than one-twentieth of the aggregate capital expended for the time being upon the undertaking the charges for electricity supplied by the Corporation shall be reduced by such amount or respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the said excess;

(b) if the said reserve fund amounts to more than one-twentieth of the said aggregate capital the Corporation shall fix such amount as they may think fit (not being less in any case in which the said excess is more than a sum equal to one and a half per centum of the outstanding debt of the undertaking than the difference between that sum and the said excess) and the charges for electricity supplied by the Corporation shall be reduced by such amount or respective amounts as will as nearly as reasonably practicable be equivalent in the aggregate to the amount so fixed.

(2) The Corporation shall in every year so long as any reserve fund provided in respect of the electricity undertaking is less than the prescribed maximum transfer to that reserve fund out of the general rate fund an amount equal to the interest and other annual proceeds received by the Corporation in respect of all investments

forming part of the said reserve fund and carried to the general rate fund. A.D. 1936.

**104.**—(1) The four last preceding sections of this Act shall be deemed to have come into operation on the first day of April one thousand nine hundred and thirty-six. Date of operation of certain sections and repeal.

(2) As from the said date the following enactments shall be repealed (that is to say):—

The Chiswick Urban District Council Act 1911— 1 & 2 Geo. 5.  
Section 183 (Expenses of executing Act). c. cxii.

The Chiswick Urban District Council Act 1914— 4 & 5 Geo. 5.  
Section 16 (Expenses of executing Act). c. xiv.

**105.** For the purposes of section 15 of the Rating and Valuation Act 1925 the rates due from the person rated for any hereditament within the borough shall be deemed to be in arrear if such rates are not paid within two months after lawful demand in writing has been made for the same. As to recovery of rates from tenants and lodgers.

**106.** The Corporation may at any time by resolution determine with respect to any hereditament for the time being belonging to them the rent of which is payable or is collected at intervals of less than a quarter of a year to do any of the things which owners may do by agreement with the rating authority under subsection (2) of section 11 of the Rating and Valuation Act 1925 with the like conditions and consequences (other than the condition as to agreement in writing with the rating authority) as are applicable to owners under that section. As to operation of section 11 of Rating and Valuation Act 1925.

**107.** If a justice is satisfied on complaint by any officer of the Corporation duly authorised that any person is quitting or about to quit any premises in the borough and has failed to pay on demand any general rate or any electricity charge 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 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 &c. from persons removing.

A.D. 1936.

As to  
payments  
due to  
deceased  
employees.

15 &amp; 16

Geo. 5. c. 23.

16 &amp; 17

Geo. 5. c. 50.

108.—(1) On the death of an employee to whom a sum not exceeding one hundred pounds is due on account of salary wages superannuation allowance grant or repayment of contributions to any superannuation or other fund with or without interest if probate of the will of the employee or letters of administration of his estate is or are not produced within such time (not being less than one month after his death) as the Corporation may think reasonable then at the expiration of that time the Corporation may pay the sum to the person or persons entitled in distribution to the residuary estate of the employee in accordance with the provisions of paragraphs (i) to (v) inclusive of section 46 (1) of the Administration of Estates Act 1925 and section 9 of the Legitimacy Act 1926 and in default of any such person to the Solicitor for the Affairs of His Majesty's Treasury Provided that—

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

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

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

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

A.D. 1936.

**109.**—(1) The Corporation may pay out of the general rate fund and general rate—

Subscrip-  
tions to  
local  
government  
associations  
and other  
expenses.

(a) reasonable subscriptions whether annually or otherwise to the funds of any association of municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;

(b) the reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with any public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough.

(2) (a) The Corporation (subject as hereinafter provided) may subscribe to any charity philanthropic association or society or other associations institutions or societies rendering national or public service such sum or sums as they may from time to time think fit and may charge the amount of any such subscription to or apportion the same among all or any of their funds and revenues.

