



CHAPTER xxx.

An Act to make further and better provision for the improvement health local government and finances of the borough of Christchurch and for other purposes. [10th July 1940.]

WHEREAS the borough of Christchurch (in this Act referred to as "the borough") is a borough under the government of the mayor aldermen and burgesses of the borough of Christchurch (in this Act referred to as "the Corporation"):

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

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

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

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

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

23 & 24
Geo. 5.
c. 51.

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 Christchurch Corporation Act 1940.

Division of
Act into
Parts.

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

Part I.—Preliminary.

Part II.—Streets and buildings.

Part III.—Sewers drains &c.

Part IV.—Infectious disease and sanitary provisions.

Part V.—Human food.

Part VI.—Camping grounds tents &c.

Part VII.—Public buildings parks seashore &c.

Part VIII.—Lands.

Part IX.—Financial.

Part X.—Miscellaneous.

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

3. The Lands Clauses Acts except sections 127 to 132 of the Lands Clauses Consolidation Act 1845 and except the provisions with respect to the purchase and taking of lands otherwise than by agreement (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act.

Interpre-
tation.26 Geo. 5.
& 1 Edw. 8.
c. 49.

4. Subject to the provisions of this Act and unless the subject or context otherwise requires the several words and expressions to which by the Acts wholly or partially incorporated with this Act and by the Public Health Act 1936 meanings are assigned shall in this Act have in relation to the relative subject

matter the same respective meanings And in this
Act—

PART I
—cont.

“The borough” means the borough of Christchurch ;

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

“The council” means the council of the borough ;

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

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

“The Minister” means the Minister of Health ;

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

9 & 10
Geo. 5.
c. 57.

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

38 & 39.
Vict. c. 55

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

41 & 42
Vict. c. 76

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

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

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

1 & 2
Geo. 6.
c. 56

“The seashore” means and includes the seawalls groynes beach sands seashore and foreshore ;

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

PART I
—cont.

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

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

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

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

PART II.

STREETS AND BUILDINGS.

5.—(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 :

Adjust-
ment of
boundaries
of estates.

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.

PART II
—cont.

(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.

Adjust-
ment of
boundaries
of streets.

6.—(1) The Corporation may enter into and carry into effect agreements with persons having a legal interest in lands adjoining any street for the adjustment of the boundary of any such street and for such purpose may give land including land forming part of the street in exchange for other land. For the purposes of this section the Corporation shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey the same in accordance with an agreement entered into in pursuance of this section.

(2) Provided that no such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the borough and during such period of one month any four inhabitant householders of the borough by themselves or their agent may appeal to a court of summary jurisdiction against the proposals and

subsections (2) to (7) of the section of this Act of which the marginal note is "As to appeals" shall apply to any such appeal as if the proposals were a decision of the Corporation.

PART II:
—cont.

(3) Notwithstanding any agreement entered into under this section the Postmaster-General shall continue to have the same powers and rights in respect of any telegraphic line belonging to or used by him which remains in under upon over along or across the site of any such street as if the same had continued to be part of the street. Provided that if the Corporation or any person in whom such site is vested desires that such telegraphic line should be altered the enactments contained in section 7 of the Telegraph Act 1878 shall thereupon apply in all respects as though the Corporation or the said person (as the case may be) were "undertakers" within the meaning of the said Act.

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

(5) The Corporation shall not enter into or carry into effect any agreement under this section in regard to a county road except with the consent of the county council of the county of Southampton.

7.—(1) Subject to the provisions of this section a court of summary jurisdiction if satisfied on the application of the Corporation that a highway in the borough is unnecessary may by order authorise the stopping up thereof and if so satisfied that a highway in the borough can be diverted so as to make it nearer or more commodious to the public may by order authorise it to be so diverted:

Stopping
up and
diversion
of high-
ways.

Provided that the Corporation shall not make an application under this section in regard to a county road without the consent of the county council of the county of Southampton which shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by the Minister of Transport.

PART II
—cont.

(2) Any such application or order may be made with respect to any length of a highway and in the subsequent provisions of this section any reference to a highway shall be construed as a reference to that length thereof to which the application or order relates.

