



CHAPTER xli

An Act to extend the time for the compulsory acquisition of certain lands by the mayor aldermen and burgesses of the borough of Crewe to authorise the supply of heat by means of hot water or steam to make further provision for the improvement health local government and finance of the borough and for other purposes.

[30th July 1949.]

WHEREAS the borough of Crewe (hereinafter referred to as "the borough") is a municipal borough under the local government of the mayor aldermen and burgesses of the borough (hereinafter referred to as "the Corporation"):

And whereas by the Crewe Corporation Act 1938 the Corpora- 1 & 2 Geo. 6.
tion were authorised to construct (inter alia) street works and to c. xxx.
acquire compulsorily certain lands for those purposes:

And whereas the time limited by the said Act of 1938 for the compulsory purchase of the said lands was extended by the Crewe (Extension of Time) Order 1943 and the Crewe (Extension of Time) Order 1946 until the first day of October one thousand nine hundred and forty-nine:

And whereas it is expedient that the time so limited and extended as aforesaid for the compulsory acquisition of those lands should be further extended as by this Act provided:

And whereas it is expedient to authorise the Corporation to supply heat by means of hot water or steam in the borough and in an area outside the borough:

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

And whereas it is expedient to make further provision with regard to the finances of the borough as by this Act provided:

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

And whereas the objects of this Act cannot be attained 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 Part XIII 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 Crewe Corporation Act 1949.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—Heating undertaking.

Part IV.—Streets buildings sewers &c.

Part V.—Infectious disease sanitary provisions and nuisances.

Part VI.—Food.

Part VII.—Weights and measures.

Part VIII.—Finance.

Part IX.—Miscellaneous.

Part X.—General.

Incorporation of Lands Clauses Acts.

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

Interpretation.
26 Geo. 5. &
1 Edw. 8.
c. 49.

4.—(1) In this Act the several words and expressions to which meanings are assigned by sections 90 and 343 of the Public Health Act 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless the subject or context otherwise requires terms to which meanings are assigned by the Acts incorporated

wholly or in part with this Act or which have therein special meanings have in this Act (unless varied thereby) the same respective meanings And—

PART I
—cont.

“ The borough ” means the borough of Crewe ;

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

“ The council ” means the council of the borough ;

“ The town clerk ” “ the medical officer ” “ the surveyor ” and “ the sanitary inspector ” mean respectively the town clerk the medical officer the surveyor and any sanitary inspector of the borough and “ medical officer ” includes any person duly appointed by the Corporation to discharge temporarily the duties of medical officer of health ;

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

“ The Act of 1933 ” means the Local Government Act 1933 ;

“ The Act of 1936 ” means the Public Health Act 1936 and “ the Public Health Acts ” means the Public Health Act 1875 and the Acts amending and extending the same prior to the Act of 1936 ;

38 & 39 Vict.
c. 55.

“ The Act of 1938 ” means the Crewe Corporation Act 1938 ;

“ Food ” has the meaning assigned to it by section 100 of the Food and Drugs Act 1938 ;

1 & 2 Geo. 6.
c. 56.

“ Smoke ” includes soot ash grit and gritty particles ;

“ The Minister ” means the Minister of Health ;

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

41 & 42 Vict.
c. 76.

“ Electric line ” has the same meaning as in the Electric Lighting Act 1882 ;

45 & 46 Vict.
c. 56.

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

“ Statutory borrowing power ” includes a power of borrowing money conferred on the Corporation by or under any enactment except paragraph (a) of subsection (1) of section 215 of the Act of 1933 ;

“ 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

PART I

—cont.

38 & 39 Vict.
c. 83.

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 security of the Corporation ;

“ Financial year ” means the period of twelve months ending on the thirty-first day of March ;

“ Enactment ” means any Act of Parliament whether public general local or private any order or scheme made under an Act of Parliament or any provision in an Act of Parliament or in any such order or scheme ;

“ Contravention ” in relation to any enactment byelaw order rule term condition restriction or notice includes a failure to comply with that enactment byelaw order rule term condition restriction or notice and “ contravene ” shall be construed accordingly ;

“ The commission ” means the British Transport Commission and any reference to the commission in relation to any functions of the commission which are for the time being delegated to an executive in pursuance of section 5 of the Transport Act 1947 shall be construed as a reference to that executive ;

10 & 11 Geo. 6.
c. 49.

“ The gas undertakers ” means the commission but in the event of the whole or any part of the gas undertaking belonging to the commission in the borough being transferred to the North Western Gas Board the said expression shall mean in relation to such gas undertaking or part thereof so transferred that board ;

“ The authority ” means the British Electricity Authority ;

“ The electricity board ” means the Merseyside and North Wales Electricity Board ;

“ The water board ” means the Mid and South East Cheshire Water Board ;

“ The water undertakers ” means the water board and in relation to the mains pipes and apparatus of the commission for supplying water to the water board and to the properties of the commission within the heating limits as defined in section 7 (Definitions for Part III) of this Act includes the commission.

(3) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

PART II
LANDS

5. The time limited by section 7 (Period for compulsory purchase of lands) of the Act of 1938 as extended by the Crewe (Extension of Time) Order 1943 and the Crewe (Extension of Time) Order 1946 for the compulsory purchase of the lands referred to in section 6 (Power to take lands) of that Act for the purposes (a) and (b) mentioned in the said section 6 is hereby further extended until the first day of October one thousand nine hundred and fifty-four.

Extension of time for compulsory purchase of lands.

6.—(1) The Corporation may by agreement acquire (whether by purchase lease or exchange) and hold any land which in their opinion it is desirable that they 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 notwithstanding that the land may not be immediately required.

Further powers for acquisition of lands.

(2) Any land acquired under this section may be appropriated by the Corporation subject to and in accordance with the provisions of section 163 of the Act of 1933 as if it were not required for the purposes for which it was acquired.

(3) Pending such appropriation as aforesaid all expenses incurred by the Corporation under this section shall be payable out of the general rate fund.

PART III
HEATING UNDERTAKING

7. In this Part of this Act—

“the heating limits” means the following areas:—

Definitions for Part III.

(a) the borough;

(b) so much of the parish of Wistaston in the rural district of Nantwich as is situate within an area bounded on the north by the boundary of the borough on the east and south-east by Valley Road on the south-west by Wistaston Green Lane and on the west by the western boundary of enclosure numbered 299 on the 1/2500 ordnance map (Cheshire sheet LVI.6 & 7 (edition of 1910));

(c) such further portion of the said parish of Wistaston as is situate within an area bounded on the north-west north and north-east by Wistaston Green Lane on the east by Valley Road and on the south-west by the Wistaston Brook and within which the council may with the consent of the Nantwich Rural District Council resolve that the powers of this Part of this Act shall be exercised;

PART III
—cont.

“the heating undertaking” means the undertaking authorised by this Part of this Act and includes all lands stations boiler-houses properties works buildings machinery plant mains pipes wires posts ducts apparatus appliances easements rights powers and privileges for the time being belonging to or held used or enjoyed by the Corporation for or in connection with the supply of heat by means of hot water or steam.

“heating fittings” includes radiators air heaters water heaters pipes taps cocks valves meters and other similar apparatus used in connection with the supply or use of heat by means of hot water or steam.

Supply of
heat.

8.—(1) The Corporation may supply heat by means of hot water or steam to such premises as they may think fit in the heating limits upon and subject to the terms and conditions provided by this Act and such other terms and conditions as may be agreed between the Corporation and the owners or occupiers of those premises:

Provided that in the exercise of the powers of this section the Corporation shall not show undue preference to any person and shall not exercise any undue discrimination against any person.

(2) Before the Corporation enter into an agreement with the occupier of any premises for the supply of heat to such premises they shall give notice thereof to the owner of the premises and in the event of the supply of heat to such premises being discontinued notice shall be given by the Corporation to the owner of such premises.

Works &c.
for provision
of heat.

9.—(1) Subject to the provisions of this Part of this Act the Corporation may—

(a) on in or under any lands in the heating limits belonging or leased to them;

(b) where they obtain a supply of heat by means of hot water or steam or enter into any agreement under subsection (2) of this section also on in or under any lands in respect of which provision is made by such agreement for the exercise of rights for the purpose;

erect lay down maintain work and use stations boiler-houses mains pipes and other works for providing storing transmitting and distributing heat by means of hot water or steam and for producing any material product matter or thing arising or used in the process of such provision of heat by means of hot water or steam (including the generation of electricity) together with such buildings boilers engines machinery sidings matters and things of whatever description as may be required by the Corporation to enable them to provide store transmit and distribute heat by means of hot water or steam and the Corporation

may accordingly on those lands provide store transmit and distribute heat by means of hot water or steam and may produce such materials products matters and things:

PART III
—cont.

Provided that—

- (a) nothing in this section shall be taken to dispense with the consent of any government department to any use of any lands of the Corporation in any case in which such consent would have been required if this section had not been enacted;
- (b) any electrical works or apparatus erected laid down maintained worked and used in pursuance of this section shall be so constructed maintained worked and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

(2) (a) The Corporation may—

- (i) obtain for the purposes of this Part of this Act a supply of hot water or steam from any person and transmit such hot water or steam to and distribute heat by means thereof within the heating limits; and
- (ii) generate electricity at any works established by them for the purposes of this Part of this Act and use all or any of such electricity only for or in connection with the supply of heat by means of hot water or steam at any works at which such electricity is generated or (with the consent of the authority and the electricity board) elsewhere or sell all or any of such electricity to the authority or (with the approval of the authority) the electricity board.

(b) The Corporation may enter into and carry into effect agreements with any person for and with respect to any of the matters mentioned in paragraph (a) of this subsection and any such agreement may provide for the provision by the Corporation or for the joint user by them and any other party to the agreement of any works plant materials or things required for the purposes of the agreement.

10.—(1) If the council shall resolve to construct extend modify or enlarge a station for providing heat under the powers of this Part of this Act the Corporation shall forthwith give to the Minister of Fuel and Power and the authority and to the gas undertakers notice of such resolution together with such information with regard to such station as the authority or the gas undertakers as the case may be may within six weeks of the service of such notice reasonably require including information as to the nature position and capacity of the proposed station

As to construction of station for providing heat.

PART III
—cont.

(but not details of design) the proposed method of producing heat thereat and the area proposed to be supplied therefrom and an estimate of the quantity or quantities of heat required by the Corporation for the purposes of the heating undertaking and of the times and form at and in which such quantity or quantities will be required. Any dispute between the Corporation on the one hand and the authority and the gas undertakers or either of them on the other hand as to whether any information is reasonably required by the authority and the gas undertakers or either of them under this subsection shall be referred to and determined by the Minister of Fuel and Power.

(2) Within three months after the service of the said notice or the receipt of such information (whichever is the later) the authority and the gas undertakers or either of them may serve upon the Corporation a counter-notice offering a supply of heat by means of hot water or steam to them upon such terms and conditions as may be specified in the counter-notice or as may be agreed between the Corporation and the authority or the gas undertakers as the case may be.

(3) If within three months after the receipt of such counter-notice or such longer period as may be agreed between the Corporation and the authority or the gas undertakers as the case may be the terms and conditions upon which a supply of heat by means of hot water or steam is to be given to the Corporation by the authority or the gas undertakers as the case may be for the purposes of the heating undertaking are not agreed between them the Corporation shall submit to the Minister for determination the question whether a supply of heat shall be afforded to the Corporation by the authority or the gas undertakers and (if he determines that a supply of heat is to be afforded by the authority or the gas undertakers) the terms and conditions upon which such a supply is to be afforded.

(4) If the Minister determines that a supply of heat by means of hot water or steam shall be afforded to the Corporation by the authority or the gas undertakers the authority or the gas undertakers as the case may be shall afford such a supply in accordance with terms and conditions approved by the Minister:

Provided that if the Minister makes a substantial alteration in the terms or conditions on which the authority or the gas undertakers offered a supply of heat by means of hot water or steam to the Corporation then if within twenty-eight days after the receipt of the determination of the Minister the authority or the gas undertakers as the case may be give notice in writing to the Minister and the Corporation that the said terms or conditions are not acceptable they shall not be required to afford a supply of heat by means of hot water or steam to the Corporation and the Corporation shall be entitled to proceed with their proposals as if this section had not been enacted unless within

twenty-eight days of such last-mentioned notice the Corporation serve on the authority or the gas undertakers as the case may be a notice requiring a supply in which case the authority or the gas undertakers as the case may be shall afford a supply on the terms and conditions specified in the counter-notice referred to in subsection (2) of this section.

PART III
—cont.

(5) (a) If the said station is constructed by the Corporation they shall supply and the authority shall take all the electricity generated thereat which is not—

- (i) required for or in connection with the supply of heat ;
or
- (ii) supplied with the approval of the authority to the electricity board ;

upon such terms and conditions as may be agreed between the Corporation and the authority or in default of agreement determined by arbitration as hereinafter provided on the basis of a supply by a willing seller to a willing buyer.

(b) Any matter to be determined by arbitration under this subsection shall be referred to and determined by an arbitrator to be agreed upon between the Corporation and the authority or in default of agreement to be appointed by the President of the Institution of Electrical Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such reference and determination.

11.—(1) The Corporation by means of an order made by the Corporation and submitted to the Minister and confirmed by him may be authorised to purchase land compulsorily for the purposes of the heating undertaking.

Compulsory
acquisition of
land for
heating
undertaking.

(2) The Acquisition of Land (Authorisation Procedure) Act 1946 (except section 2 thereof) shall apply as if this section were an enactment contained in a public general Act and in force immediately before the commencement of that Act.

9 & 10 Geo. 6.
c. 49.

(3) In this section the expression "land" includes easements and other rights in respect of land and the Corporation may be authorised under this section to acquire compulsorily such easements or rights only as they may require without purchasing any other interest in the land. In relation to the compulsory acquisition of any such easement or other right the said Acquisition of Land (Authorisation Procedure) Act 1946 (except section 2 thereof) and the enactments incorporated therewith shall have effect as if references (whatever the terms used) to the land comprised in the compulsory purchase order were construed where the context so requires as references to the land in respect whereof the easement or other right is acquired and references to

PART III
—cont.

the obtaining or taking possession of the land so comprised were construed as references to the exercise of the easement or other right.

(4) Where the Corporation have acquired an easement or right only in any land under this section—

(a) they shall not be required or (except by agreement) entitled to fence off or sever that land from the adjoining land;

(b) the owner or occupier of the land for the time being shall subject to the easement or right have the same right to use and cultivate the land as if this Act had not been passed.