(b) The total amount which the Corporation may expend under the provisions of this subsection shall not in any year exceed the amount which would be

A.D. 1936. produced by the levying of a general rate of one half-penny in the pound calculated according to the rules made pursuant to sections 9 and 58 of the Rating and Valuation Act 1925.

PART IX.

MISCELLANEOUS.

Annuities  
for widows.

12 & 13  
Geo. 5. c. 59.

**110.**—(1) Within one month before any date on which if he ceased to hold his office or employment an officer or servant would become entitled to a superannuation allowance under paragraph (b) or paragraph (c) of subsection (1) of section 6 of the Local Government and other Officers' Superannuation Act 1922 (in this section referred to as "the Act of 1922") he may give notice in writing to the treasurer requiring that the provisions of subsection (2) or subsection (3) of this section shall apply to him and to any wife to whom he is married on the date on which he becomes entitled to a superannuation allowance or (if he dies before ceasing to hold office or employment but would had he so ceased immediately prior to his death have been entitled to a superannuation allowance) to any wife to whom he is married at the date of his death and where any such notice is given then unless the Corporation (being of opinion that the state of health of such person regard being had to his age is not reasonably satisfactory) notify him within one month after the receipt by the treasurer of the notice that they do not intend to comply with the requirement subsection (2) or subsection (3) of this section as the case may be shall apply and the other provisions of this section shall have effect:

Provided that a notice under this subsection may be given in respect either of the whole or of a specified part of an allowance and where it is given in respect of a specified part only of an allowance references in this section to the superannuation allowance shall be construed as references to such specified part of the superannuation allowance:

Provided also that the Corporation shall forward a copy of any notice under this subsection to the Middlesex Local Authorities Superannuation Joint Committee (in this section referred to as "the joint committee") not

later than four days after the receipt of such notice and if within twenty-one days thereafter the joint committee inform the Corporation that in their opinion the state of health of the person giving the notice regard being had to his age is not reasonably satisfactory the Corporation shall inform such person of the opinion of the joint committee and unless they notify such person that they do not intend to comply with the requirement a difference shall be deemed to have arisen between the joint committee and the Corporation which shall be referred to and determined by an arbitrator to be agreed upon between them or failing such agreement appointed by the Minister and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such reference and pending the settlement of such difference the rights of the person giving the notice and the obligations and liabilities of the Corporation and the joint committee under this section in relation to such person shall be suspended.

(2) In any case to which this subsection applies—

(a) the amount of the superannuation allowance payable to the officer or servant during the joint lives of himself and such wife as aforesaid shall in any case covered by the Second Schedule to this Act be such proportion of the superannuation allowance which would have been payable under the Act of 1922 if he had not given a notice under this section as is specified in that schedule as appropriate in relation to the ages of such officer or servant and his wife at the date of his retirement and in any other case such proportion of the said superannuation allowance as is certified by an actuary to be just;

(b) if he predeceases her and—

(i) was in receipt of or entitled to a superannuation allowance; or

(ii) dies before ceasing to hold office or employment but would had he so ceased immediately prior to his death have been entitled to a superannuation allowance;

A.D. 1936.  
—

she shall be entitled after his death to receive for life an annuity equal to one-third of the amount of the superannuation allowance which was or would have been payable under paragraph (a) of this subsection during their joint lives;

(c) if she predeceases him then as from the date of her death or his retirement whichever occurs last the superannuation allowance payable to him shall be an amount equal to two-thirds of the amount which was or would have been payable under paragraph (a) of this subsection during their joint lives.

(3) In any case to which this subsection applies—

(a) the amount of the superannuation allowance payable to the officer or servant shall in any case covered by the Third Schedule to this Act be such proportion of the superannuation allowance which would have been payable under the Act of 1922 if he had not given a notice under this section as is specified in that schedule as appropriate in relation to the ages of such officer or servant and his wife at the date of his retirement and in any other case such proportion of the said superannuation allowance as is certified by the actuary to be just;

(b) if he predeceases her and—

(i) was in receipt of or entitled to a superannuation allowance; or

(ii) dies before ceasing to hold office or employment but would had he so ceased immediately prior to his death have been entitled to a superannuation allowance;

she shall be entitled after his death to receive for life an annuity equal to one-third of the amount of the superannuation allowance which was or would have been payable to him under the Act of 1922 if he had not given a notice under this section.