(3) No order shall be made under subsection (1) of this section unless the court is satisfied that notice of the intention to make the application specifying the time and place at which it is to be made and the order which will be asked for and embodying a plan showing what will be the effect of the order asked for—

(a) has at least twenty-eight days before the date on which the application is made been served either personally or by registered post on the owners or reputed owners and the occupiers of all land abutting on the highway and (when the application relates to a classified road as defined in the Local Government Act 1929) on the Minister of Transport and the county council of the county of Southampton and (when the application relates to a highway over which the Bournemouth Corporation run a service of trolley vehicles or public service vehicles) on the Bournemouth Corporation; and

(b) has during at least twenty-eight days been exhibited in such manner and in such positions on or near the highway as are reasonably sufficient for notifying persons using the highway of the application;

and that a similar notice (except that there may be substituted for the plan a statement of the place where such a plan can be inspected at all reasonable hours without payment) has been inserted once at least in each of four successive weeks in a local newspaper circulating in the borough.

(4) On the hearing of such an application the Corporation and any person who is interested in land abutting on or served by the highway or uses the highway or is otherwise aggrieved shall have a right to be heard and an appeal against the decision of the court may be brought to quarter sessions either by the

19 & 20
Geo. 5.
c. 17.

Corporation or by any such person as aforesaid who was or claimed to be heard by the court.

PART II
—cont.

(5) For the purposes of the provisions of the Summary Jurisdiction Act 1879 as amended by the Summary Jurisdiction (Appeals) Act 1933 with respect to appeals to quarter sessions—

42 & 43
Vict. c. 49,
23 & 24
Geo. 5.
c. 38.

(a) a refusal by a court of summary jurisdiction to make an order under this section shall be deemed to be an order ;

(b) in a case where more than two persons were heard or claimed to be heard in opposition to an application under this section it shall be sufficient if a notice of appeal against a refusal to make an order upon that application is served upon any two of those persons in addition to the clerk to the court of summary jurisdiction but any of those persons whether served with such a notice or not may appear at quarter sessions as respondents to the appeal ;

(c) any appeal under this section whether against an order or against a refusal to make an order shall be in the nature of a re-hearing.

(6) Every order made under this section shall have annexed thereto a plan signed by the chairman of the court and shall be binding on all persons whatsoever.

(7) Provided that—

(i) nothing in this section shall authorise the diversion over any land of any highway unless the written consent of every person having a legal interest in that land is produced to and deposited with the court ; and

(ii) an order under this section authorising the diversion of a highway shall not authorise the stopping up of any part thereof until the new part to be substituted for the part stopped up has been completed to the satisfaction of two justices and a certificate to that effect signed by them has been transmitted by their clerk to the clerk of the peace.

PART II
—cont.

(8) Where an order is made by a court of summary jurisdiction under this section authorising the stopping up or diversion of a highway the clerk of the court shall forthwith transmit the order to the clerk of the peace together if the order be for diverting a highway with the written consents produced to the court and the clerk of the peace shall enrol any documents so transmitted to him and any certificates transmitted to him under subsection (7) of this section among the records of quarter sessions.

(9) Where any highway is diverted in accordance with an order made under this section the substituted highway shall be repairable by the persons (if any) by whom the original highway was repairable.

(10) Any application or order under this section—

(a) may include two or more highways which are connected with each other ;

(b) may relate to the stopping up or diversion of a highway for the purposes of all traffic or subject to the reservation of a bridle way or footway.

(11) The provisions of this section shall be in addition to and not in derogation of any other provisions relating to the stopping up and diversion of highways.

(12) (a) Whenever by reason of the stopping up or diversion under an order made pursuant to this section of any highway or any length of highway any mains pipes syphons hydrants meters and other apparatus (in this subsection referred to as "apparatus") belonging to the West Hampshire Water Company (in this subsection referred to as "the company") (other than apparatus for which new apparatus is substituted under the provisions of the section of this Act of which the marginal note is "For protection of statutory undertakers") is rendered derelict or unnecessary the Corporation shall pay to the company such a sum as may be agreed or as failing such agreement shall be determined by arbitration to be the value of such apparatus and such apparatus shall upon such payment become the property of the Corporation.