(5) If in his particulars of claim the owner of any land in respect of which notice to treat for an easement or right is given under this section requires the Corporation to acquire the land the Corporation shall not be entitled under this section to acquire the easement or right unless the tribunal by whom the compensation is to be assessed determines that the easement or right can be granted without material detriment to the land or in the case of a park or garden belonging to a house without seriously affecting the amenity or convenience of the house:

Provided that nothing in this subsection shall apply to land forming part of a street.

Power to lay
mains &c. and
break open
streets.

8 & 9 Geo. 6.
c. 42.

12.—(1) The provisions of Part V (Power to lay mains &c.) and Part VI (Breaking open streets &c.) and section 93 (Protection for works of navigation authorities and for catchment boards and railways) of the Third Schedule to the Water Act 1945 are hereby incorporated with this Part of this Act.

(2) For the purposes of this Part of this Act in the construction of the provisions incorporated by this section—

“the undertakers” means the Corporation;

“supplying water” means supplying heat by means of hot water or steam and “supply of water” shall be construed accordingly;

“service pipe” means a pipe for supplying heat by means of hot water or steam from a main to any premises; and

“the limits of supply” means the heating limits.

(3) Nothing in the provisions incorporated by this section shall authorise the Corporation—

(a) to lay down a main outside the heating limits except for the purpose of—

(i) giving or facilitating a supply of heat by means of hot water or steam within the heating limits; or

(ii) taking a supply of heat by means of hot water or steam from any works or premises outside the heating limits;

- (b) to supply heat by means of hot water or steam to any premises outside the heating limits.

PART III
—cont.

13.—(1) Before the Corporation—

Consultation
with under-
takers as to
certain works.

- (a) apply to the appropriate sanctioning authority for consent to the borrowing of money for the purpose of constructing laying down or executing any works for providing storing transmitting or distributing heat under the powers of this Part of this Act; or

- (b) lay down any main under the provisions of this Part of this Act other than a main extending for a distance of not more than two hundred yards from any main laid down in accordance with proposals previously made under this section;

they shall give to the Minister and to the authority the electricity board the gas undertakers and the water undertakers notice of their proposals and such information with regard thereto as the authority the electricity board the gas undertakers or the water undertakers may within six weeks of the receipt of such notice reasonably require and shall consult with the authority the electricity board the gas undertakers and the water undertakers on such proposals. Any dispute between the Corporation and the authority the electricity board the gas undertakers or the water undertakers as to whether any information is reasonably required by the authority the electricity board the gas undertakers or the water undertakers under this subsection shall be referred to and determined by the Minister.

(2) Without prejudice to the generality of subsection (1) of this section such information shall include particulars of the proposals (if any) of the Corporation as to the standards of heat proposed to be maintained in premises supplied with heat under the powers of this Act and the measures to be taken with respect to—

- (a) the securing of the safety of the mains pipes and apparatus of the authority the electricity board the gas undertakers and the water undertakers from damage or injury arising directly or indirectly from any mains or pipes to be laid down by the Corporation under the powers of this Part of this Act;
- (b) the insulation of any such last-mentioned mains or pipes so as to prevent the escape of heat therefrom;
- (c) the maximum and minimum temperatures and pressures at which hot water or steam may be stored transmitted and distributed by the Corporation;
- (d) the methods for measuring the volume temperature and pressure of the hot water or steam so stored transmitted and distributed; and
- (e) the independent testing of such measurements.

PART III
—cont.

(3) The authority the electricity board the gas undertakers and the water undertakers or any of them may within three months after the receipt of such notice or the receipt of such information (whichever is the later) make representations to the Minister with respect to such proposals.

(4) If no such representations are made the Corporation shall not proceed except in accordance with the proposals sent to the authority the electricity board the gas undertakers and the water undertakers or any alteration thereof which may be agreed.

(5) If any such representations are made the Corporation shall not proceed with their proposals except with the approval of the Minister and in accordance with any modification of such proposals which the Minister may require.

(6) The provisions of this section shall not apply to the construction extension modification or enlargement of a station for providing heat under the powers of this Part of this Act.

(7) In and for the purposes of this section "the Minister" means the Minister of Fuel and Power.

Construction
&c. of electric
wires &c.

14.—(1) The provisions of Part V (Power to lay mains &c.) and Part VI (Breaking open streets &c.) of the Third Schedule to the Water Act 1945 shall apply with the necessary modifications to the construction laying down erection and maintenance in under or over any street within the heating limits of any electric lines which the Corporation may and which they are hereby authorised to construct lay down or erect for the purposes of the heating undertaking or in connection with the use or sale of electricity under the provisions of subsection (2) of section 9 (Works &c. for provision of heat) of this Act.

(2) For the purposes of this Part of this Act in the construction of the provisions applied by this section—

"the undertakers" means the Corporation; and

"the limits of supply" means the heating limits.

(3) All provisions for the protection of the Postmaster-General and his telegraphic lines which are contained in the Electricity (Supply) Acts 1882 to 1936 and in the schedule to the Electric Lighting (Clauses) Act 1899 shall so far as applicable extend and apply to any electrical lines wires conductors or apparatus to be constructed laid down or erected under the authority of this section and references in those provisions to undertakers shall be construed as referring to the Corporation.

(4) The powers of this section shall not be exercised except with the consent of the authority and the board.

62 & 63 Vict.
c. 19.Power to
supply fittings.

15.—(1) In any premises to which the Corporation supply or propose to supply heat by means of hot water or steam they may provide (but not manufacture) and may supply by way

either of sale or hire any such heating fittings as may be required and may instal repair or alter any such heating fittings whether supplied by them or not and may provide any materials and do any work required in connection with such installation repair or alteration.

(2) The Corporation may make such charges as may be agreed or in default of agreement as may be reasonable for any heating fittings provided or supplied or any materials provided or work done under this section at the request of the owner or occupier of the premises so supplied.

(3) Any heating fittings let by the Corporation for hire and marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof—

(a) shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under process of any court or any proceedings in bankruptcy against the person in whose possession the same may be; and

(b) shall notwithstanding that they be fixed or fastened to any part of the premises in which they may be situate or to the soil under any such premises at all times continue to be the property of and (subject to the provisions of the Hire Purchase Act 1938) 1 & 2 Geo. 6 c. 53. removable by the Corporation:

Provided that nothing in this subsection shall affect the valuation for rating of any rateable hereditament.

(4) All heating fittings supplied by the Corporation under any hire purchase agreement shall until payment of the final instalment of the purchase money for such fittings be deemed for the purposes of subsection (3) of this section to be heating fittings let for hire by the Corporation.

(5) (a) The Corporation shall so adjust the charges to be made by them under this section as to meet any expenditure by them thereunder including interest upon any moneys borrowed for the purposes thereof and any sums necessary to provide for repayment of moneys so borrowed.

(b) The total sums expended and received by the Corporation in connection with the purposes of this section in each year including interest and any sums necessary to provide for the repayment of moneys so borrowed shall be separately shown in the abstract of accounts of the Corporation for that year.

(6) If any person wilfully injures or suffers to be injured any heating fittings belonging to the Corporation he shall be liable to a penalty not exceeding five pounds and the Corporation may do all such work as is necessary for repairing any injury

PART III
—cont.

done and may recover the expenses reasonably incurred by them in so doing from the offender and if the amount does not exceed twenty pounds summarily as a civil debt.

Collection and
recovery
of heating
charges.

16.—(1) The Corporation may from time to time prescribe a scale of charges (in this section referred to as “heating charges”) for heat supplied to premises under the powers of this Part of this Act and for connecting premises to the heating undertaking and (where premises have been disconnected from the said undertaking) for reconnecting premises thereto and where heat is so supplied to any premises the heating charges in accordance with the scale shall be payable by the occupier of those premises except in any case where the owner has agreed with the Corporation to pay the same in which case they shall be payable by the owner.

(2) The heating charges payable by any person may after a demand therefor be recovered from him by the Corporation as a simple contract debt in any court of competent jurisdiction and subject as hereinafter provided where a person fails to pay within seven days after a demand therefor any instalment of a heating charge payable by him in respect of any premises the Corporation may cut off the supply of heat to the premises and recover the expenses reasonably incurred by them in so doing in the same manner as the instalment due:

Provided that if before the expiration of the said seven days’ notice in writing is given to them that there is a dispute as to the amount due in respect of the heating charge or as to the liability to pay the charge they shall not cut off the supply of heat until the dispute has on the application of either party been determined by a court of competent jurisdiction.

Power to enter
premises.

17.—(1) Subject to the provisions of this section any authorised officer of the Corporation shall on producing (if so required) some duly authenticated document showing his authority have a right to enter at all reasonable hours any premises to which the Corporation are supplying or have agreed to supply heat under the powers of this Part of this Act or any premises upon which any heating fittings have been installed for the purpose of—

- (a) examining and inspecting any heating fittings whether belonging to the Corporation or not and (where such fittings include any meter for measuring heat supplied to any premises) of recording the reading of such meter;
- (b) ascertaining whether there is or has been on or in connection with the premises any contravention of the provisions of this Part of this Act or of any conditions subject to which a supply of heat was agreed to be furnished to any premises;

- (c) ascertaining whether or not circumstances exist which would authorise the Corporation to take any action or execute any work under this Part of this Act ;
- (d) taking any action or executing any work authorised by this Part of this Act or by any agreement for the supply of heat to be taken or executed by the Corporation :

Provided that except in cases of emergency arising from defects in any heating fittings admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier :

Provided also that nothing in this section shall authorise any officer of the Corporation without the previous consent in writing of the authority or the electricity board or the gas undertakers (as the case may be) to enter any premises occupied or used by the authority or the electricity board or the gas undertakers in connection with the generation or supply of electricity or the manufacture storage or supply of gas other than offices or show-rooms :

Provided further that nothing in this section shall authorise any officer of the Corporation without the previous consent in writing of the commission to enter any premises occupied or used by the commission in connection with their undertaking.

(2) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

- (a) that admission to any premises has been refused or that refusal is apprehended or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that an application for admission would defeat the object of the entry ; and
- (b) that there is reasonable ground for entry into the premises for any such purpose as aforesaid ;

the justice may by warrant under his hand authorise the Corporation by any authorised officer to enter the premises if need be by force :

Provided that such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that the giving of such notice would defeat the object of the entry.

(3) An authorised officer entering any premises by virtue of this section or of a warrant issued thereunder may take with him such other persons as may be necessary and on leaving any unoccupied premises which he has entered by virtue of such a warrant shall leave them as effectually secured against trespassers as he found them.

PART III
—cont.

(4) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

(5) If any person who in compliance with the provisions of this section or of a warrant issued thereunder is admitted into a factory or workplace discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret he shall unless such disclosure was made in the performance of his duty be liable to a penalty not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

Interference
with apparatus
&c.

18.—(1) If any person wilfully and without the consent of the Corporation turns on opens closes shuts off or otherwise interferes with any valve cock or other work or apparatus belonging to the Corporation and thereby improperly causes the supply of heat or hot water or steam for the purposes of the heating undertaking to be interfered with he shall be liable to a penalty not exceeding five pounds and (whether proceedings be taken against him in respect of his offence or not) the Corporation may recover from him the amount of any damage sustained by them as a simple contract debt in any court of competent jurisdiction.

(2) If any person wrongfully takes uses or diverts any heat or hot water or steam from any apparatus provided for the purposes of the heating undertaking he shall (without prejudice to any other right or remedy of the Corporation) be liable to a penalty not exceeding five pounds.

(3) The provisions of this section shall not extend to or affect the exercise by the Water Board of the powers conferred upon them by any enactment byelaw or regulation relating to their water undertaking.

Byelaws for
protection
of heating
undertaking.

19.—(1) The Corporation may make byelaws for preventing the waste misuse or contamination of or interference with the circulation of hot water or steam used by them in connection with the supply and use of heat under this Part of this Act or for preventing the waste or undue consumption of heat supplied under this Part of this Act.

(2) Byelaws under this section may include provisions—

- (a) prescribing the size nature materials strength and workmanship and the mode of arrangement connection disconnection insulation alteration and repair of the heating fittings to be used; and

(b) forbidding the use of any heating fittings which are of such a nature or are so arranged or connected as to cause or permit or be likely to cause or permit—

- (i) waste misuse or contamination of or interference with the circulation of hot water or steam ;
- (ii) reverberation in pipes ; or
- (iii) waste or undue consumption of heat.

(3) If any person contravenes the provisions of any byelaw made under this section the Corporation may without prejudice to their right to take proceedings for a penalty in respect of such contravention cause any heating fittings belonging to or used by that person which are not in accordance with the requirements of the byelaws of the Corporation to be altered repaired or replaced and may recover the expenses reasonably incurred by them in so doing from the person in default either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt.

(4) Nothing in this section or in any byelaw made thereunder shall apply to any heating fittings used on premises which belong to the commission and are held or used by them for the purposes of their railway so long as those fittings are not of such a nature or so arranged or connected as to cause or permit or be likely to cause or permit—

- (a) waste misuse or contamination of or interference with the circulation of hot water or steam ;
- (b) reverberation in pipes ; or
- (c) waste or undue consumption of heat :

Provided that the exemption conferred by this subsection shall not extend to fittings used in hotels or dwelling-houses or in offices not forming part of a railway station.

20.—(1) The Corporation shall give to the authority the electricity board the gas undertakers and the water undertakers such reports and returns and such information with respect to the heating undertaking as the authority the electricity board or the gas undertakers or the water undertakers may reasonably require and the authority and the gas undertakers shall give to the Corporation such reports and returns and such information with respect to any supply by them of heat by means of hot water or steam as the Corporation may reasonably require.

Reports and returns with respect to heating undertaking and supply of heat.

(2) Any dispute between the Corporation on the one hand and the authority the electricity board the gas undertakers or the water undertakers on the other hand as to whether any reports returns or information are reasonably required by the authority

PART III
—cont.

the electricity board the gas undertakers or the water undertakers or the Corporation (as the case may be) shall be determined by the Minister of Fuel and Power.

Discounts for
prompt
payment.

21. 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 heat by means of hot water or steam 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 persons under similar conditions.

Notice to be
given by
persons
supplied with
heat before
quitting
premises.

22.—(1) If the occupier of any premises supplied with heat by means of hot water or steam by the Corporation quits the premises without giving notice thereof to the Corporation in manner provided by this section he shall be liable to pay to the Corporation all money accruing due for heat supplied by them to the premises and for meter rent up to the next date on which the register of the meter for heating on the premises is usually ascertained or the date from which any subsequent occupier of the premises requires the Corporation to supply heat to the premises whichever first occurs.

(2) The notice to be given under this section by an occupier of premises shall be given in writing and sent by post or otherwise delivered to the Corporation at the municipal offices so that it is received by the Corporation at least twenty-four hours before he quits the premises.

(3) The foregoing provisions of this section or a statement of the effect thereof shall be endorsed upon every demand note for heat charges payable to the Corporation.