(4) The Minister may on application made by the Corporation or the joint committee by order alter as



respects officers and servants giving notice under sub- A.D. 1936  
section (1) of this section after the date of the order any  
of the percentages specified in the Second or Third  
Schedules to this Act so far as may be necessary to secure  
that the benefits provided by this section for an officer  
or servant and his wife shall be actuarially equivalent  
to the benefits to which the officer or servant would  
have been entitled if he had not given such notice as  
aforesaid.

(5) The first payment of any superannuation allow-  
ance to a person under this section shall be accompanied  
by a statement showing the amount of any annuity  
which may become payable under this section.

(6) An annuity under this section shall be payable  
out of the joint superannuation fund of the joint com-  
mittee Provided that if the superannuation allowance  
of the officer or servant was by reason of the proviso  
to subsection (1) of section 16 of the Act of 1922 not  
payable wholly out of the joint superannuation fund  
such proportion only of the annuity shall be paid out  
of the joint superannuation fund as corresponds to  
the portion of the said superannuation allowance which  
was so payable and the balance shall be paid out of the  
general rate fund.

(7) In any case in which an annuity becomes payable  
under this section—

- (i) the joint committee shall not be required to  
make any payment to the legal personal  
representative of the deceased officer or servant  
under the provisions of section 12 of the Act of  
1922;
- (ii) on the cesser of the annuity by reason of the  
death of the recipient the joint committee  
shall pay to her legal personal representative  
such sum if any as shall be equal to the amount  
by which the aggregate amount of the contri-  
butions of the officer or servant under the Act  
of 1922 together with compound interest thereon  
calculated to the date of his death or the date  
of his retirement whichever first occurred at  
the rate of three per centum per annum with  
half-yearly rests exceeds the aggregate of the

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amounts which he received by way of superannuation allowance under the Act of 1922 whether as originally enacted or as amended by this Act and she received by way of annuity under this section.

(8) An annuity under this section shall not be capable of assignment or transfer.

Provision  
of lectures  
&c.

111. It shall be lawful for the Corporation—

- (a) to provide suitable lecture rooms and to cause lectures to be given on such subjects as the Corporation think fit and to let such rooms and to make reasonable charges for admission to such lectures; and
- (b) to provide suitable rooms for art exhibitions and to permit art exhibitions in such rooms and to let such rooms and to make reasonable charges for admission to such exhibitions:

Provided that the sum to be expended by the Corporation in any one year on the provision of lectures shall not exceed the sum of one hundred pounds in addition to any moneys received by the Corporation under the provisions of this section.

Silencers for  
internal  
combustion  
engines.

112.—(1) Every person who uses a stationary internal combustion engine in the borough 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 a railway company or the London Passenger Transport Board and used by them for the purposes of their railway undertaking or belonging to the Gas Light and Coke Company and used by them for the purposes of their undertaking.

(3) Any person who shall use a stationary engine or permit the same to be used contrary to the provisions of this section after having received reasonable notice in writing from the Corporation to the effect that he is or has been so using such engine or permitting the same to be used shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings. A.D. 1936.

**113.**—(1) Subsection (3) of section 2 of the Public Health (Interments) Act 1879 shall be extended to enable the Corporation to accept a capital sum for the purpose of maintaining a particular grave or grave space or monument either in a cemetery provided under the Public Health Acts or in a burial ground provided under the Burial Acts 1852 to 1906. Extension of section 2 (3) of Public Health (Interments) Act 1879. 42 & 43 Vict. c. 31.

(2) Any such sum shall be invested in statutory securities and the interest thereon applied in maintaining the grave or grave space or monument in such manner as the Corporation think fit.

(3) Any such capital sum and the interest thereon shall be shown separately in the accounts of the Corporation relating to their burial ground but the said interest shall be paid into the fund to which receipts derived from the burial ground are paid.