(b) The Corporation shall also pay to the company the reasonable cost of and incidental to the cutting off of such apparatus from any other apparatus of the company.

PART II
—cont.

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

Restrictions on rights of breaking up streets.

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

(2) Any dispute or difference which may arise between the Corporation and any undertakers under the provisions of the preceding subsection shall be referred to arbitration.

(3) Nothing in this section shall prevent any such undertakers as aforesaid from carrying out extending or enlarging works in any street in case of emergency or prevent any such undertakers from carrying out any works necessary to enable them to perform their statutory duties as such undertakers or their obligations under any contract subsisting at the date

Ch. xxx. *Christchurch Corporation* 3 & 4 GEO. 6.
Act, 1940.

PART II
—cont.

62 & 63
Vict. c. 19.

Power to
vary
width of
carriage-
ways and
footways.

Byelaws
as to
alteration
of streets.

Crossings
for horses
or vehicles
over
footways.

of the giving of the notice by the Corporation in default of which they would be liable to any penalty or damages or from making altering repairing extending enlarging or disconnecting communication pipes or service connections or laying service lines between premises and distributing mains or altering repairing extending enlarging or disconnecting any service line or from laying mains or pipes for the supply of property not previously supplied with gas or water as the case may be. In this subsection the expression "service line" has the meaning assigned thereto by the schedule to the Electric Lighting (Clauses) Act 1899.

9. The Corporation may if they think fit in any case vary the relative widths of the carriageway and footway or footways in any street repairable by the inhabitants at large not being a county road. Provided that twenty-one days before commencing any work under this section which will materially reduce the width of any carriageway or footway the Corporation shall send notice of the proposed work to the Minister of Transport.

10. The Corporation may make byelaws to prevent streets which have been laid out or constructed in accordance with byelaws made under the Public Health Acts from being altered in such a way that if at first so laid out or constructed they would have contravened the byelaws.

11.—(1) Where the owner or occupier of any premises fronting or abutting on any street repairable by the inhabitants at large habitually uses or permits to be used any kerbed footway or paved footway in such street as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor cycle) in passing to and from such premises the Corporation may either—

- (a) require the construction across such footway of a carriage-crossing for the purpose aforesaid constructed of such materials and in such manner as they may prescribe; or
- (b) allow the use of the footway for the purpose aforesaid subject to the condition that the

footway is strengthened or adapted in such manner as the Corporation may prescribe or subject to such other reasonable conditions (if any) as they may impose.

(2) If the Corporation require the construction of any carriage-crossing across the footway or allow the use of the footway subject to a condition that it is strengthened or adapted they may execute such works as may be necessary to secure compliance with such requirement or condition and may recover the expenses of so doing from the owner or occupier.

(3) If the Corporation allow the use of the footway as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor cycle) subject to any condition other than the strengthening or adaptation of the footway any person who knowingly uses or permits to be used the footway as a crossing as aforesaid in contravention of that condition shall be liable to a penalty not exceeding five pounds.

(4) Notwithstanding the provisions of section 18 of the Public Health Acts Amendment Act 1907 every person desirous of forming a carriage-crossing across a footway in any street or of strengthening or adapting any part of any such footway as a carriage-crossing shall apply in writing to the Corporation for an estimate of the cost thereof and after having obtained such estimate may deposit with the Corporation the amount thereof. When such deposit shall have been made the Corporation shall with all convenient speed carry out the works and any difference between the sum so deposited and the actual cost of the works shall be paid to or by the Corporation by or to such person as the case may require. 7 Edw. 7. c. 53.

(5) Nothing in this section shall impose on the owner or occupier any obligation to maintain any crossing constructed or footway strengthened or adapted in pursuance of a requirement of or condition imposed by the Corporation under this section.

12. Every person who negligently breaks throws down or otherwise damages any public lamp or lamp post or street orderly bin or other receptacle for the temporary deposit and collection of dust ashes and Compensation for injuring lamps &c.