For protection
of under-
takers.

23. For the protection of the authority the electricity board the gas undertakers and the water undertakers (each of whom is in this section referred to as "the undertakers") the following provisions shall unless otherwise agreed in writing between the Corporation and the undertakers apply and have effect:—

(1) In this section—

the expression "apparatus" means—

(a) as regards the authority and the electricity board the electric lines and works (as defined in the Electric Lighting Act 1882) belonging to the authority or the electricity board (as the case may be);

(b) as regards the gas undertakers and the water undertakers any mains pipes or other apparatus belonging to the gas undertakers or the water undertakers (as the case may be);

the expression "authorised work" means any main electric line service pipe conduit duct or other work laid down placed or executed by the Corporation for the purposes of the heating undertaking in the exercise of the powers of this Part of this Act or any Act incorporated therewith:

- (2) Where the Corporation require to dig or sink any trench for laying down placing or constructing any authorised work near to which any apparatus has been lawfully placed the Corporation shall give to the undertakers to whom such apparatus belongs notice in writing of such requirement together with plans sections and particulars of the authorised work to be laid in such trench and if it should appear to the undertakers that the laying down placing or construction of such authorised work would injure interfere with or endanger any apparatus or interfere with the access thereto or impede the supply of electricity gas or water by means thereof the undertakers may within fourteen days from the receipt of such notice give to the Corporation notice in writing requiring them to alter the position or depth of such apparatus in such manner as may be reasonably necessary for avoiding any such injury interference danger or impediment and any difference as to the necessity for such alteration or the manner of carrying out the alteration shall be determined by arbitration as hereinafter provided. All such alterations shall (save as in this section provided) be carried out by and at the expense of the Corporation with as little detriment and inconvenience to the undertakers as the circumstances will admit and to the reasonable satisfaction of the engineer of the undertakers and under his superintendence unless after receiving not less than three days' notice for that purpose (which notice the Corporation are hereby required to give except in cases of emergency) he refuses or neglects to give such superintendence at the time specified in the notice for the commencement of such work or discontinues the same during the laying down placing or construction of such work:
- (3) The Corporation in laying down placing or constructing any authorised work shall not interfere with the access to any apparatus to any greater extent than is necessary for the purpose of or in connection with the carrying

PART III
—cont.

out of that work and shall not remove or displace any apparatus or do anything to endanger any apparatus or impede the passage of electricity gas or water into or through any apparatus without the consent (which shall not be unreasonably refused) of the undertakers or in any other manner than the undertakers shall reasonably approve nor in the case of apparatus proposed to be removed or displaced until good and sufficient apparatus and other works reasonably necessary or proper for continuing the supply of electricity gas or water as the same was supplied by the apparatus proposed to be removed or displaced shall at the expense of the Corporation have been first made and laid down in lieu thereof and be ready for use to the reasonable satisfaction of the engineer of the undertakers:

(4) If the undertakers shall desire—

(a) to alter the position or depth of any apparatus which the Corporation may be required to alter under paragraph (2) of this section and shall within the period of fourteen days referred to in that paragraph give not less than seven days' notice in writing thereof to the Corporation; or

(b) to provide any apparatus in lieu of any apparatus proposed to be removed or displaced under paragraph (3) of this section and shall within the period of fourteen days from the date of the giving of their consent under that paragraph or as the case may be from the date of a determination that such consent is unreasonably refused give not less than seven days' notice thereof to the Corporation;

the undertakers may themselves carry out any of the said works and shall commence execute and complete the same with all reasonable dispatch and to the reasonable satisfaction of the Corporation and all reasonable expenses properly incurred by them under this paragraph shall be repaid to them by the Corporation:

(5) The reasonable expense of all repairs or renewals of—

(i) any apparatus existing at the time of the laying down placing or construction of the authorised work; or

(ii) any apparatus substituted for such existing apparatus or any part thereof and being of reasonably similar size and type;

which may at any time hereafter be rendered reasonably necessary by reason of—

(a) the acts or defaults of the Corporation their contractors agents workmen, or servants or any person in the employ of them or any of them in the exercise of the powers of this Part of this Act; or

(b) any subsidence resulting from the laying down placing construction or removal of any authorised work whether during the laying down placing construction or removal of the authorised work or at any time within two years thereafter;

shall be borne and paid by the Corporation:

- (6) The Corporation in laying down placing constructing or removing any authorised work shall make good all damage done by them to any apparatus and shall make compensation to the undertakers for any loss damage costs or expenses which they may sustain by reason of any interference with such apparatus or the access thereto or with the private service or supply lines or pipes of any person supplied by the undertakers with electricity gas or water:
- (7) Except with the consent of the water board it shall not be lawful for any authorised work or any fittings provided or used by the Corporation for the storage transmission distribution and use of heat supplied by them to any premises to be connected with any apparatus provided or used for the transmission distribution and use of water supplied to the same premises by the undertakers in such a manner as to permit the flow of water through such connection Any person committing a breach of this provision shall be subject to a penalty not exceeding five pounds:
- (8) If any difference shall arise between the Corporation and the undertakers or their respective engineers with respect to any matter under this section the matter in difference shall be referred to an arbitrator:
- (9) In settling any difference under this section the arbitrator shall have regard to any duties or obligations which the undertakers may be under in respect of their apparatus and any duties or obligations which the Corporation may be under in respect of the authorised work and may if he thinks fit require the Corporation to execute any temporary or other works so as to avoid as far as may be reasonably possible interference with any purpose for which the apparatus is used.

PART III
—cont.

Corporation
not to be
exempted from
proceedings
for nuisance.

24. Nothing in this Part of this Act shall exonerate the Corporation from any indictment action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them.

Financial
provisions.

25. For the purposes of section 133 (Application of revenue of undertakings) of the Act of 1938 the heating undertaking shall be one of the undertakings of the Corporation.

Heating
undertaking
to be a
statutory
undertaking
under certain
Acts.

26.—(1) The provisions of the Town and Country Planning Acts 1944 and 1947 shall where applicable apply to the heating undertaking as if that undertaking were a statutory undertaking and as if the Minister were the “appropriate Minister” within the meaning of section 119 of the Town and Country Planning Act 1947.

7 & 8 Geo. 6.
c. 47.

10 & 11 Geo. 6.
c. 51.

12 & 13 Geo. 6.
c. 32.

(2) For the purposes of section 4 of the Special Roads Act 1949 the Corporation in relation to the powers conferred upon them by this Part of this Act shall be deemed to be statutory undertakers.

Corporation
not to be
water under-
takers.

27. Nothing in this Part of this Act shall be deemed to constitute the Corporation water undertakers within the meaning of the Water Act 1945 except for the purpose of section 12 (Power to lay mains &c. and break open streets) of this Act.

PART IV

STREETS BUILDINGS SEWERS &C.

Adjustment of
boundaries
of estates.

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

or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid:

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

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

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

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

29.—(1) In any street not being a highway repairable by the inhabitants at large the Corporation may execute such repairs as are in their opinion urgently required to prevent or remove danger to persons or vehicles in the street and may themselves defray the cost of the repairs out of the general rate fund:

Urgent repairs
of private
streets.

Provided that the cost of the repairs executed in any street in any year under this section shall not exceed ten pounds for each one hundred yards of the length of the street.

(2) The exercise by the Corporation of their powers under this section shall not prejudice their powers under any statutory

PART IV
—cont.7 Edw. 7.
c. 53.Security for
private street
works.

provision for the time being in force in the borough relating to private street works or private improvement expenses or under section 19 of the Public Health Acts Amendment Act 1907.

30.—(1) In any case in which plans and particulars of the proposed development of land are required to be furnished to the Corporation the Corporation as a condition of their approval thereof may require the owner of the land upon which any new street is to be laid out to undertake to pay and to give security for the payment of any expenses which may be incurred by the Corporation in executing any private street works with respect to such street or any part thereof and such owner or his successors in title shall not lay out such street unless any undertaking and security required by the Corporation shall have been given.

(2) If any person shall offend against the provisions of this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Paving of
yards and
passages.

31. Where any court or yard is appurtenant to or any passage gives access to commercial or industrial premises as well as to a house or houses the Corporation may exercise the powers of section 56 of the Act of 1936 relating to the paving and drainage of yards and passages in respect of any such commercial or industrial premises as though they were a house.

Provisions
as to tents
vans &c.
51 & 52 Vict.
c. 52.

32.—(1) Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of section 3 (Buildings not to be brought forward) of the Public Health (Buildings in Streets) Act 1888 in its application to the borough be deemed to be a house or building within the meaning of those words where they first occur in the said section.

(2) It shall not be lawful without the written consent of the Corporation to place any tent van shed or similar structure used for human habitation upon any square court alley or passage to which the public have access.

(3) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound.

Shelters &c.
for passengers.

33.—(1) The Corporation may erect and maintain on any street in the borough at suitable stopping places on the routes of public service vehicles or on lands belonging to them shelters and other accommodation for intending passengers on such vehicles and rails for the regulation of queues of persons intending to enter such vehicles.

(2) The Corporation shall not in pursuance of this section erect any shelter or other accommodation or rail—

(i) so as to cause interference with or to render less convenient the access to or exit from any station or depot

belonging to any railway undertakers or to the fire authority constituted by the Fire Services Act 1947 ;
or

PART IV
—cont.

10 & 11 Geo. 5.
c. 31.

(ii) in any street or road belonging to or repairable by any railway undertakers ; or

(iii) on any bridge carrying any street or road over any railway ;

except in each case with the previous consent of the railway undertakers or fire authority concerned which consent shall not be unreasonably withheld and any question as to whether any such consent is unreasonably withheld shall be referred to and determined by the Minister of Transport.

(3) The Corporation shall not in pursuance of this section erect any shelter or other accommodation or rail on any part of any trunk road without the consent of the Minister of Transport :

Provided that if in any case the said Minister withholds his consent and the Corporation give notice to him that they are aggrieved the matter shall be referred to arbitration.

(4) The Corporation may make byelaws for the regulation use and management of any such shelter or other accommodation.

(5) The Corporation may enter into and fulfil agreements with any person for and in relation to the erection maintenance and use of any such shelters and other accommodation and rails and as to the contributions to be made by any such person towards the cost of the provision and maintenance thereof.

(6) In this section “public service vehicle” has the same meaning as in the Road Traffic Acts 1930 to 1947.

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

Power to
provide tubs
for trees &c.

Provided that this power shall not be exercised—

(1) so as to hinder the reasonable use of the street by any person entitled to use the same or so as to become a nuisance or injurious to the owner or occupier of the land adjacent to the street ; or

(2) in respect of a trunk road except with the consent of the Minister of Transport ; or

(3) in respect of a county road except with the consent of the county council of the county palatine of Chester.

35.—(1) No person shall mix mortar or any like substance in any street repairable by the inhabitants at large in the borough except upon such board or in such receptacle as will protect the street from such mortar or substance :

Mixing of
mortar in
streets.

PART IV
—cont.

Provided that this section shall not apply to the mixing in any street of mortar or like substance for the purposes of making up repairing altering or improving such street.

(2) Any person who shall contravene the provisions of this section shall be liable to a penalty not exceeding two pounds.

As to defective
roofs.

36.—(1) Where the Corporation are satisfied that—

(a) any roof in the borough is in such a state (in this section referred to as a “defective state”) as to be prejudicial to health or a nuisance; and

(b) having regard to all the circumstances unreasonable delay in remedying the defective state would be occasioned by following in relation to the premises the procedure prescribed by sections 93 to 95 of the Act of 1936;

the Corporation may (instead of serving an abatement notice as required by section 93 of the Act of 1936) serve upon the person upon whom it would otherwise have been appropriate under the said section 93 to serve such an abatement notice a notice to the effect that the Corporation intend to remedy the defective state of the roof themselves and specifying the defects which they intend to remedy.

(2) Not later than the end of the seventh day after the Corporation have served a notice under subsection (1) of this section the person upon whom such notice was served may serve a counter-notice upon the Corporation stating that he intends to remedy the defective state of the roof and if such person having duly served such counter-notice commences within such time thereafter as the Corporation consider reasonable to execute such works and take such steps as may be necessary to remedy such defective state and so long as he progresses to the satisfaction of the Corporation with the execution of such works and the taking of such steps the Corporation shall not take action under subsection (3) of this section in respect of such roof.

(3) At any time after the expiration of nine days after the service of a notice under subsection (1) of this section and subject to the provisions of subsection (2) of this section the Corporation may execute such works and take such steps as may be necessary to remedy the defective state of the roof to which such notice relates and subject to the provisions of subsection (4) of this section may recover the expenses reasonably incurred by them in so doing from the person upon whom the notice was served.

(4) (a) In proceedings to recover expenses under subsection (3) of this section it shall be a defence to prove that—

(i) the alleged defective state did not exist at the time of the service of the notice; or

(ii) the need to abate the defective state was not so urgent as to justify the Corporation themselves executing such works and taking such steps without first complying with the provisions of section 93 and section 94 of the Act of 1936 ; or

(iii) the person upon whom the notice was served having duly served a counter-notice under subsection (2) of this section commenced within a reasonable time and progressed reasonably with the execution of such works and the taking of such steps as were necessary to remedy the defective state of the roof.

(b) A person against whom proceedings are taken under subsection (3) of this section shall upon information duly laid by him and on giving to the Corporation not less than three clear days' notice of his intention be entitled to have any person to whose act default or sufferance he alleges that the defective state of the roof was due brought before the court in the proceedings and if the original defendant proves that the defective state of the roof arose or continued by the act default or sufferance of that other person the court shall have power—

(i) to order that such expenses as aforesaid may be recovered from that other person ; or

(ii) to apportion the expenses between persons by whose acts defaults or sufferances the defective state of the roof arose or continued in such manner as the court may deem fair and reasonable.

(5) The Corporation may if they think fit exercise the powers of this section in relation to such defects in the roof of any premises as may be specified in the notice notwithstanding the fact that other defects may exist in such premises and in that case nothing contained in this section or done or executed thereunder shall prejudice or affect the powers of the Corporation under sections 93 to 98 and section 100 of the Act of 1936 in relation to any such other defect in such premises.

(6) The powers and functions of the Corporation under this section may be exercised by the medical officer or the sanitary inspector.

37.—(1) As from the commencement of this section no person shall demolish or take down any building or part thereof within the borough without first notifying the Corporation of his intention so to do and without complying with such reasonable terms and conditions as the Corporation think fit including terms and conditions requiring—

(a) the shoring up of adjacent buildings ; and

(b) the removal of any material or rubbish resulting from the demolition or taking down and the clearance of the site ;

PART IV
—cont.

to the satisfaction of the Corporation within a reasonable time to be prescribed by the Corporation:

Provided that this section shall not apply to the demolition or taking down of an internal part of a building if such demolition or taking down is incidental to an internal alteration of the building the use of which it is intended to continue.