**114.**—(1) The Corporation may make byelaws—  
(a) for regulating the hours during which pleasure fairs may be open to the public;  
(b) for securing safe and adequate means of ingress and egress to the ground upon which any pleasure fair is held;  
(c) for the prevention or suppression of nuisance or nuisances and for preserving sanitary conditions cleanliness order and public safety at any pleasure fair. Byelaws as to pleasure fairs.

(2) In this section the expression "pleasure fair" means any entertainment which is run for profit and which consists of or includes any or all of the following whether or not in combination with any other forms of entertainment that is to say any travelling circus exhibition of human beings or performing animals merry-go-round roundabout switchback railway coconut shy

A.D. 1936. hoop-la shooting gallery or swings or anything similar  
— to any of the foregoing :

Provided that the said expression does not include any fair held by statute charter royal licence letters patent or ancient custom.

Byelaws.

**115.** As respects byelaws made under this Act the confirming authority for the purposes of section 250 of the Local Government Act 1933 shall be—

(a) in the case of byelaws under Part II (Electricity) of this Act the Electricity Commissioners  
Provided that the Electricity Commissioners may give directions that the notice referred to in subsection (3) of the said section shall be also given in one or more newspapers circulating outside the area to which the byelaws apply ;

(b) in the case of byelaws made under the section of this Act of which the marginal note is “ Byelaws as to pleasure fairs ” the Secretary of State ;

(c) in all other cases the Minister.

As to  
appeals.

**116.**—(1) Any person aggrieved by an order made by a court of summary jurisdiction under the provisions of this Act may appeal against the order to a court of quarter sessions and the Corporation may likewise appeal against the refusal of a court of summary jurisdiction to make any such order.

12 & 13 Vict.  
c. 45.

(2) Any person aggrieved by an order judgment determination or requirement or by the withholding of any certificate licence consent or approval of or by the Corporation or of or by any officer thereof under the provisions of Part III (Streets and buildings) or Part IV (Infectious disease and sanitary provisions) of this Act may if no other mode of appeal is provided by this Act appeal in manner provided by the Quarter Sessions Act 1849 to the next practicable court of quarter sessions held not less than thirty days after notice of the decision appealed against has been sent to him and the notice of appeal shall be given to the Corporation and to the clerk of the peace.

**117.** 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 III (Streets and buildings) or Part IV (Infectious disease and sanitary provisions) of this Act or 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 works 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 works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding forty shillings 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 works.

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—  
Penalty on occupiers refusing execution of Act.

**118.** The provisions of sections 102 and 103 of the Public Health Act 1875 shall extend and apply to the purposes of the provisions of Part III (Streets and buildings) and Part IV (Infectious disease and sanitary provisions) of this Act as if those purposes had been mentioned in the said section 102.

Power of entry.

**119.** Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or any committee of the council under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution or order of the Corporation or any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the town clerk shall be prima facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Evidence of appointments authority &c.

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Power to charge supervision in addition to costs.

**120.** Whenever under any public general Act from time to time in force in the borough or under any local enactment the Corporation either on the application or in consequence of the default of the owner or occupier of any premises execute any work the cost of which is payable by such owner or occupier the Corporation may if they think fit (in addition to the actual costs of such works) charge and recover in respect of plans sections measuring supervision and all other matters an amount not exceeding five per centum of the amount of the actual cost of such works.

Apportionment of expenses in case of joint owners.

**121.** Where under the provisions of this Act or any local Act 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 Acts 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.

Damages and charges to be settled by court.

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

Powers of Act cumulative.

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

Application of Arbitration Acts 1889 to 1934.

**124.** Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless

other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties to the question or dispute or in default of such agreement appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration. A.D. 1936.

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

**126.** 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. Several sums in one summons.

**127.** Section 265 of the Public Health Act 1875 shall extend and apply to the purposes of any local enactment as if the same were re-enacted therein. Application of section 265 of Public Health Act 1875.