PART II
—cont.

rubbish or street sand bin or life-saving apparatus or any other property of the Corporation shall make full compensation to the Corporation for the damage done and such compensation to an amount not exceeding twenty pounds may (without prejudice to any other right or remedy of the Corporation) be recovered summarily as a civil debt.

Signs over
streets.

13.—(1) In this section “sign” means any banner streamer notice board sign or lettering for the purposes of advertisement or announcement (including the supports thereof) which is suspended or extends for more than two feet over any street or which extends for more than six inches over any street and is more than two feet six inches in height from the top to the bottom thereof.

(2) (a) If it appears to the Corporation that any sign which is placed over any street at the date of the passing of this Act is a source of danger or objectionable by reason of its size construction or situation or an injury to the amenities of the street over which it is placed they may by notice in writing require the owner of or person responsible for the placing of such sign to remove it or to comply with such conditions as may be specified in the notice within such period not being less than seven days as may be specified in the notice.

(b) For a period of two years from the passing of this Act the foregoing provisions of this subsection shall not apply to any sign which was in use on the first day of November one thousand nine hundred and thirty-nine.

(3) (a) After the date of the passing of this Act no person shall without the consent of the Corporation place any sign over any street.

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

(4) Any person who (a) neglects or refuses to comply with the requirement of any such notice as is referred to in subsection (2) of this section or (b) after the date of the passing of this Act places any sign over any street without the consent of the Corporation or without complying with any conditions attached to any such consent shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings and the Corporation may themselves remove any such sign and any expense incurred by them in so doing may be recovered by them from such person.

PART II
—cont.

(5) Nothing in this section shall apply to any sign relating to the trolley vehicle undertaking of the Bournemouth Corporation.

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

Fencing of
forecourts.

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

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

Provision
as to
forecourts.

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

PART II
—cont.
As to
erection of
retaining
walls.

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

(2) Any person who shall erect a retaining wall contrary to the provisions of this section or any owner who after erection shall after reasonable notice in writing from the Corporation requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Corporation be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) The provisions of this section shall not extend or apply to any land belonging to or which may hereafter be acquired by a railway company or to any retaining wall erected thereon.

As to
pavement
lights.

17.—(1) It shall be lawful for the owner or occupier of any property with the consent in writing of the Corporation to construct in any pavement forming part of any street in the borough any means (in this section referred to as "pavement lights") for the admission of light or air through such pavement to any room or premises situate under or adjoining the same.

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

(3) Any agreements entered into by the Corporation with any person prior to the passing of this Act which would have been valid under the provisions of this section if made after the passing thereof are hereby confirmed.

(4) If the exercise of the powers of this section involves interference with or alteration of any post wires cables or other apparatus used for the purposes of the trolley vehicles of the Bournemouth Corporation in upon over or under a street any protection or

alteration of such post wires cables or apparatus which may be necessary shall be carried out by the Bournemouth Corporation at the expense of the owner or occupier constructing the pavement lights and any question as to whether the expense incurred is reasonable shall be determined by a court of summary jurisdiction.

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

As to
hoardings
and similar
structures.

- (i) beyond any building line prescribed by the Corporation in respect of the land under the provisions of any Act ; or
- (ii) if there be no such line beyond any line which is enforceable by the Corporation for buildings under subsection (2) of section 140 of the Housing Act 1936 ; or
- (iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

26 Geo. 5.
& 1 Edw. 8.
c. 51.

51 & 52
Vict. c. 52.

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

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

PART II
—cont.

to the owner or occupier of such land the reasonable expenses incurred by him in so doing.

(b) Any person who shall neglect or refuse to comply with a notice from the Corporation given in pursuance of this subsection shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may at their own expense take down or remove and if required by the owner or occupier shall re-erect so as not to contravene the provisions of subsection (1) of this section any structure erected or maintained in contravention of those provisions.

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

(4) The provisions of this section shall not apply to any wall erected on land belonging to a railway company so long as such land is used by the railway company primarily for railway purposes.

Restric-
tions on
advertise-
ment
hoardings.

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

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

(3) The consent of the Corporation under this section shall not be required for a hoarding or similar structure erected within any railway station or upon any property of a railway company for the purposes of such railway company except in so far as such hoarding or similar structure fronts upon a street repairable by the inhabitants at large.