(2) Where notice is given to the Corporation under subsection (1) of this section and such notice is accompanied by particulars of such building or part thereof and of the proposals in regard thereto the Corporation shall be deemed to have approved the proposals unconditionally unless within six weeks from the receipt thereof or within such longer period as the applicant may agree in writing to allow they give notice to him that they have decided to the contrary.

(3) If any term or condition imposed under this section is not complied with within the time therein prescribed the Corporation may themselves enter upon the building and the site thereof and carry out the work.

(4) All expenses incurred by the Corporation under subsection (3) of this section in relation to the site of a demolished building may be recovered by the Corporation from the owner of that site.

(5) This section shall not apply to any poultry-house greenhouse coal-shed or cycle-shed or other similar structure.

(6) This section shall not apply to any building or part of a building which is situate within the curtilage of or used solely in connection with a factory and does not adjoin a street if the building or part (as the case may be) either—

(a) is at a distance from the nearest street not less than the maximum height thereof above the level of the ground ;
or

(b) being at a less distance from the nearest street than as aforesaid is throughout its length or width on the side nearest to that street separated from the street by another building not proposed to be demolished or taken down of which no part opposite to that side is of a less height than the maximum height above the level of the ground of the building or part proposed to be demolished or taken down.

(7) In this section the expression "factory" has the meaning assigned to it by the Factories Act 1937 and the expression "building" shall include a factory chimney shaft.

(8) This section shall not apply in relation to any building (not being a dwelling-house) belonging to the commission and held by them for the purposes of their undertaking:

Provided that the exemption conferred by this subsection shall not extend to buildings last used before demolition as offices other than buildings so used which form part of a railway station.

(9) Any person who contravenes the provisions of this section or of any term or condition imposed under this section shall be liable to a penalty not exceeding five pounds.

38.—(1) Every house erected after the passing of this Act shall be provided with sufficient and suitable accommodation for the storage of food and any owner who shall occupy or allow to be occupied any such house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding one pound. Food storage accommodation to be provided.

(2) Every existing house and every 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 suitable accommodation for the storage of food and any owner who shall occupy or allow to be occupied any such 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 one pound.

(3) For the purposes of this section the expression "house" includes any part of a building which is occupied or intended to be occupied as a separate dwelling and the conversion of a building into two or more separate dwellings shall be deemed to be the erection of a house:

Provided that where any part of a building has been let for occupation as a separate dwelling-house without the consent in writing of the owner of the building the person so letting such part of the building shall for the purposes of this section be deemed to be the owner.

39.—(1) Where plans of a house are in accordance with building byelaws deposited with the Corporation the Corporation may reject the plans if they do not show that the house will be provided with a bathroom containing a fixed bath. Provision of bathrooms.

(2) If the Corporation reject the plans for non-conformity with this section the notice given in pursuance of subsection (2) of section 64 of the Act of 1936 shall specify that the plans have been rejected on account of such non-conformity.

40.—(1) The Corporation may by notice require the owner or occupier of any premises or place used for any exhibition performance amusement game or sport to which the public are admitted on payment of a charge for admission to provide to the reasonable satisfaction of the Corporation and thereafter Provision of sanitary conveniences at places of amusement.

PART IV
—cont.

to the like satisfaction maintain in a suitable position such numbers of sanitary conveniences for the use of the public resorting to such premises or place as may be reasonable.

(2) If any person fails to comply with a notice served on him under this section within such period not being less than twenty-eight days after the date of the service of the notice as may be specified therein he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Powers on
inspection of
buildings &c.

41.—(1) In exercising any powers of entry upon and inspection of any building or works in course of construction or repair the surveyor or the medical officer or the sanitary inspector or their assistants shall have from the builder of or contractor for such building or works free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works.

(2) Any person who shall refuse such use and assistance as aforesaid shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound.

Apportionment to
frontagers of
expenses of
construction
of sewer before
land became
a street.

42.—(1) Where the Corporation have incurred expenses in constructing after the passing of this Act a length of sewer in or under land within the borough and that land has subsequently become a street (whether repairable by the inhabitants at large or not) then subject to the provisions of section 43 (Limitation of sum apportioned to frontagers) of this Act the expenses so incurred so far as they do not exceed the sum authorised by that section shall be apportioned by the Corporation on the premises fronting adjoining or abutting on the street according to the frontages of the respective premises.

(2) Where on the construction of the length of sewer compensation became due to the owner of any land in on or over which the length of sewer was constructed in respect of the damage he sustained by reason of such construction and any sum was set off against such compensation on account of the value of land belonging to such owner having been enhanced by the construction of the length of sewer this section shall not apply to the length of sewer or to such part thereof as was constructed in on or over such land as aforesaid.

(3) Nothing in this section shall authorise the apportionment of any sum on any land in contravention of any agreement between the Corporation and the owner of the land.

Limitation
of sum
apportioned
to frontagers.

43.—(1) The sum apportionable under section 42 (Apportionment to frontagers of expenses of construction of sewer before land became a street) of this Act shall not exceed the sum certified by the surveyor to be at the time the average cost per lineal yard of providing a sewer having an internal

diameter of nine inches in a private street in the borough multiplied by the extent in lineal yards (as so certified) of the sewer or length of sewer in question.

(2) As soon as the apportionment has been made the Corporation shall serve on the owners of the several premises affected notice in writing of the sums respectively apportioned to them and the notice shall state the right of appeal hereinafter conferred.

(3) Any owner on whose premises any sum has been apportioned shall be entitled within fourteen days of the service upon him of such notice as aforesaid to appeal to a court of summary jurisdiction against the amount of the sum so apportioned and may on such appeal dispute the correctness of the surveyor's certificate.

If the court finds that the certificate of the surveyor is erroneous the court shall order the revision of the sums apportioned not only to the appellant but also to the owners of the other premises affected.

(4) Whenever a new building (other than a building not requiring a foul water drainage system) is erected on any premises fronting adjoining or abutting on the street or part of the street after the date when the street was laid out the sum apportioned on those premises shall be recoverable to an extent proportional to the frontage on the street or part of a street of the site of and the land occupied with the new building :

Provided that where the drains of such new building are at the time of its erection made to connect with a sewer other than the sewer the expenses of the construction of which are apportioned no sum shall be recoverable in respect of the building unless and until the drains thereof are connected with the last-mentioned sewer.

For the purposes of this subsection—

(a) a building shall be deemed to be a new building erected after the date in question unless the erection of the building was completed before that date ;

(b) any such re-erection conversion or extension of a building as is mentioned in the schedule to this Act shall be deemed to be the erection of a new building.

(5) The sum apportioned on any premises shall notwithstanding that no part thereof is immediately recoverable be treated as a local land charge for the purposes of the Land Charges Act 1925 and where part thereof has become recoverable the balance shall be so treated. 15 & 16 Geo. 5. c. 22.

(6) No interest shall be chargeable on any apportioned sum or any part thereof until it becomes recoverable.

PART IV
—cont.

(7) If any person from whom an apportioned sum or any part thereof becomes recoverable proves that by reason of the length of frontage of the land occupied with the building in respect of which the sum so recoverable is payable the amount recoverable is disproportionate to the benefit accruing to the premises the Corporation or on appeal a court of summary jurisdiction may remit such part of that sum as they may think just but in such case if another new building is subsequently erected on the land occupied with the first-mentioned building the sum remitted or such part thereof as is proportional to the frontage of the site of and land occupied with that other building shall become recoverable.

(8) Where under this section any sum becomes recoverable in respect of any premises that sum together with interest from the date of service of a demand therefor may be recovered either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt by the Corporation from the person who is the owner of the premises at the date when a demand for payment is served and as from that date that sum and interest accrued due thereon shall until recovered be a charge on the premises and on all estates and interests therein.

Separate
sewers for
sewage and
surface water.

44. For the purpose of facilitating the disposal of surface water and sewage the powers of the Corporation under section 157 of the Public Health Act 1875 shall extend to the making of byelaws requiring any person constructing a new street in the borough to provide separate sewers for the reception of surface water and of sewage respectively.

Improper
construction
or repair of
water-closet
or drain.

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

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

46. The powers of section 48 of the Act of 1936 relating to examination and testing of drains believed to be defective may be exercised in pursuance of any general or special directions given by the Corporation in any case where it appears to the medical officer or the sanitary inspector that there are reasonable grounds for believing that a sanitary convenience drain private sewer or cesspool is in such a condition as to be prejudicial to health or a nuisance or that a drain or private sewer communicating directly or indirectly with a public sewer is so defective as to admit subsoil water.

PART IV
—cont.

Further power to examine and test drains &c. believed to be defective.

47.—(1) In any case where it appears to the medical officer or the sanitary inspector that any drain private sewer water-closet or soil-pipe is stopped up the medical officer or the sanitary inspector may give notice to the owner or occupier of the premises to remedy the defect and if such notice is not complied with within twenty-four hours from the service thereof the Corporation may carry out the work necessary to remedy the defect and may subject as hereinafter provided recover the expenses incurred in that behalf from such owner or occupier.

As to defective drains &c.

(2) Upon any proceedings under this section the court may inquire whether any requirements contained in any notice given under this section or work done by the Corporation was reasonable and whether the expenses incurred by the Corporation in doing such work or any part thereof ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case.

48. The Corporation at the request of the owner or occupier of any premises may undertake the cleansing of any water-closets drains sinks or gullies in or connected with such premises for such remuneration as may be determined by the Corporation and the amount thereof shall be recoverable from the person by or on behalf of whom the request is made.

Cleansing of sinks and gullies.

49.—(1) Before commencing to demolish any premises in the borough the owner of such premises shall give not less than seven days' notice in writing to the Corporation of his intention so to do and the Corporation if it is reasonable so to do having regard to all the circumstances of the case may within seven days after the receipt of such notice serve a counter-notice upon such owner requiring him to the satisfaction of the Corporation either—

Dealing with drains and sewers before demolition of premises.

- (a) to seal any sewer or drain on in or under the site of such premises; or
- (b) to take up and remove any such sewer or drain and seal any other sewer or drain with which such first-mentioned sewer or drain may be connected;

PART IV
—cont.

and thereupon such owner shall comply with any such requirement.

(2) Any such owner as aforesaid shall to the satisfaction of the Corporation fill in make good and restore the surface of the ground disturbed by or interfered with by the execution of any works under subsection (1) of this section if under the circumstances of the case it is reasonable so to do.

(3) If subject as aforesaid any such owner fails within twenty-eight days after the completion of the clearing of the site to comply with—

- (a) any requirement contained in any such counter-notice as is referred to in subsection (1) of this section ; or
- (b) the provisions of subsection (2) of this section ;

he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings and the Corporation may in addition to and without derogation from their right to recover any such penalty as aforesaid enter into and upon the said premises and may therein thereon or thereunder execute all such works and do all such acts and things as may be necessary to comply with any such requirement and may recover the cost reasonably incurred by them in so doing from such owner.

(4) Where any person shall reconstruct or lay in a new position or permanently discontinue the use of any drain which communicates with any sewer or other drain such person shall cause any drain or portion of drain thereby rendered unnecessary to be cut off and sealed at each end. Any person who knowingly contravenes the provisions or fails to comply with the requirements of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

PART V

INFECTIOUS DISEASE SANITARY PROVISIONS AND NUISANCES

Prevention of
smoke from
industrial
furnaces.

50.—(1) As from the commencement of this section no person shall instal in any building whether erected before or after the passing of this Act any furnace for steam raising or for any manufacturing or trade purpose unless such furnace is so far as practicable capable of being operated continuously without emitting smoke.

(2) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding ten pounds and any person who after conviction of an offence of installing a furnace in contravention of those provisions uses that furnace shall

unless it has been amended so as to comply with those provisions be liable to a penalty not exceeding two pounds for each day on which he so uses the furnace.

(3) If a person before installing in a building a furnace to which this section applies submits to the Corporation plans proposals and particulars of the proposed furnace and furnishes them with such other necessary information in regard thereto as they may require the Corporation shall within a period of six weeks from the date upon which such plans proposals particulars and information are received by them serve a notice upon such person stating whether or not they are satisfied that the furnace is so far as practicable capable of being operated continuously without emitting smoke and if they are so satisfied or if they do not serve a notice upon such person before the expiration of the said period of six weeks no proceedings shall be taken against him under this section in respect of the installation of that furnace in accordance with the plans proposals particulars and information so submitted and furnished.

(4) Before serving a notice under this section stating that they are not satisfied that the furnace is so far as practicable capable of being operated continuously without emitting smoke the Corporation shall consult with the Minister of Fuel and Power.

(5) In determining for the purposes of this section whether a furnace is so far as practicable capable of being operated continuously without emitting smoke the Corporation or a court shall if either of the parties so desire have regard to cost and to local conditions and circumstances.

51.—(1) The Corporation may by order to be confirmed by the Minister prohibit the emission of smoke from any premises in any area or areas within the borough which may be prescribed in such order. Smokeless zones.

(2) Before submitting an order under subsection (1) of this section to the Minister the Corporation shall publish in the London Gazette and in one or more local newspapers circulating in the borough a notice—

- (a) stating that such an order has been made and is about to be submitted to the Minister for confirmation;
- (b) stating the general effect of the order;
- (c) describing the area or areas to which the order applies; and
- (d) stating that within the period of twenty-eight days after a date named in the notice not being earlier than the first publication thereof any person may object to the confirmation of the order by giving notice in writing to the Minister and sending a copy of such notice to the town clerk.

PART V
—cont.

(3) If no objection is duly made or if all objections so made are withdrawn then the Minister may if he thinks fit confirm the order with or without modification but in any other case he shall before confirming the order cause a local inquiry to be held and shall consider any objection not withdrawn and the report of the person who held the inquiry and may then confirm the order either with or without modification.

(4) The Corporation shall compile and keep a register of the name and address of every person owning or occupying premises within the borough who at any time after the passing of this Act shall by notice in writing to the town clerk request the Corporation to serve upon the person making such request a copy of any notice published in pursuance of subsection (2) of this section and the Corporation shall serve upon every such person at the address entered in the said register a copy of any such notice as relates to an order affecting premises owned or occupied by any such person:

Provided that the omission to serve a copy of any such last-mentioned notice on one or more of the persons (not being the whole number of such persons affected by any particular order) hereinbefore referred to shall not invalidate or prejudice any order made by the Corporation under subsection (1) of this section or the confirmation of such order by the Minister. Every notice served upon the Corporation by any person under this subsection shall state his name and address and shall specify the premises within the borough of which such person is the owner or occupier.