**128.** The Minister may hold such inquiries as he considers necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act and section 290 of the Local Government Act 1933 shall apply accordingly. Inquiries by Minister.

**129.**—(1) The Minister of Transport may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act. Inquiries by Minister of Transport.

(2) Section 290 of the Local Government Act 1933 shall apply to any inquiry which the Minister of Transport causes to be held under this section or any other provisions of this Act.

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Judges not disqualified.

**130.** A judge of any court or a justice shall not be disqualified from acting in the execution of this Act or any other local Act or Order from time to time in force within the borough by reason of his being liable to any rate.

Saving for Town and Country Planning Acts.

22 & 23

Geo. 5. c. 48.

**131.** Nothing in the sections of this Act of which the marginal notes are "Power to develop lands" "Dwelling-houses for persons in employment of Corporation" and "Power to provide and let public hall and other buildings" shall prejudice or affect the operation of or derogate from any of the provisions of the Town and Country Planning Act 1932 or any scheme or order for the time being in force under that Act or under any Act repealed by that Act.

Application of provisions of Chiswick Urban District Council Act 1911.

**132.** The following provisions of the Chiswick Urban District Council Act 1911 shall with any necessary alterations or modifications and subject to the provisions of this Act extend and apply for the purposes of this Act as if the same were re-enacted in this Act (that is to say):—

- Section 195 (In executing works for owner council only liable for negligence);
- Section 196 (Expenses may be declared private improvement expenses);
- Section 199 (Consent of Council to be in writing);
- Section 202 (Recovery of penalties &c.);
- Section 203 (Recovery of demands);
- Section 204 (Compensation how to be determined);
- Section 206 (Penalties to be paid over to treasurer);
- Section 209 (Saving for indictment &c.);
- Section 213 (Crown rights).

Repeal.

**133.** The following enactments are hereby repealed:—

21 & 22 Vict. c. lxxix.

Chiswick Improvement Act 1858—

- Section 53 (Arrears may be enforced by appointment of a receiver);
- Section 59 (Sinking fund).



[26 GEO. 5. & *Brentford and* [Ch. lxiii.]  
1 EDW. 8.] *Chiswick Corporation Act, 1936.*

- The Order relating to Chiswick confirmed by the A.D. 1936.  
Local Government Supplemental Act 1871—  
The whole Order. 34 Vict. c. 1.
- The Order relating to Brentford confirmed by the 37 & 38 Vict.  
Local Government Board's Provisional Orders c. clxxxii.  
Confirmation Act 1874 (No. 5)—  
The whole Order.
- The Order relating to Chiswick confirmed by the 38 Vict. c. x.  
Local Government Board's Provisional Orders  
Confirmation Act 1875 (No. 1)—  
The whole Order.
- The Order relating to Chiswick confirmed by the 38 & 39 Vict.  
Local Government Board's Provisional Orders c. lxxvi.  
Confirmation Act 1875 (No. 3)—  
The whole Order.
- The Order relating to Brentford confirmed by the 39 & 40 Vict.  
Local Government Board's Provisional Orders c. cci.  
Confirmation (Bath &c.) Act 1876—  
The whole Order.
- The Order relating to Chiswick confirmed by the 42 & 43 Vict.  
Local Government Board's Provisional Orders c. cv.  
Confirmation (Aspull &c.) Act 1879—  
Article I;  
Article II.
- The Order relating to Brentford confirmed by the 43 & 44 Vict.  
Local Government Board's Provisional Orders c. lxxxiii.  
Confirmation (Alnwick Union &c.) Act 1880—  
The whole Order.
- The Order relating to Brentford confirmed by the 46 & 47 Vict.  
Local Government Board's Provisional Orders c. xc.  
Confirmation (No. 6) Act 1883—  
The whole Order.
- The Order relating to Chiswick confirmed by the 46 & 47 Vict.  
Local Government Board's Provisional Orders c. cxxxvii.  
Confirmation (No. 7) Act 1883—  
The whole Order.