PART II
—cont.

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

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

(2) If the placing or erection of such hoarding wall or fence would constitute a danger to the traffic in the streets upon adjoining or near to which the same is proposed to be placed or erected by obstructing the view of any foot passenger or the driver of any vehicle in a street of vehicular or pedestrian traffic the Corporation may within one month of the receipt of the said notice prohibit such placing or erection or may allow the same subject to such conditions or modifications of the said plans and particulars as they may think fit. If within one month of the receipt of the said notice the Corporation shall not have prohibited such placing or erection or allowed the same subject to a condition or to a modification of such plans or particulars they shall be deemed to have allowed such placing or erection.

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

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

PART II frontage or boundary line of any other street
—cont. (if necessary similarly continued).

15 & 16
Geo. 5. c. 68.
25 & 26
Geo. 5. c. 47.

(5) The provisions of this section shall not apply to any part of a street with respect to which restrictions have been imposed under section 4 of the Roads Improvement Act 1925 or by section 1 or section 2 of the Restriction of Ribbon Development Act 1935.

Repair of
hoardings
&c.

21.—(1) The Corporation may by notice in writing require—

(a) the owner of any hoarding wall or similar structure used for advertising purposes to maintain the same in good order and condition ;

(b) the person using any hoarding wall or similar structure for advertising purposes to maintain any advertising matter thereon in good order and condition.

(2) If such owner or other person shall neglect or refuse to comply with any such notice the Corporation may carry out such alterations or repairs as may be reasonably necessary and recover summarily as a civil debt from such owner or other person any expense incurred by them in so doing.

Restriction
on erection
of stands
&c.

22.—(1) Every person intending to erect any stand or structure for affording sitting or standing accommodation for not less than twenty persons shall not less than fourteen days prior to the commencement of the erection thereof submit to the Corporation a plan and section thereof and shall comply with such conditions as the Corporation may prescribe for securing the stability of such stand or structure and protection against fire and for securing the safety of persons to be accommodated thereon.

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

(3) The provisions of this section shall not apply to any stand or structure erected by a person who is the proprietor of a travelling circus roundabout

or amusement fair for the purposes of his business as such.

PART II
—cont.

23.—(1) Where by reason of any improvement made by the Corporation in the borough any land shall become land which adjoins or abuts on any street the following provisions shall apply:—

Elevation of buildings erected on front lands to require approval.

(i) If the owner lessee or occupier of any such land shall construct—

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

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

he shall construct the door entrance wall or fence in such position and in accordance with such elevations as may be approved by the Corporation ;

(ii) If the Corporation within one month after particulars of position and elevations shall have been submitted to them under this section shall have failed to notify their determination in writing to the person submitting the same the Corporation shall be deemed to have approved of the position and elevations.

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

(3) The Corporation shall make compensation to the owner of any land for any loss or damage he may suffer by reason of the setting back or bringing forward of any wall or fence under the provisions of this section.

(4) This section shall not apply to any street which for the time being is subject to restrictions under the Restriction of Ribbon Development Act 1935.

24.—(1) Section 61 of the Public Health Act 1936 is hereby extended so as to enable the Corporation to make byelaws providing in such manner as they may think necessary that any person intending to erect

Elevation of new buildings.

PART II
—cont.

a new building in any street specified in the byelaws shall furnish the Corporation with drawings or other sufficient indication of the design or external appearance of the building including such indication of the materials to be used in its construction as may be necessary for the purpose (which drawings and particulars are in this section included in the expression "specifications").

(2) Where the specifications of any building proposed to be erected are required to be submitted to the Corporation by a byelaw made under the said section 61 as extended by this section the Corporation shall within one month after the submission to them of the specifications by notice in writing—

(a) approve the specifications ; or

(b) if they shall consider that having regard to the character of the locality and of the neighbouring buildings in the street the building to which the specifications relate would seriously disfigure the street whether by reason of the height of the building or its design or external appearance disapprove the specifications and in that event the notice shall be accompanied by a statement of the grounds for the disapproval.