(5) An order made under the foregoing provisions of this section may—

(a) in relation to any premises specified in the order—

(i) provide that the premises shall be excluded from the area;

(ii) provide that the operation of the order to the premises shall be deferred for such period as may be specified;

(b) provide that the operation of the order to premises used for any of the following processes shall be deferred for such period as may be specified or such premises may be excluded from the operation of the order—

(i) the working of a mine;

(ii) the smelting of ores and minerals;

(iii) the calcining puddling and rolling of iron and other metals; and

(iv) the conversion of pig iron into wrought iron or the reheating annealing hardening forging converting and carburising of iron and other metals:

Provided that the application of the order to the premises referred to in paragraph (b) of this subsection shall not be deferred on the ground that they are used for any of the said processes unless the Minister is satisfied that the inclusion of the premises within the operation of the order would obstruct or interfere with any such processes.

(6) An order made under this section shall come into operation on but not until such date as may be specified in the order which shall be not less than six months after the date of the first publication of the notice of the confirmation of the order.

(7) The occupier of any premises from which smoke is emitted in contravention of the provisions of an order made under this section shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds:

Provided that it shall be a defence in any proceedings under this subsection to prove that the smoke emitted arose solely from the consumption of coke anthracite or any other fuel of a type specified by the Corporation used in a furnace stove or other appliance suitable for burning such fuel and properly maintained and used.

(8) So soon as may be after an order made under this section has been confirmed by the Minister the Corporation shall publish in one or more local newspapers circulating in the borough a notice stating that the order has been confirmed and naming a place where a copy of the order as confirmed may be seen at all reasonable hours and shall serve a like notice on every person who having given notice to the Minister of his objection to the order appeared at the public inquiry in support of his objection.

(9) A copy of a newspaper containing a notice published in pursuance of this section shall be sufficient evidence of the publication of the notice.

(10) An order under this section may contain such provisions as the Minister may think expedient—

(a) for enabling the lessee or tenant of any premises within the area to which the order relates who has to incur expense in executing works or providing altering or adapting any fixtures fittings or appliances for the purpose of complying with the order and the owner of such premises to enter into and fulfil agreements making such variations of the terms of the lease or tenancy of the premises as may be reasonable having regard to the expense to be incurred and to other relative circumstances; and

(b) for enabling any such lessee or tenant who has been unable to make an agreement with the owner thereof under paragraph (a) of this subsection to apply to the

PART V
—cont.

county court for an order making such variations of the terms of the lease or tenancy of the premises as aforesaid and for enabling the court to make such an order.

(11) An order under this section may be varied or revoked by another order made by the Corporation and confirmed by the Minister.

(12) Nothing in this section or in any order made thereunder shall apply (a) to any existing generating station of the authority or any existing works of the gas undertakers for the manufacture or storage of gas or (b) to any generating station or any works for the manufacture or storage of gas permission for the construction or extension of which by the authority or the gas undertakers (as the case may be) is granted or deemed to be granted in accordance with the provisions of the Town and Country Planning Act 1947.

(13) Nothing in this section or in an order made thereunder shall apply to smoke emitted from a railway locomotive.

(14) The Corporation may if they think fit contribute the whole or part of the expense necessarily incurred by any person in executing works or in providing altering or adapting any fixtures fittings or appliances for the purpose of complying with the provisions of any order made by the Corporation and confirmed by the Minister under this section.

Power to order alteration of chimneys.

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

Cleansing of filthy or verminous premises.

53. Section 83 of the Act of 1936 relating to the cleansing of filthy or verminous premises shall within the borough have effect as if the following were substituted for subsection (1) of that section:—

“(1) Where the local authority upon consideration of an official representation or a report from any of their

officers or other information in the possession of the local authority are satisfied that any premises—

(a) are in such a filthy or unwholesome condition as to be prejudicial to health ; or

(b) are verminous ;

the authority shall give notice to the owner or occupier of the premises requiring him to take such steps as may be specified in the notice to remedy the condition of the premises—

(i) by cleansing and disinfecting them ;

(ii) by distempering or whitewashing the interior surface thereof or in the case of premises used for human habitation or as shops or offices by papering or painting the said interior surface ;

and the notice may require among other things the removal of wallpaper or other covering on the walls and in the case of verminous premises the taking of such other steps as may be necessary for the purpose of destroying or removing vermin ”.

54.—(1) If the Corporation take action under subsection (1) of section 83 of the Act of 1936 in reference to premises which appear to be verminous and in the opinion of the Corporation it is necessary to use gas to destroy vermin on the premises they may serve notices on the occupiers of premises in the fumigation area and the risk area as defined in the Hydrogen Cyanide (Fumigation of Buildings) Regulations in force for the time being requiring all persons to vacate those premises during such period as may be specified by the Corporation :

Power to require persons to vacate premises during fumigation.

Provided that the Corporation shall not require any person to vacate his premises under this section unless temporary shelter or house accommodation shall have been provided for him.

(2) Any person who contravenes a notice served under this section shall be liable to a penalty not exceeding five pounds.

(3) The Corporation may pay to any person required to vacate premises in pursuance of the powers contained in this section such reasonable allowance as they think fit towards his expenses in removing.

(4) The Rent and Mortgage Interest Restrictions Acts 1920 to 1939 shall not be deemed to cease to apply to a house or premises by reason only of the fact that such house or premises have been vacated in compliance with a notice served under this section.

55.—(1) No dealer shall—

(a) prepare for sale ;

(b) sell or offer or expose for sale ; or

(c) deposit for the purpose of sale or preparation for sale ;

Prohibition on sale of verminous articles.

PART V
—cont.

any furniture mattress bed-linen clothing or similar article (in this section called "article") if the same is to his knowledge infested with bugs or other vermin or if by taking reasonable precautions he could have known the same to be so infested.

(2) If a dealer contravenes the provisions of this section he shall be liable to a penalty not exceeding five pounds and the Corporation upon a certificate of the medical officer or the sanitary inspector may remove any such verminous article and cause the same to be cleansed purified disinfected or destroyed as the case may require and may recover the cost of so doing from such dealer.

(3) The medical officer and the sanitary inspector may enter any premises in which any article is sold or exposed for sale for the purpose of examining whether there be any contravention of the provisions of this section or for the purpose of removing any verminous article.

(4) For the purposes of this section—

"dealer" means any person who trades or deals in any article;

"preparation for sale" shall not include disinfestation.

Discontinuance
of offensive
trades.

56.—(1) In any case in which premises are being used for the carrying on of an offensive trade within the meaning of section 107 of the Act of 1936 relating to the establishment of offensive trades in urban districts and the council by resolution decide that it is inexpedient in the interests of public health or having regard to any change since the date of the establishment of such offensive trade in the character of the neighbourhood in which such premises are situate that such trade should be carried on in such premises the Corporation may serve on the owner or occupier of such premises a notice stating the effect of the resolution and requiring him before the expiration of six months from the date of the notice to cease to use such premises for the carrying on of such offensive trade.

(2) Any person who contravenes any requirement of the Corporation under the provisions of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

(3) If the Corporation in pursuance of this section require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person compensation for any loss sustained by him in consequence of the action of the Corporation:

Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Corporation shall have been given for a period only unless the

Corporation shall have required that the use of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

PART V
—cont.

(4) The powers of this section shall be in addition to and not in derogation of any other powers of the Corporation with reference to offensive trades.

(5) Nothing contained in this section shall extend or apply to any premises used for the carrying on of a trade or business in the course of which by-products from animals slaughtered for food are manufactured worked up processed produced sold or offered for sale.

For the purposes of this subsection "by-products" means and includes any material arising from any part of an animal after slaughter and whether in its natural state or after treatment.

57.—(1) All steam or waste gas ejected from any stationary engine or the boiler or condensers thereof and all condensing water above a temperature of one hundred and ten degrees fahrenheit so ejected and all spent and ejected steam arising or produced in any trade business or manufacture shall be so discharged as not to be an annoyance to the public.

Ejection of steam and waste gas to annoyance of public.

(2) Any person who shall cause or permit steam or waste gas or condensing water to be discharged contrary to the provisions of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding two pounds.

(3) The provisions of this section shall not apply to any railway locomotive.

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

Silencers for internal combustion engines.

(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 the commission and used by them for the purposes of their railway 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 from the Corporation to

PART V
—cont.

the effect that he is or has been so using such engine or permitting the same to be so used shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds.

Sanitary
conveniences
used in
common.

59.—(1) The owner of two or more sanitary conveniences within the borough provided for or in connection with two or more separate houses and used in common by the occupiers of such houses shall so far as reasonably practicable allot such sanitary conveniences to the occupiers of particular houses so as to ensure that the same are allocated proportionately (as nearly as may be) amongst such houses.

(2) The owner of any such sanitary conveniences shall cause to be affixed to and maintained on the door or walls of each such sanitary convenience a notice identifying the house the occupiers of which are entitled to use such sanitary convenience.

(3) Any owner who contravenes the provisions of this section shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding ten shillings.

Byelaws
relating to
common
lodging-houses.

60. Section 240 of the Act of 1936 shall operate so as to include the making by the Corporation of byelaws for requiring the exhibition or placing in a conspicuous part of any room in a common lodging-house of a copy of any byelaws applicable thereto and of a placard setting forth the superficial area and the accommodation thereof.

Registration of
hairdressers
and barbers
and their
premises.

61.—(1) As from the commencement of this section every person who shall carry on the trade or business of a hairdresser or barber shall register his name and place of abode and also the premises in which such trade or business is carried on in a book to be kept at the offices of the Corporation for the purpose and the Corporation shall thereupon issue a certificate of registration.

(2) The Corporation may make byelaws for the purpose of securing—

(a) the cleanliness of any premises registered under this section and of the instruments towels materials and equipment used therein ; and

(b) the cleanliness of persons employed in such premises in regard to both themselves and their clothing.

(3) The person registered shall keep a copy of the byelaws made by the Corporation under this section and the certificate of registration displayed in the registered premises.

(4) Any officer of the Corporation or other person duly authorised in writing in that behalf by the Corporation and if so required exhibiting his authority shall at all reasonable times be afforded by the person registered full and free power of entry

into the registered premises for the purpose of inspecting such registered premises and examining whether there is any contravention of the provisions of this section or any byelaw made thereunder and any such officer or person as aforesaid shall have the like power of entry into any premises in the borough in which there is reason to suppose that the said trade or business is being carried on:

PART V
—cont.

Provided that the powers conferred by this subsection of entering premises for the purpose of examining whether there is any contravention of any byelaw made for the purposes mentioned in paragraph (b) of subsection (2) of this section shall not be exercised by any officer except the medical officer or the sanitary inspector.

(5) (a) Any person carrying on such trade or business as aforesaid whose name place of abode and premises in which such trade or business is carried on are not registered in accordance with subsection (1) of this section or whose registration has been cancelled or suspended as hereinafter provided or who contravenes any of the provisions of this section shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound.

(b) Any person who contravenes any byelaw made under this section shall be liable to a penalty not exceeding two pounds and a court of summary jurisdiction may (in lieu of or in addition to imposing a penalty) order the cancellation or suspension of the registration.

(6) If the registration is suspended or cancelled under the provisions of subsection (5) of this section or the person ceases to carry on such trade or business as aforesaid the certificate of registration shall be returned to the Corporation.

PART VI

FOOD

62. In this Part of this Act unless the context otherwise requires "an authorised officer" means—

Definitions
for Part VI.

(a) the medical officer;

(b) the sanitary inspector; or

(c) any other officer who is by virtue of the Food and Drugs Act 1938 an authorised officer for the purpose of the examination and seizure of meat under the provisions of that Act.

63.—(1) If and when the Corporation shall have put into force a system of marking meat under the powers of Part III of the Public Health (Meat) Regulations 1924 to 1948 the Corporation may make byelaws for preventing meat or any

Byelaws as to
inspection
of meat.

PART VI
—cont.

part of the carcass of an animal brought into the borough and intended for food from being offered for sale or sold or deposited for sale or for preparation for sale until after inspection by an officer of the Corporation and for requiring any such meat or carcass to be taken for inspection to the slaughter-house or to the meat market of the Corporation or to such place as may be specified in the byelaws.

(2) No byelaw made by the Corporation under subsection (1) of this section shall apply to meat or any part of a carcass to which the Public Health (Imported Food) Regulations 1937 and 1948 apply or which has been inspected and passed as fit for food by an authorised officer of the council for the district in which the animal has been slaughtered but the Corporation shall be entitled to require reasonable proof that the meat has been inspected and passed as aforesaid.

(3) With a view to facilitating the carrying into effect of any byelaws made in pursuance of this section an officer of the Corporation may with the consent of the local authority concerned enter any slaughter-house which is situate outside the borough but within a circle having a radius of twelve miles from the municipal buildings of the borough for the purpose of inspecting any carcass or any part thereof intended for sale or consumption in the borough.

1 Edw. 8. &
1 Geo. 6. c. 70.

(4) Nothing in this section shall affect the operation of the Diseases of Animals Acts 1894 to 1937 or of Part IV (Provisions as to diseases of animals) of the Agriculture Act 1937 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

(5) Before making any such byelaws the Corporation shall give to the Crewe Master Butchers' Association and the Cheshire Branch of the National Farmers' Union not less than one month's notice of the Corporation's intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the Corporation shall confer with the said bodies thereon before they submit them to the Minister of Food for confirmation and such bodies shall be entitled to make representations to the said Minister with regard thereto.

Notice of
slaughter of
animal unfit
for food.

64.—(1) As from the commencement of this section where any person being the owner of any bull ox cow heifer calf sheep lamb goat or pig which is emaciated or diseased and unfit for food is about to slaughter the same or about to cause the same to be slaughtered he shall give not less than twelve hours' previous notice to an authorised officer of the Corporation of such intention and shall on the application of an authorised officer within six weeks from the date of such slaughter furnish such information within his knowledge as the

authorised officer may reasonably require for the purpose of enabling inquiries to be made to trace the disposition of the carcasses or any part thereof:

PART VI
—cont.

Provided that where by reason of accidental injury illness or exposure to infection it is necessary that any such animal should be slaughtered without delay the provisions of this section shall be deemed to be satisfied if—

- (a) notice of the slaughter is given to an authorised officer as soon as reasonably possible whether before or after the slaughter takes place; and
- (b) the carcase is not disposed of until the expiration of twelve hours from the delivery of such notice or the disposal of the carcase has been approved by an authorised officer.

(2) Any person failing to give such notice or refusing to furnish such information or knowingly furnishing false information shall be liable to a penalty not exceeding ten pounds.

(3) This section shall not apply to the slaughter of any animal to which the Public Health (Meat) Regulations 1924 to 1948 apply.