- A.D. 1936.  
—  
48 & 49 Vict.  
c. cxxviii.
- The Order relating to Brentford and Ealing confirmed by the Local Government Board's Provisional Orders Confirmation (No. 6) Act 1885—
- So much of the Order as relates to Brentford.
- 52 Vict.  
c. xvi.
- The Order relating to the Chiswick School Board confirmed by the Education Department Provisional Orders Confirmation (Acton &c.) Act 1889—
- The whole Order.
- 52 & 53 Vict.  
c. xxiv.
- The Order relating to Brentford confirmed by the Local Government Board's Provisional Orders Confirmation (No. 5) Act 1889—
- The whole Order.
- 54 & 55 Vict.  
c. lv.
- The Order relating to the Chiswick School Board confirmed by the Education Department Provisional Orders Confirmation (West Ham &c.) Act 1891—
- The whole Order.
- 56 & 57 Vict.  
c. cix.
- The Order relating to Brentford confirmed by the Local Government Board's Provisional Orders Confirmation (No. 2) Act 1893—
- The whole Order.
- 56 & 57 Vict.  
c. cxxvi.
- The Order relating to the Chiswick School Board confirmed by the Education Department Provisional Orders Confirmation (Chiswick &c.) Act 1893—
- The whole Order.
- 59 & 60 Vict.  
c. clxiv.
- The Order relating to the Chiswick School Board confirmed by the Education Department Provisional Orders Confirmation (Acton &c.) Act 1896—
- The whole Order.
- 62 & 63 Vict.  
c. cviii.
- The Brentford Order 1899 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 2) Act 1899—
- The whole Order.

[26 GEO. 5. & *Brentford and* [Ch. lxiii.]  
1 EDW. 8.] *Chiswick Corporation Act, 1936.*

The Chiswick Order 1901 confirmed by the Local A.D. 1936.  
Government Board's Provisional Orders —  
Confirmation (No. 9) Act 1901— 1 Edw. 7.  
c. cl.  
The whole Order.

The Chiswick Order 1902 confirmed by the Local 2 Edw. 7.  
Government Board's Provisional Orders c. lxxv.  
Confirmation (No. 13) Act 1902—  
Article I.

The Chiswick Order 1904 confirmed by the Local 4 Edw. 7.  
Government Board's Provisional Orders c. clx.  
Confirmation (No. 10) Act 1904—  
The whole Order.

The Chiswick Urban District Council Act 1911— 1 & 2 Geo. 5.  
c. cxii.  
Part V (Trolley vehicles);  
Section 85 (Intersecting streets);  
Section 128 (Power to appoint additional in-  
spectors of nuisances);  
Part VIII (Local rates);  
Section 171 (Section 234 of Public Health Act not  
to apply);  
Section 174 (Protection of lender from inquiry);  
Section 176 (Sinking fund);  
Section 177 (Power to use one form of mortgage  
for all purposes);  
Section 178 (Power to use sinking fund instead  
of borrowing);  
Section 180 (Council not to regard trusts);  
Section 181 (Power to reborrow);  
Section 182 (Annual return to Local Govern-  
ment Board respecting sinking  
fund);

The Second Schedule.

The Chiswick Order 1913 confirmed by the Local 3 & 4 Geo. 5.  
Government Board's Provisional Orders c. cxxix.  
Confirmation (No. 5) Act 1913—  
The whole Order.

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The Chiswick Urban District Council Act 1914—

4 & 5 Geo. 5.  
c. xiv.

Section 13 (Application of certain sections of Act of 1911) so far as it applies sections 171 174 176 and 180 of the Chiswick Urban District Council Act 1911;

Section 14 (As to temporary borrowing).

10 & 11  
Geo. 5.  
c. cxi.

The Chiswick Order 1920 confirmed by the Ministry of Health Provisional Orders Confirmation (No. 4) Act 1920—

The whole Order.

Costs of  
Act.

**134.** All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation in the first instance out of the general rate fund and general rate but ultimately out of moneys to be borrowed under the authority of this Act for that purpose.