(3) The grounds on which a person may appeal against any such disapproval to a court of summary jurisdiction under the section of this Act of which the marginal note is "As to appeals" shall include the ground that compliance with the Corporation's decision would involve an increase in the cost of the building which would be unreasonable having regard to the character of the locality and of the neighbouring buildings.

(4) Where the specifications of a building have been disapproved under this section it shall not be lawful to erect the building until the specifications thereof have been approved by the Corporation and any person who offends against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(5) The provisions of this section shall to the extent that the subject matters thereof are dealt with by provisions in a planning scheme coming into operation after the passing of this Act cease to have effect upon the coming into operation of such provisions.

PART II
—cont.

25. 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 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 twenty 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 forty shillings.

Power to order alteration of chimneys.

26.—(1) In case any building in the borough is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall if required by the Corporation and if it is reasonably practicable at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised or the top of such last-mentioned building whichever may be the higher.

Erection of buildings to greater height than adjoining building.

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

27. In exercising any powers of entry upon and inspection of any building or works in course of construction the surveyor and his assistants shall

Powers on inspection.

PART II
—cont.

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

Sanitary
conveni-
ences for
workmen.
1 Edw. 8.
& 1 Geo. 6.
c. 67.

28.—(1) The contractor engaged in or upon the construction or reconstruction of any work not being a work to which section 107 or section 108 of the Factories Act 1937 applies shall where practicable and if required by the Corporation provide to the reasonable satisfaction of the Corporation and until the completion of any such construction or reconstruction maintain such water or other closets and urinals in or in connection with such work as may be sufficient for the accommodation of the workmen employed.

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

Frontage
line in new
streets.

29.—(1) Every person who intends to lay out a new street shall in addition to the information required to be supplied to the Corporation by virtue of any enactment or byelaw with respect to streets and buildings from time to time in force in the borough distinctly define and mark on a plan drawn to such scale as the Corporation may require and to be prepared and submitted by such person to the Corporation for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called "the building line") and the Corporation shall be deemed to have approved any building line unless within one month after the date of submission thereof they shall have signified to the person submitting the same their disapproval thereof.

(2) The Corporation may also prescribe the building line to be observed in those parts of any street (not being a highway maintainable by them or by any

highway authority) already formed upon which buildings have not already been erected.

PART II
—cont.

(3) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof or any addition to any house or building if the building line for such street has been disapproved by the Corporation or before the expiration of the one month aforesaid without their approval nor without the approval of the Corporation beyond or in front of the building line approved or prescribed by the Corporation and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(4) The provisions of section 3 of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been approved or prescribed by the Corporation.

(5) In the event of the Corporation requiring as a condition of their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of a new street than one-half of the width of the street and ten feet in addition or in the case of a street already formed to a greater distance from the centre of the street than the line at which buildings could be erected having regard to the provisions of the byelaws with respect to streets and buildings in force in the borough or of the Public Health (Buildings in Streets) Act 1888 the Corporation shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

(6) For the purposes of this section the surveyor shall by a certificate under his hand at or before the time of the approval of the building line by the Corporation determine the centre of any street or intended street.

(7) The amount of any compensation payable under this section shall in default of agreement

PART II
—cont.

be determined by arbitration in accordance with the provisions of the Lands Clauses Acts.

No
building
allowed
until street
defined.

30.—(1) Where plans and sections of a new street have been deposited with and approved by the Corporation no person except with their consent shall in any such street commence to erect any new building or to excavate for the foundation thereof until he has defined by posts or in some other suitable manner the approved line width and level of so much of the street as abuts upon or adjoins the land on which the building is to be erected or any land which will be occupied in connection with that building and it shall not be lawful for any person except with such consent to erect the building or any fence nearer to the centre of the street than the posts or other marks by which the width of the street has been defined.

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

No
building to
be erected
until street
formed.

31.—(1) Any person who lays out or intends to lay out a new street or part of a new street shall before any building is begun to be erected abutting on such new street or part of a new street if required by the Corporation so to do construct the carriageway of such new street or such part of the new street as may be required by the Corporation in accordance with the byelaws for the time being in force with respect to new streets and shall also if required sewer such street or such part of such street:

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

(2) The execution of any works under the provisions of this section shall not relieve any person

of any liability under section 150 of the Public Health Act 1875 or under the Private Street Works Act 1892 or under the local Acts for the time being in force in the borough.