(4) Nothing in this section shall affect the operation of the Diseases of Animals Acts 1894 to 1937 or of Part IV (Provisions as to diseases of animals) of the Agriculture Act 1937 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

65.—(1) As from the commencement of this section where the slaughter of an animal intended for human consumption shall take place outside a slaughter-house and the carcase of the animal shall be brought into a slaughter-house within the borough such carcase and all the organs thereof shall be retained and kept separate and apart from any other meat intended for human consumption until such carcase and organs have been inspected or their removal has been authorised in accordance with the provisions of the Public Health (Meat) Regulations 1924 to 1948.

Animals
slaughtered
outside
slaughter-
houses.

(2) Where there is any contravention of the provisions of this section the occupier of the slaughter-house and also the person by whom the carcase is prepared or dressed shall be liable to a penalty not exceeding five pounds.

(3) In this section “animal” “slaughter-house” and “meat” have the same respective meanings as in the Public Health (Meat) Regulations 1924.

PART VI
—cont.Registration of
hawkers of
food and their
premises.

66.—(1) As from the commencement of this section the following provisions shall have effect in the borough:—

(a) No person other than a person keeping open shop for the sale of food shall either by himself or by any person employed by him sell offer or expose for sale any food from any cart barrow or other vehicle or from any basket pail tray or other receptacle unless he is registered with the Corporation;

(b) No premises shall be used as storage accommodation for any food intended for sale from a cart barrow or other vehicle or from a basket pail tray or other receptacle unless the premises are registered as aforesaid.

(2) An application for a person to be registered under this section shall be made by himself and an application for premises to be so registered shall be made by the owner or occupier or intending owner or occupier thereof.

(3) (a) The Corporation shall on registering any premises issue to the person making the application a certificate of registration which shall be kept affixed in a conspicuous place in the premises.

(b) If in pursuance of subsection (5) of this section the Corporation revoke the registration of the premises the certificate of registration shall be returned to the Corporation.

(4) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound.

(5) (a) The Corporation may refuse to register any person or premises under this section or (after giving one month's notice to the person registered or in whose name the premises are registered) may revoke the registration of any person or premises under this section if they are satisfied—

(i) as regards a person that the public health is or is likely to be endangered by any act or default of his in relation to the quality storage or distribution of food; or

(ii) as regards premises that the premises are not suitable to be used for the purposes aforesaid:

Provided that before refusing or revoking such registration the Corporation shall serve upon the person applying for registration or upon the person registered or in whose name such premises are registered a notice to appear before a committee of the council not less than seven days after the date of the notice to show cause why the Corporation should not for reasons to be specified in the notice refuse to register or revoke the registration of the person or premises. Any such notice shall state the effect of paragraphs (b) and (c) of this subsection.

(b) If the Corporation refuse to register or revoke the registration of any such person or premises they shall if required by the person applying for such registration or the person registered or in whose name the premises are registered deliver to him within seven days of the receipt of such requirement a statement in writing of the ground or grounds upon which such refusal or revocation is based.

(c) Any person appealing to a court of summary jurisdiction under section 105 (As to appeals) of this Act against any such refusal or revocation shall do so within fourteen days from the date of the notice of such refusal or revocation.

(6) The medical officer the sanitary inspector or any other officer of the Corporation appointed for the purpose shall have power at all reasonable times to enter and inspect any premises in the borough in respect of which an application has been received for registration under the provisions of this section and also any premises which he shall have reason to believe are being used as storage accommodation for food intended for sale from a cart barrow or other vehicle or from a basket pail tray or other receptacle.

(7) The Corporation shall keep a register of the persons and premises registered under the provisions of this section.

(8) The provisions of this section shall not apply to any premises registered under section 14 of the Food and Drugs Act 1938 relating to the registration of premises used in connection with the manufacture or sale of ice-cream or preserved food or to any dairy or dairyman registered under Part II (Provisions as to milk dairies and artificial cream) of that Act or under any regulations made thereunder or under an enactment thereby repealed.

(9) The provisions of this section shall not apply to any premises used as a theatre cinematograph theatre music hall or concert hall or to any person in respect of the sale or offer or exposure for sale of any food in any such premises.

(10) In this section the expression "food" does not include any substance contained in a container of such materials and so closed as to exclude all risk of contamination.

67. Any person taking or introducing or causing to be taken or introduced any fats which are unfit for food into any premises in which any food into the composition of which fat enters is manufactured or prepared for sale shall for each offence be liable to a penalty not exceeding five pounds unless he can prove that such fats were not taken or introduced into such premises for the purpose of being used and have not been used as an ingredient in the manufacture or preparation of any food.

Restriction
on taking
inedible fats
into premises
where food
is prepared.

PART VI
—cont.Precaution
against
contamination
of food.

68.—(1) The occupier of any premises within the borough in which food other than—

- (a) milk ;
- (b) meat to which the Public Health (Meat) Regulations 1924 to 1948 apply ; and
- (c) food which is contained in a container of such materials and so closed as to exclude all risk of contamination ;

is sold or exposed for sale or deposited for the purpose of sale or of preparation for sale or with a view to future sale shall take all such steps as may be reasonably necessary to guard against the contamination of such food by animals and insects and shall cause such food to be so placed as to prevent mud filth or other contaminating substance being splashed or blown thereon.

(2) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding ten shillings.

Byelaws as to
meat for
feeding
animals.

69.—(1) The Corporation may make byelaws—

- (a) for requiring the sterilisation in such manner as may be prescribed by the byelaws of animal feeding meat exposed or offered for sale for consumption by dogs cats or other animals ;
- (b) for prohibiting the sale or offer or exposure for sale of animal feeding meat for consumption by dogs cats or other animals unless such meat has been so sterilised ;
- (c) for empowering an authorised officer of the Corporation to examine any animal feeding meat which is offered or exposed for sale for consumption by dogs cats or other animals and to seize and destroy or cause to be destroyed such animal feeding meat if it has not been so sterilised as aforesaid :

Provided that nothing in any byelaws made under the provisions of this section shall extend or apply to require the sterilisation of animal feeding meat which is supplied to a zoological garden or to a menagerie and which has been examined and passed as fit for animal food by an authorised officer.

(2) In and for the purposes of this section the expression “ animal feeding meat ” means any flesh of cattle horses asses mules swine sheep or goats which is not sold or intended for sale for human consumption and includes any such flesh whether cooked or uncooked and whether alone or accompanied by or mixed with any other substance and the expression “ flesh ” includes any part of an animal.

PART VII

WEIGHTS AND MEASURES

70. In this Part of this Act—

Definitions for
Part VII.

“vehicle” includes any lorry cart hand-cart waggon truck or other means of conveying goods or commodities by land but does not include a railway truck or waggon ;

“weighing machine” means a weighing machine available for the use of the public for the purpose of ascertaining the weight of any vehicle or the loading thereof.

71.—(1) As from the commencement of this section any person who shall own a weighing machine which shall not have been registered with the Corporation before being made available for the use of the public shall be liable to a penalty not exceeding five pounds and a daily penalty not exceeding forty shillings.

Registration of
weighing
machines.

(2) There shall be paid to the Corporation the sum of two shillings and sixpence in respect of the registration of each weighing machine.

(3) The registration of a weighing machine shall continue in force until the thirty-first day of December next after the date on which it was granted or renewed but may be from time to time renewed in the ensuing month of January without fee on the application of the owner or proprietor of such weighing machine.

72.—(1) Any person who operates a weighing machine who shall—

Offences by
weighing
machine
operators and
others.

(a) not fairly weigh any vehicle with or without loading ;

(b) not deliver to the purchaser of any such loading or any person interested therein on application a ticket or account containing the true weight of such loading ;

(c) give to the driver of any such vehicle a false ticket or account of the weight of such vehicle or the loading thereof ;

(d) weigh any vehicle knowing that anything had been added to the loading thereof so as to increase the weight of the same or that the wheels thereof had been changed between the time of the same being weighed with its loading and the time of its coming back to be again weighed without its loading and shall not give immediate notice thereof to the person interested therein ;
or

PART VII
—cont.

(e) knowingly assist in or connive at any fraud to be committed or attempted concerning the weighing of any such vehicle or the loading thereof or shall make or connive at making any false representation of the weight of the same respectively ;

shall be liable to a penalty not exceeding five pounds.

(2) Any person who shall knowingly act or assist in the committing of any fraud respecting the weighing or weight of any such vehicle or the loading thereof which shall be weighed or brought to be weighed at any such machine or which shall be alleged to have been weighed at any such machine shall be liable to a penalty not exceeding five pounds.

Application of
Weights and
Measures Act
1889 to sale of
wood fuel.
52 & 53 Vict.
c. 21.

73. As from the commencement of this section the provisions of sections 20 to 27 and 29 of the Weights and Measures Act 1889 and of any byelaws made by the Corporation thereunder (which provisions and byelaws relate to the sale of coal) shall also apply to the sale within the borough of wood fuel in quantities of fourteen pounds and over.

Byelaws
relating to
wood fuel.

74. The Corporation may make byelaws—

- (1) regulating the sale of wood fuel in quantities of fourteen pounds and over but not exceeding two hundred-weights ;
- (2) requiring either generally or in specified classes of cases a weighing instrument of a form approved by the Corporation to be carried with any vehicle in which wood fuel is carried for sale or delivery to a purchaser ; and
- (3) prescribing the distance beyond which wood fuel is not to be required to be carried for the purpose of being weighed or re-weighed in pursuance of section 27 of the Weights and Measures Act 1889 as applied by this Act.

Penalty on
fraudulent
sale.

75. As from the commencement of this section if any seller of wood fuel or any person in charge of any vehicle from which wood fuel is being sold delivered or offered or exposed for sale wilfully makes any false statement as to the weight of the wood fuel or any part thereof or wilfully does any other act by which the purchaser may be defrauded such seller or person in charge shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds.

Amendment of
section 27 of
Weights and
Measures Act
1889 in its
application
to borough.

76. As from the commencement of this section proviso (a) to section 27 of the Weights and Measures Act 1889 relating to the weighment of coal or vehicle as extended in its application to the borough by section 117 (Application to sale of coke of Weights and Measures Act 1889) of the Act of 1938 and by

section 73 (Application of Weights and Measures Act 1889 to sale of wood fuel) of this Act shall be read and have effect as if in that proviso the words "two miles" were substituted for the words "half a mile".

PART VII
—cont.

PART VIII

FINANCE

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

(2) The provisions of Part IX of the Act of 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.

78. It shall not be lawful to exercise the powers of borrowing conferred by this Act otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945.

As to exercise
of borrowing
powers.
8 & 9 Geo. 6.
c. 18.

79.—(1) The Corporation may (if they think fit) establish a fund to be called "the capital fund" to which they may pay any sums derived from the sale of any property of the Corporation the balance of the general rate fund in hand at the close of any financial year and such other sums from the general rate fund (including a sum equal to the interest earned on the capital fund and the income (if any) arising from the application of the fund to the purposes authorised) as the council may by resolution direct not being moneys directed by law to be applied to any other purpose:

Capital fund.

Provided that—

(a) any sum directed by the council to be paid to the capital fund from the general rate fund (in addition to the sum equal to the interest earned on the capital fund and the income (if any) arising from the application of the fund to the purposes authorised) shall not exceed in any financial year the equivalent of three times the product of a rate of one penny in the pound as ascertained or estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act 1925;

15 & 16 Geo. 5.
c. 90.

PART VIII
—cont.

(b) any sums derived from the sale of any corporate land of the Corporation as defined in section 305 of the Act of 1933 shall not be applied otherwise than in the purchase or acquisition of other corporate land except with the Minister's consent ; and

(c) payments into the fund shall not be made whenever the fund amounts to the sum of fifty thousand pounds.

(2) The Corporation may apply the moneys in the capital fund (to an amount not exceeding five thousand pounds in any one transaction or such greater sum as the Minister may approve) in the exercise of any statutory borrowing power possessed by them (other than a power in connection with an undertaking from which revenue is derived) or in providing money for payments into sinking funds in respect of loans raised under any such borrowing power (but not in making the annual payment required to be made thereto) or in the purchase or acquisition or taking on lease of any lands or buildings which they are authorised to purchase or acquire or take on lease.

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

(b) Any income arising from the investment or use of the moneys in the capital 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.

(4) All moneys derived from the sale of any property of the Corporation which are applied from the capital fund under the provisions of this section shall be repaid from the account to which such moneys were advanced by such annual instalments with or without interest and within such period as may be determined by the Corporation :

Provided that where the advance is in the exercise of a statutory borrowing power such period shall not exceed the period prescribed for the repayment of moneys borrowed under that power.

(5) Any moneys standing to the credit of the existing capital reserve fund of the Corporation shall be carried to the credit of the capital fund authorised by this section.

Renewal and
repairs fund.

80.—(1) The Corporation may (if they think fit) establish a fund to be called " the renewal and repairs fund " for the purpose of defraying the expenditure to be incurred from time to time in repairing maintaining and renewing any buildings works plant tools machinery appliances horses carts vehicles boilers and equipment and apparatus in connection therewith office

machinery furniture fittings and appliances or things and may from time to time apply any fund so established or any part thereof in defraying such expenditure but this section shall not apply to any buildings works plant appliances or things for the purposes of any undertaking of the Corporation in respect of which they have provided a reserve fund or to any building in respect of which they are required by the Acts relating to housing to keep a housing repairs account.

(2) The Corporation may from time to time pay out of the general rate fund such sums as they think fit into the renewal and repairs fund but the maximum amount standing to the credit of that fund shall not at any time exceed fifty thousand pounds.

(3) (a) Pending the application of moneys forming part of the renewal and repairs fund to the purposes authorised by this section such moneys shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the renewal and repairs fund in manner provided by this subsection together with 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 an amount equivalent to such income shall be credited to the renewal and repairs fund unless the amount standing to the credit of that fund amounts to fifty thousand pounds.

(4) Any moneys standing to the credit of the existing renewal and repairs fund of the Corporation shall be carried to the credit of the renewal and repairs fund authorised by this section.

81.—(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 such losses damages costs and expenses as may from time to time be specified in a resolution of the council (in this section referred to as “the specified risks”).

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices against the whole or any part of all or any of the specified risks.

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

(a) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the Corporation fully insured in some insurance office of good repute against the specified risks; or

PART VIII
—cont.

(b) if the Corporation insure in some insurance office against the whole or any part of all or any of the specified risks such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

(4) When the insurance fund shall amount to the prescribed amount as hereinafter defined the Corporation may if they think fit discontinue the yearly payments to the fund but if the fund is at any time reduced below the prescribed amount the Corporation shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the prescribed amount.