The SCHEDULES referred to in the  
foregoing Act.

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## FIRST SCHEDULE.

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### PROVISIONS AS TO CORPORATION BONDS.

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

2. (a) Bonds may be issued at such price and at such rates of interest as the Corporation may from time to time determine and interest shall be payable on bonds on such dates as the Corporation may determine.

(b) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the Corporation.

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

3. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the office of the treasurer on the dates specified in the certificates issued in respect of the bonds and no interest shall be payable on any bond in respect of any period after the date upon which the bond is repayable.

4.—(1) The treasurer shall keep a register of all persons who are holders for the time being of bonds.

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

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

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

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

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

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

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

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

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

No.....

BOROUGH OF BRENTFORD AND CHISWICK.

BRENTFORD AND CHISWICK CORPORATION BONDS.

—per centum Brentford and Chiswick Corporation bond repayable at par.....19..... at the town hall Chiswick.

This is to certify that..... of..... is the registered holder of a Corporation bond for..... pounds (£.....) issued by the mayor aldermen and burgesses of the borough of Brentford and Chiswick under the Brentford and Chiswick Corporation Act 1936 at.....

The common seal of the mayor aldermen and burgesses of the borough of Brentford and Chiswick was hereunto affixed in the presence of.....

Date.....

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

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

FORM OF DEED OF TRANSFER.

BRENTFORD AND CHISWICK CORPORATION BONDS.

I.....  
in consideration of the sum of.....  
paid by.....  
(hereinafter called "the transferee") do hereby assign  
and transfer to the transferee.....  
To hold unto the transferee his executors administrators  
and assigns subject to the several conditions on which I  
held the same immediately before the execution hereof  
and I the transferee do hereby agree to accept and take  
the said bonds subject to the conditions aforesaid.

As witness our hands and seals this.....day  
of.....in the year of our Lord one  
thousand nine hundred and.....

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

(3) The deed of transfer shall be delivered to and retained by the Corporation and the Corporation shall enter a note thereof in a book to be called "the Register of transfers of Brentford and Chiswick Corporation bonds" (hereinafter referred to as "the register") and shall endorse on the deed of transfer a notice of that entry.

(4) The Corporation shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

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(5) Until the deed of transfer and the certificate have been delivered to the Corporation as aforesaid the Corporation shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The Corporation before registering a transfer of a bond may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

8.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of title as the Corporation may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the Corporation shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the Corporation the Corporation shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

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

10. The Corporation before paying any interest on any bonds may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.



SECOND SCHEDULE.

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Percentage of the full superannuation allowance payable under the Act of 1922 to an officer or servant which may be paid during the joint lives of such officer or servant and his wife in order that (1) his wife shall be entitled to receive during the remainder of her life after his death an annuity equal to one-third of the amount of the superannuation allowance payable during their joint lives and (2) the officer or servant shall be entitled to receive during the remainder of his life after the death of his wife an annuity equal to two-thirds of the amount of the superannuation allowance payable during their joint lives.

Age last birthday of wife at date of retirement of officer or servant.	Age last birthday of officer or servant at date of his retirement.							
	60	61	62	63	64	65	66	67
50	87	—	—	—	—	—	—	—
51	87½	86½	—	—	—	—	—	—
52	88¼	87¼	86	—	—	—	—	—
53	89	88	86¾	85½	—	—	—	—
54	89¾	88¾	87½	86¼	85	—	—	—
55	90½	89½	88¼	87	85¾	84½	—	—
56	91¼	90¼	89	87¾	86½	85¼	84	—
57	92	91	89¾	88½	87¼	86	84¾	83½
58	93	92	90¾	89½	88¼	87	85¾	84¼
59	94	92¾	91¾	90½	89¼	88	86¾	85¼
60	95	93¾	92¾	91½	90¼	89	87¾	86¼
61	96	94¾	93¾	92½	91¼	90	88¾	87¼
62	97	95¾	94¾	93½	92¼	91	89¾	88¼
63	98	96¾	95¾	94½	93¼	92	90¾	89½
64	99¼	98	97	95¾	94½	93¼	92	90¾
65	—	99	98	97	95¾	94½	93¼	91¾
66	—	—	99¼	98¼	97	95¾	94¼	93
67	—	—	—	99½	98¼	97	95¾	94¼

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## THIRD SCHEDULE.

Percentage of the full superannuation allowance payable under the Act of 1922 which may be paid to an officer or servant during his lifetime in order that his wife shall be entitled to receive during the remainder of her life after his death an annuity equal to one-third of the amount of such full superannuation allowance.

Age last birthday of wife at date of retirement of officer or servant.	Age last birthday of officer or servant at date of his retirement.							
	60	61	62	63	64	65	66	67
50	$81\frac{3}{4}$	—	—	—	—	—	—	—
51	$82\frac{1}{2}$	81	—	—	—	—	—	—
52	83	$81\frac{3}{4}$	$80\frac{1}{4}$	—	—	—	—	—
53	$83\frac{3}{4}$	$82\frac{1}{2}$	81	$79\frac{1}{2}$	—	—	—	—
54	$84\frac{1}{2}$	$83\frac{1}{4}$	$81\frac{3}{4}$	$80\frac{1}{2}$	$78\frac{3}{4}$	—	—	—
55	$85\frac{1}{4}$	84	$82\frac{3}{4}$	$81\frac{1}{4}$	$79\frac{3}{4}$	78	—	—
56	86	$84\frac{3}{4}$	$83\frac{1}{2}$	$82\frac{1}{4}$	$80\frac{3}{4}$	79	$77\frac{1}{4}$	—
57	$86\frac{3}{4}$	$85\frac{1}{2}$	$84\frac{1}{4}$	83	$81\frac{1}{2}$	80	$78\frac{1}{4}$	$76\frac{1}{2}$
58	$87\frac{1}{2}$	$86\frac{1}{4}$	85	$83\frac{3}{4}$	$82\frac{1}{2}$	81	$79\frac{1}{4}$	$77\frac{1}{2}$
59	88	87	$85\frac{3}{4}$	$84\frac{1}{2}$	$83\frac{1}{4}$	$81\frac{3}{4}$	$80\frac{1}{4}$	$78\frac{1}{2}$
60	$88\frac{3}{4}$	$87\frac{3}{4}$	$86\frac{1}{2}$	$85\frac{1}{2}$	$84\frac{1}{4}$	$82\frac{3}{4}$	$81\frac{1}{4}$	$79\frac{3}{4}$
61	$89\frac{1}{2}$	$88\frac{1}{2}$	$87\frac{1}{2}$	$86\frac{1}{4}$	85	$83\frac{3}{4}$	$82\frac{1}{4}$	$80\frac{3}{4}$
62	$90\frac{1}{4}$	$89\frac{1}{4}$	$88\frac{1}{4}$	$87\frac{1}{4}$	$85\frac{3}{4}$	$84\frac{1}{2}$	$83\frac{1}{4}$	$81\frac{3}{4}$
63	$90\frac{3}{4}$	90	89	88	$86\frac{3}{4}$	$85\frac{1}{2}$	$84\frac{1}{4}$	83
64	$91\frac{1}{4}$	$90\frac{1}{2}$	$89\frac{3}{4}$	$88\frac{3}{4}$	$87\frac{3}{4}$	$86\frac{1}{2}$	$85\frac{1}{4}$	84
65	$91\frac{3}{4}$	91	$90\frac{1}{4}$	$89\frac{1}{2}$	$88\frac{1}{2}$	$87\frac{1}{2}$	$86\frac{1}{4}$	85
66	$92\frac{1}{4}$	$91\frac{1}{2}$	91	$90\frac{1}{4}$	$89\frac{1}{4}$	$88\frac{1}{4}$	$87\frac{1}{4}$	86
67	$92\frac{1}{2}$	92	$91\frac{1}{2}$	$90\frac{3}{4}$	90	89	88	87

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