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

(6) (a) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence of risks for which the fund is intended to provide all moneys for the time being standing to the credit of the fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities and the interest and other annual proceeds received by the Corporation in respect of such investments shall be carried to the general rate fund.

(b) In addition to the sum required to be paid into the insurance fund by subsection (3) of this section the Corporation shall in every financial year so long as the fund is less than the prescribed amount carry to the credit of that fund out of the general rate fund an amount equal to the interest and other annual proceeds carried to the general rate fund in pursuance of the last preceding paragraph.

(c) If and so long as the insurance fund amounts to the prescribed amount the interest and other annual proceeds received by the Corporation in respect of or on investments forming part of the insurance fund and carried to the general rate fund may be apportioned in the accounts of the Corporation between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as the Corporation may determine.

(7) (a) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Corporation in consequence of risks for which it is intended to provide in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time

the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Corporation may with the sanction of the Minister borrow at interest under and subject to the provisions of Part IX of the Act of 1933 such sums of money as will be necessary to make up the deficiency.

(b) The amounts of the annual charges in respect of interest on and repayment of principal of any sums borrowed in pursuance of this subsection 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 Corporation may determine having regard to the risks through which such deficiencies arise.

(8) In this section "the prescribed amount" means such sum as may from time to time be prescribed by the Corporation.

(9) Any moneys standing to the credit of the existing insurance fund of the Corporation shall be carried to the credit of the insurance fund authorised by this section.

82.—(1) The Corporation may at any time and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may apply to any such loans all or any of the provisions of this Act and the Act of 1933 in regard to the borrowing and repayment of money with or without modification and may make provision in regard to all matters incidental to the objects aforesaid. Scheme for equated periods.

(2) Any scheme made by the Corporation under this section shall have no force or effect until confirmed by the Minister who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act.

(3) Nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock or bonds existing at that time except with the consent of such mortgagee or holder.

(4) The loans referred to collectively in any scheme under general headings in accordance with a classification approved by the Minister may be consolidated and dealt with in the accounts of the Corporation as if the aggregate amount of the several loans relative to each heading were one loan raised

PART VIII
—cont.

under one statutory borrowing power and if approved by the Minister separate consolidations may be made of all or any of the loans included under such general headings.

(5) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

Application of
Act of 1933
to existing
sinking funds.

83. Sections 213 (Sinking fund) and 214 (Adjustments of sinking fund) of the Act of 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 any 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.

Recovery of
rates from
certain
owners.

84.—(1) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rate charged on such hereditament the owner shall be liable to pay to the Corporation so much of any payment in respect of rent received by him from the occupier as shall represent the proportion of rate included in such payment and so much of such payment may on proof of such agreement be recovered by the Corporation from the owner in the same manner and subject to the same conditions under and subject to which rates are recoverable from occupiers of rated hereditaments.

The remedy of the Corporation under this section shall be in addition and without prejudice to their other remedies for the recovery of rates.

(2) For the purposes of this section the expression "owner" in relation to a hereditament means the person who is entitled to receive the rent payable in respect thereof.

11 & 12 Geo. 6.
c. 26.

(3) This section shall not apply to any hereditament to which subsection (1) of section 11 of the Rating and Valuation Act 1925 as amended by section 55 of the Local Government Act 1948 relating to the rating of and collection of rates by owners applies by virtue of a resolution of the council.

As to operation
of section 11
of Rating and
Valuation
Act 1925.

85. The council may at any time by resolution determine with respect to any hereditament for the time being belonging to the Corporation 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 relating to the rating of and collection of rates by owners 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.

86.—(1) If on the death of an employee (which expression in this section includes a former employee or pensioner of the Corporation or other person) to whom or to whose personal representative a sum not exceeding one hundred pounds is due from the Corporation on account of salary wages superannuation allowance pension gratuity grant or repayment of contributions to any superannuation fund or of contributions otherwise made in respect of superannuation with or without interest a grant of probate of the will of the employee or of letters of administration to his estate is not produced to the Corporation 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 such sum to the person or persons entitled to the residuary estate of the employee by virtue of the provisions of paragraphs (i) to (vi) inclusive of section 46 (1) of the Administration of Estates Act 1925 and section 9 of the Legitimacy Act 1926 to the intent that such sum shall be applied in due course of administration:

PART VIII
—cont.
Payments due
to deceased
employees.

15 & 16 Geo. 5.
c. 23.
16 & 17 Geo. 5.
c. 60.

Provided that—

- (a) the Corporation may (notwithstanding the receipt of a notice under proviso (b) of this subsection) if they think fit pay out of such sum the funeral expenses of the deceased employee or so much thereof as the Corporation consider reasonable having regard to any death grant which has been or is to be paid under section 22 of the National Insurance Act 1946;
- (b) if the Corporation receive notice in writing of any claim against the estate of the deceased employee at any time before they shall have paid the whole of such sum in accordance with the provisions of this subsection they shall not (except in any case in which the provisions of section 46 (1) (vi) of the Administration of Estates Act 1925 are applicable) pay such sum or the balance thereof in their hands to any person other than to the personal representative of the deceased employee unless and until such claim has been satisfied disproved or withdrawn.

9 & 10 Geo. 6.
c. 67.

(2) Before paying any sum in accordance with the provisions of subsection (1) of this section (except under proviso (a) thereof) to any person other than the personal representative of the deceased employee the Corporation shall require either—

- (a) a statutory declaration or (when payment is made to the Crown or to the duchy of Lancaster or to the duchy of Cornwall) a statement by the person or one of the persons to whom the Corporation may pay and propose to pay such sum or any part thereof to the effect that

PART VIII
—cont.

the total estate of the deceased employee (including such sum but after deduction of debts and funeral expenses) does not exceed four hundred pounds; or

- (b) the production of a certificate from the Commissioners of Inland Revenue to the effect either that no death duties are payable in respect of such sum or that any duties so payable have been paid.

(3) The Corporation shall be discharged from all liability in respect of any payment or application of money effected by them in exercising their powers under this section.

As to proof of continued existence of pensioners.

1 Edw. 8. &
1 Geo. 6. c. 68.
2 & 3 Geo. 6.
c. 18.
7 & 8 Geo. 6.
c. 21.
10 & 11 Geo. 6.
c. 7.

87. Notwithstanding anything in the Local Government Superannuation Acts 1937 and 1939 the Corporation shall not be required to make any payment by way of superannuation allowance or pension under those Acts or under the Pensions (Increase) Acts 1944 and 1947 to or for the benefit of any person unless satisfactory proof is given to the Corporation in such manner and at such times as they may from time to time require of the continued existence of such person.

As to extensions of time for repayment of and alteration of rates of interest on mortgages of Corporation.

88. Notwithstanding anything contained in any enactment or in any rule of law or otherwise to the contrary where it is agreed between the Corporation and the person for the time being entitled to any mortgage granted by the Corporation to extend the time for the repayment of the principal moneys secured by such mortgage or to alter the rate of interest payable by the Corporation on the principal moneys so secured and for the time being not repaid or both to extend such time and to alter such rate of interest effect may be given thereto by an endorsement in writing under the hands of such person and of the town clerk or his duly authorised representative endorsed on the deed by which such mortgage was originally granted and the provisions of any such endorsement shall be deemed to be incorporated in the said deed and shall as from the date specified in such endorsement operate and take effect accordingly.

PART IX

MISCELLANEOUS

Provisions as to hackney carriages and motor vehicles let for hire.

10 & 11 Vict.
c. 89.

89.—(1) For the purposes of the provisions of the Town Police Clauses Act 1847 with respect to hackney carriages as incorporated with the Public Health Act 1875 the expression “within the prescribed distance” in relation to any hiring taking place within the borough shall mean within eight miles from the general post office of the borough.

(2) The provisions of the Town Police Clauses Act 1847 shall extend to empower the Corporation to make byelaws for

declaring that to the extent determined by such byelaws those provisions and the byelaws of the Corporation in force with respect to hackney carriages shall apply to every motor vehicle standing or plying for hire and having affixed thereto a taximeter for the purpose of recording the fare to be paid notwithstanding that such vehicle stands or plies for hire on private premises only:

Provided that this section shall not apply to any such vehicle which is kept and used ordinarily for the purpose of being let on hire by the day or for longer periods of hire or to a public service vehicle as defined in the Road Traffic Acts 1930 to 1947 or to any vehicle belonging to or used by the commission for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises or to the drivers or conductors of such vehicles:

Provided also that nothing in this section shall empower the Corporation to fix the site of the stand or starting place of any motor vehicle standing or plying for hire in any railway station or railway premises or in any yard belonging to the commission except with the consent of the commission.

(3) In the case of any hiring in the borough any offence against the Town Police Clauses Act 1847 or this Act or any byelaw of the Corporation referred to in subsection (2) of this section whether such offence shall have been committed within the borough or not may be brought before and determined by any court of summary jurisdiction in the borough.

90. In connection with the street works authorised by Part III of the Act of 1938 and the other purposes thereof the Corporation may stop up Oak Street and thereupon all rights of way over or along the same shall be extinguished and the Corporation may appropriate and use the site of the said street: Power to stop up Oak Street.

Provided that the Corporation shall not under the powers of this section stop up the said street unless and until they are the owners in possession of all lands and houses on both sides thereof or the Corporation obtain the consent of the owners lessees and occupiers of those lands and houses.

91.—(1) Where in exercise of the powers conferred by section 90 (Power to stop up Oak Street) of this Act Oak Street or any portion thereof is stopped up the following provisions shall unless otherwise agreed in writing between the Corporation and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across Oak Street or any portion thereof at the time of such stopping up:— For protection of Postmaster-General.

(a) The Postmaster-General shall have power to remove the line so however that the said power shall not be exercisable as respects the whole or any part of the

PART IX
—cont.

line after the expiration of a period of three months from the date mentioned in subsection (2) of this section unless before the expiration of that period the Postmaster-General has given notice to the Corporation of his intention to remove the line or that part thereof as the case may be ;

- (b) The Postmaster-General may by notice to the Corporation in that behalf abandon the said line or any part thereof and shall be deemed as respects the line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it ;
- (c) The Postmaster-General shall be entitled to recover from the Corporation the expense of providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster-General may require ;
- (d) Where under paragraph (b) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the Corporation and the provisions of the Telegraph Acts 1863 to 1943 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

(2) As soon as the whole or any portion of Oak Street has been stopped up the Corporation shall send by post to the Postmaster-General a notice informing him of such stopping up and the period of three months mentioned in subsection (1) of this section shall commence to run from the date on which such notice is sent.

Byelaws as to
burning of
refuse.

92. Section 82 of the Act of 1936 in its application to the borough shall be extended so as to empower the Corporation to make byelaws prescribing the times and the days of the week during which trade refuse may be ignited or burned in yards and gardens.

Byelaws as to
pleasure fairs.

93.—(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 to and egress from the ground upon which any pleasure fair is held ;
- (c) for the prevention and suppression of nuisances and for preserving sanitary conditions cleanliness order and public safety at any pleasure fair.

(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 cocoanut shy 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 or any fair organised for a charitable purpose if the profits are devoted solely to that purpose.

(3) Before making any byelaws under this section the Corporation shall give to the Amusement Caterers' Association the Association of Amusement Park Proprietors of Great Britain and the Showmen's Guild of Great Britain not less than one month's notice of the intention of the Corporation to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the Corporation shall confer with the said associations and guild thereon before they submit them to the Secretary of State for confirmation.

94.—(1) The Corporation may maintain in perpetuity or for such period as they may determine a grave or grave space or monument in any burial ground or cemetery provided or maintained by them and may accept a sum of money from any person in consideration of such maintenance.

Maintenance
of graves in
burial grounds.

(2) The Corporation may apply for the purposes of this section any sum of money received by them before the passing of this Act in consideration of such maintenance.

(3) The Corporation may if they think fit invest in statutory securities the whole or any part of any such sum as is referred to in subsection (1) or subsection (2) of this section and apply the interest thereon in maintaining the grave or grave space or monument in such manner as the Corporation shall think fit.

(4) Any such sum and the interest thereon shall be shown separately in the accounts of the Corporation relating to their cemetery or burial ground.

95.—(1) The Corporation may in connection with the maintenance of any cemetery provided by them under the Public Health Acts or any burial ground provided by them under the Burial Acts 1852 to 1906 or any closed or disused burial ground maintainable by the Corporation alter repair straighten or maintain any tombstone or monument and put in order and maintain any grave space therein and remove the kerbs surrounding the grave space.

Alteration of
monuments
and removal
of kerbs
surrounding
graves.

(2) Before the Corporation exercise any of the powers of this section they shall publish once at least in each of two

PART IX
—cont.

successive weeks in one or more newspapers circulating in the borough and affix to a notice board in any cemetery or burial ground affected thereby notice of their intention so to do together with a statement of the works to be carried out and such notice shall also state that any person desiring to object to the carrying out of any such works shall give notice in writing to the Corporation of his objection and the grounds thereof within the date stated in the notice (which date shall not be earlier than ten days after the last publication of the notice):

Provided that—

(a) a kerb surrounding a well kept grave space shall not be removed without the consent either of the owner of the grave space or of the Secretary of State;

(b) if notice of objection shall be given by any person under this subsection and not withdrawn the works to which the objection relates shall not be carried out without the consent of the Secretary of State.

(3) All kerbs removed by the Corporation under the powers of this section shall remain the property of the owner of the grave space from which they have been removed and if such owner does not claim them within a period of three months after the first publication of the advertisement referred to in subsection (2) of this section the Corporation may put the kerbs to such use as they may deem appropriate or they may destroy them.

(4) Where any kerbs constitute a memorial the Corporation shall after consultation with any known next of kin at their own expense in substitution therefore erect a memorial stone of a value not exceeding twenty-five pounds at the head of the grave.

(5) The Corporation shall cause to be made a record of any kerb surrounding a grave space removed under the powers of this section showing the particulars respecting each kerb so removed as a separate entry and a copy of such record shall be deposited at the General Register Office Somerset House London with the miscellaneous records in the custody of the Registrar-General.

As to prizes
for garden
competitions.

96. The Corporation may expend on the provision of prizes in connection with any competition they may hold relating to their tenants' gardens such sums as they may from time to time think fit not exceeding in any one year the sum of one hundred pounds.

Provision of
meals and
refreshments in
lodging-houses.

26 Geo. 5. &
1 Edw. 8. c. 51.
10 & 11 Geo. 6.
c. 22.

97. Section 72 of the Housing Act 1936 shall in its application to the borough be read and have effect as if the words "and may subject to the provisions of all enactments relating thereto other than the Civic Restaurants Act 1947 provide in any lodging-house so erected converted or acquired meals and refreshments (excluding intoxicating liquor) at reasonable prices to persons

occupying accommodation therein" were added at the end of subsection (2) thereof:

PART IX
—cont.

Provided that the prices charged for such meals and refreshments shall subject to the said provisions be so fixed as to cover the expenses incurred by the Corporation in the provision thereof and to secure that so far as reasonably practicable no charge in respect of such meals or refreshments shall fall on the general rate fund or the general rate.

98.—(1) The Corporation may collect and may carry to or from any washhouse provided by them clothes and other articles intended to be washed or which have been washed at such washhouse and when exercising the powers of this section shall make charges for the collection and carriage of such clothes and other articles: Collection and delivery of washing.

Provided that the charges to be made under this section shall be such as will produce a revenue sufficient to meet all expenditure incurred by the Corporation under this section.

(2) Nothing in this section shall relieve the Corporation from the necessity of obtaining the appropriate licence under the Road and Rail Traffic Act 1933 in respect of any goods vehicle to which that Act applies.

99. 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 any undertaking department or service of the Corporation. Service of demand notes.

100. For the further protection of the electricity board the following provisions shall notwithstanding anything contained in this Act and unless otherwise agreed in writing between the Corporation and the electricity board apply and have effect:— For further protection of electricity board.

(1) In this section unless the subject or context otherwise requires "apparatus" means all or any electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to the electricity board:

(2) If any shelter erected by the Corporation under the powers of section 33 (Shelters &c. for passengers) of this Act is situate over any apparatus laid or placed before the erection of the shelter and the electricity board at any time after such erection give to the Corporation notice of their desire to obtain access to any such apparatus the Corporation shall either remove temporarily the shelter or so much thereof as shall require to be removed in order to afford such access or (if the Corporation determine not to remove the shelter or part thereof) bear any additional expense due to the existence of the shelter which may reasonably be incurred by the electricity board in obtaining such access:

PART IX
—cont.

- (3) (a) Notwithstanding the stopping up of Oak Street under the powers of section 90 (Power to stop up Oak Street) of this Act the electricity board shall be at liberty at their option—
- (i) to remove any apparatus in over or under Oak Street and to relay or replace the same in such other position as the electricity board may reasonably determine; or
 - (ii) provide and lay or place other apparatus in such other position as aforesaid in lieu of such existing apparatus;
- (b) Whenever by reason or in consequence of the stopping up of Oak Street any apparatus (other than apparatus for which new apparatus has been substituted at the expense of the Corporation under the provisions of this section) is rendered derelict useless or unnecessary the Corporation shall pay to the electricity board such a sum as may be agreed between the Corporation and the electricity board or as failing agreement between them may be determined by arbitration as hereinafter provided to be the value of the apparatus so rendered derelict useless or unnecessary and such apparatus shall upon such payment become the property of the Corporation:
- (4) The Corporation shall repay to the electricity board the reasonable expenses incurred by the electricity board of or in connection with the removal and relaying or replacing of any apparatus and the provision and laying or placing of any new apparatus under the provisions of paragraph (3) of this section and the reasonable costs of and incidental to (i) the cutting off of any apparatus from any other apparatus and (ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this subsection:
- (5) (a) Any difference which may arise between the Corporation and the electricity board under this section (other than a difference as to the meaning or construction of this section which does not arise in the course of the arbitration) shall be referred to arbitration;
- (b) In settling any difference under this section the arbitrator shall have regard to any duty or obligation which the electricity board may be under in respect of any apparatus and may if he thinks fit require the Corporation to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purposes for which the apparatus is used.

101. The provisions of the last preceding section shall apply to the gas undertakers as if—

PART IX
—cont.

- (a) a reference to the gas undertakers was included in addition to any reference to the electricity board ;
- (b) as regards the gas undertakers the expression " apparatus " meant any main pipe service pipe or other apparatus belonging to the gas undertakers.

For protection
of gas
undertakers.

PART X

GENERAL

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

Confirming
authority for
byelaws.

- (a) in the case of byelaws made under the following sections of this Act:—

Section 63 (Byelaws as to inspection of meat) ;

Section 69 (Byelaws as to meat for feeding animals) ;

the Minister of Food ;

- (b) in the case of byelaws made under the following section of this Act:—

Section 74 (Byelaws relating to wood fuel) ;

the Board of Trade ;

- (c) in the case of byelaws made under the following sections of this Act:—

Section 33 (Shelters &c. for passengers) ;

Section 93 (Byelaws as to pleasure fairs) ;

the Secretary of State ;

- (d) in all other cases the Minister.

103.—(1) The provisions of this Act to which this section applies shall come into operation on but not until such date as may be fixed by a resolution of the council of which date public notice shall be given by the Corporation by advertisement in one or more local newspapers circulating in the borough. Every such advertisement shall also state the effect of the provisions to which it relates and the date specified therein as the date on which such provisions shall come into operation shall not be less than one month after the date of the first publication of the advertisement :

Commence-
ment of certain
provisions
of this Act.

Provided that if the provision is one which requires the licensing or registration of any person or premises the application for the licence or registration may be made and determined before the provision comes into operation.

PART X
—cont.

(2) A copy of the relevant extract from a newspaper (including the name and date of such newspaper) containing such advertisement shall be sufficient evidence of the publication of the advertisement.

(3) This section shall apply to the following sections of this Act:—

- Section 37 (Demolition of buildings) ;
- Section 50 (Prevention of smoke from industrial furnaces) ;
- Section 61 (Registration of hairdressers and barbers and their premises) ;
- Section 64 (Notice of slaughter of animal unfit for food) ;
- Section 65 (Animals slaughtered outside slaughter-houses) ;
- Section 66 (Registration of hawkers of food and their premises) ;
- Section 71 (Registration of weighing machines) ;
- Section 73 (Application of Weights and Measures Act 1889 to sale of wood fuel) ;
- Section 75 (Penalty on fraudulent sale) ;
- Section 76 (Amendment of section 27 of Weights and Measures Act 1889 in its application to borough).

(4) As respects any of the said provisions which requires the licensing or registration of persons carrying on any business or of premises used for any purpose it shall be lawful for any person who when such provision came into operation—

- (a) was carrying on any such business or using any premises for any such purpose ; and
- (b) had made application in accordance with the provisions of this Act for such licence or registration as is required by this Act ;

to continue to carry on such business and to use such premises for such purpose until such time as he has been informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (6) of section 105 (As to appeals) of this Act.

Restriction
on right to
prosecute.

104. Section 298 of the Act of 1936 shall apply to offences created by or under Part IV (Streets buildings sewers &c.) Part V (Infectious disease sanitary provisions and nuisances) and Part VI (Food) of this Act as if they were offences created by or under that Act.

105.—(1) Any person aggrieved by any requirement refusal or other decision of the Corporation or of any officer thereof under Part IV (Streets buildings sewers &c.) (other than a requirement under section 47 (As to defective drains &c.) of this Act) Part V (Infectious disease sanitary provisions and nuisances) and Part VI (Food) of this Act may except where otherwise expressly provided or when some other right of appeal is conferred by this Act appeal to a court of summary jurisdiction.

(2) The procedure upon any such appeal shall be by way of complaint for an order and the Summary Jurisdiction Acts shall apply to the proceedings.

(3) The time within which any such appeal may be brought shall except where otherwise expressly provided be twenty-one days from the date on which notice of the requirement refusal or decision was published or served upon the person desiring to appeal and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.

(4) In any case in which such an appeal lies the document notifying the requirement refusal or decision in the matter shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought unless these have already been stated in a notice to the person concerned informing him of his right to a hearing before the Corporation with regard to the same matter.

(5) Where a person aggrieved by any order determination or other decision of a court of summary jurisdiction under this Act is not by any other enactment authorised to appeal to a court of quarter sessions he may except where otherwise expressly provided appeal to such a court.

(6) Where any requirement refusal order determination or other decision against which a right of appeal is conferred by this Act involves the execution of any work or the taking of any action or makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time of such requirement refusal order determination or other decision or to use any premises for any purpose for which they were lawfully used up to such time—

(a) no proceedings in respect of any failure to execute the work or take the action shall be taken;

(b) the Corporation shall not execute such work or take such action; and

(c) any such person may carry on such business and use such premises for such purpose;

until the time for appealing has expired or when an appeal is lodged until the appeal has been disposed of or withdrawn or fails for non-prosecution thereof.

PART X
—cont.

(7) Where upon an appeal under this Act a court varies or reverses any requirement refusal or other decision of the Corporation effect shall be given to the order of the court and in particular any necessary consent certificate or other document shall be granted or issued and any necessary entry in any register shall be made.

In executing works for owner Corporation liable for negligence only.

106. Whenever the Corporation the surveyor or the sanitary inspector under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or the sanitary inspector or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses payable by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Undertakings to bind successive owners.

107.—(1) Every undertaking or agreement under seal expressed to be given or made in pursuance of this section and being—

(a) an undertaking given by or to the Corporation to or by the owner of any legal estate in land or property ;
or

(b) an agreement between the Corporation and any such owner ;

on the passing of plans or otherwise in connection with such land or property shall be binding upon such owner and his successors in title and all persons claiming through or under him or them and upon the Corporation and such owner and other persons upon whom such undertaking or agreement is binding shall be entitled to require from the Corporation a copy thereof.

15 & 16 Geo. 5.
c. 22.

(2) Any such undertaking or agreement shall be treated as a local land charge for the purposes of the Land Charges Act 1925.

(3) Any such undertaking or agreement shall not be binding upon any person in whom any other legal estate in such land or property is vested at the date thereof nor upon his successors in title unless such person joins in such undertaking or agreement.

Arbitration.

108. Where under this Act any question or dispute is to be referred to an arbitrator or determined by 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 an arbitrator to be agreed upon between the parties in difference or failing such agreement to be appointed by the President for the time being of the Institution of Civil Engineers and the provisions of the Arbitration Acts 1889 to 1934 or any statutory re-enactment or modification thereof for the time being in force shall apply accordingly.

PART X
—cont.

109. The Minister the Minister of Transport and the Minister of Fuel and Power may hold such inquiries as they respectively may consider necessary in regard to the exercise of any powers conferred upon them or the giving of consents under this Act and section 290 of the Act of 1933 shall apply accordingly.

Inquiries by
Ministers.

110. When any compensation costs damages or expenses is or are by any local enactment for the time being in force within the borough directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 of the Act of 1936:

Compensation
how to be
determined.

Provided that where any such compensation costs damages or expenses is or are directed or authorised to be paid or recovered in addition to any penalty for any offence the amount of such compensation costs damages or expenses in case of dispute may be ascertained by the court before whom any offender is convicted.

111. The sections of the Act of 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable thereto:—

Application of
provisions of
Act of 1936.

- Section 271 (Interpretation of "provide");
- Section 275 (Power of local authority to execute certain work on behalf of owners or occupiers);
- Section 276 (Power of local authority to sell certain materials);
- Section 277 (Power of councils to require information as to ownership of premises);
- Section 283 (Notices to be in writing; forms of notices &c.);
- Section 284 (Authentication of documents);
- Section 285 (Service of notices &c.);
- Section 286 (Proof of resolutions &c.);
- Section 287 (Power to enter premises);
- Section 288 (Penalty for obstructing execution of Act);
- Section 289 (Power to require occupier to permit works to be executed by owner);
- Section 291 (Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments);

PART X
—cont.

- Section 292 (Power to make a charge in respect of establishment expenses);
 Section 293 (Recovery of expenses &c.);
 Section 294 (Limitation of liability of certain owners);
 Section 295 (Power of local authority to grant charging orders);
 Section 296 (Summary proceedings for offences);
 Section 297 (Continuing offences and penalties);
 Section 299 (Inclusion of several sums in one complaint &c.);
 Section 304 (Judges and justices not to be disqualified by liability to rates);
 Section 328 (Powers of Act to be cumulative);
 Section 329 (Saving for certain provisions of the Land Charges Act 1925):

Provided that the said sections 277 287 288 289 291 292 293 294 295 and 329 shall only apply to the provisions in Part IV (Streets buildings sewers &c.) Part V (Infectious disease sanitary provisions and nuisances) and Part VI (Food) of this Act:

Provided also that the said section 287 shall not apply to the provisions of section 55 (Prohibition on sale of verminous articles) and section 61 (Registration of hairdressers and barbers and their premises) of this Act.

Repeal.

112. The following provisions of the Act of 1938 are hereby repealed:—

- Section 35 (Period for completion of street works);
 Section 93 (Power to order alteration of chimneys);
 Section 95 (Powers on inspection);
 Section 99 (As to drains &c. stopped up);
 Section 116 (Registration of hawkers of meat fish fruit and vegetables and premises);
 Section 128 (Capital reserve fund);
 Section 129 (Renewal and repairs fund);
 Section 130 (Insurance fund);
 Section 144 (Registration of hairdressers' and barbers' premises).

Crown rights.

113. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Saving right of
duchy of
Lancaster.

114. Nothing contained in this Act shall extend or operate to authorise the Corporation to take use enter upon or in any manner interfere with any land soil water or any manorial rights or any other rights of whatsoever description belonging to His Majesty in right of His duchy of Lancaster without the consent in writing of the chancellor for the time being of the said duchy

first had and obtained (which consent the said chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exercisable by His Majesty His heirs or successors in right of His said duchy.

PART X
—cont.

115. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Saving for
town and
country
planning.

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

Costs of Act.

The SCHEDULE referred to in the foregoing Act

Alterations and extensions to be deemed to be the erection of a new building—

1. The re-erection wholly or partly of any building of which an outer wall is pulled down otherwise than in consequence of fire or other accident to such a distance that the part of the wall remaining (if any) is less than half the previous height of the building the height being measured from the ground level to the highest point of the building.

2. The conversion into a dwelling-house of any building not originally constructed for human habitation.

3. The conversion of any premises into a factory workshop or place of public resort.

4. Any extension by reason whereof the area occupied by the site of the building will with any previous extension made since the date on which any such street as is referred to in section 42 (Apportionment to frontagers of expenses of construction of sewer before land became a street) of this Act was laid out be increased by an area equal to more than one-eighth or in the case of a building constructed for agricultural purposes one-quarter of that occupied by the site of the building before that date.

PRINTED BY HENRY GEORGE GORDON WELCH, C.B.E.
Controller of His Majesty's Stationery Office and King's Printer
of Acts of Parliament

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
York House, Kingsway, London, W.C.2; 13a Castle Street, Edinburgh, 2;
39 King Street, Manchester, 2; 2 Edmund Street, Birmingham, 3;
1 St. Andrew's Crescent, Cardiff; Tower Lane, Bristol, 1;
80 Chichester Street, Belfast
OR THROUGH ANY BOOKSELLER

Price 2s. 6d. net

(73865)

PRINTED IN GREAT BRITAIN