PART II
—cont.
55 & 56
Vict. c. 57.

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

32.—(1) The Corporation may prohibit the construction in or in connection with any house in the borough of any cellar or room the floor level of which shall be lower than the ordinary level of the subsoil water on under or adjacent to the land on which such house shall be erected.

Cellars not to be constructed below subsoil water level.

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

33.—(1) Whenever application shall be made to the Corporation to approve the laying out of or notice shall be given to the Corporation of intention to lay out a new street the Corporation may require the applicant or the person giving such notice to furnish them with plans and particulars of the proposed development of any neighbouring land belonging to him the development of which is in their opinion likely substantially to affect or be affected by the determination of the site of the proposed street and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans and particulars required as aforesaid shall be so furnished.

Development scheme may be required in connection with new streets.

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

(3) If after receiving the plans and particulars referred to in subsection (1) of this section the Corporation shall approve the laying out of any such

PART II
—cont.

new street either unconditionally or subject to any modification of such plans and particulars neither the owner of the lands nor his successors in title shall carry out the development of such lands in such a manner as to conflict substantially with such plans and particulars as approved.

(4) 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.

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

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

Provision
for inter-
secting
streets.

34.—(1) On the approval of any plan for a new street or new streets submitted to the Corporation under any byelaw or enactment for the time being in force the Corporation may require provision for such intersecting streets as may be reasonably required.

(2) The expression "intersecting street" in subsection (1) of this section means a side or cross street forming a junction with another street.

(3) Any person who fails to comply with any requirement of the Corporation under subsection (1) of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

As to
evasion by
owners of
private
street
works
expenses.

35. If—

- (i) any owner of land fronting adjoining or abutting on a street within the meaning of the Private Street Works Act 1892 and situate in the borough conveys sells leases or otherwise disposes of the part or any portion of the part of that land which fronts adjoins or abuts on that street; and
- (ii) any expenses of works executed by the Corporation under the Private Street Works Act 1892 in or in relation to that

street are apportioned on such part
or portion of that land; and

PART II
—cont.

(iii) the Corporation are unable to recover such expenses in whole or in part from the person to whom such part or portion of that land was conveyed sold leased or disposed of or by the sale of such part or portion of that land; and

(iv) a court of summary jurisdiction is satisfied that such conveyance sale lease or disposal was intended for the purpose of evading the payment of any expenses under the Private Street Works Act 1892;

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

36. Where in the opinion of the Corporation repairs the cost of which will not exceed twenty pounds are required in the case of any street not being a highway repairable by the inhabitants at large to obviate or remove danger to any passenger or vehicle in the street the Corporation may execute such repairs as they deem necessary and may themselves pay such cost and the execution of such repairs and the payment of such cost shall not prejudice or affect any statutory provisions for the time being in force relating to private street works and private improvement expenses or similar matters or of section 19 of the Public Health Acts Amendment Act 1907.

As to
urgent
repairs of
private
streets.

37.—(1) At any time within one month after the deposit of the plans of any new building intended or adapted for use as a house (or where such plans have been approved but the erection of the building has not been begun before the passing of this Act

Means of
access to
buildings.

PART II
—cont.

at any time before the erection thereof has been commenced) the Corporation may by notice in writing require the provision either before the building is erected or before it is sold let or occupied (as the Corporation shall specify) of sufficient means of communication between the building and a street which is either a highway repairable by the inhabitants at large or has been laid out and constructed in accordance with the byelaws or other provisions for the time being in force with respect to new streets.

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

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

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

Food
storage
accommo-
dation.

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 twenty shillings.

(2) Every existing house and every house the erection of which was commenced 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 twenty shillings.

PART II
—cont.

39. Where any new building contains two or more flats or separate dwellings or any old building is after the date of the passing of this Act converted into two or more flats or separate dwellings each such flat or separate dwelling shall for the purposes of the section of this Act of which the marginal note is "Food storage accommodation" be deemed to be a house within the meaning of that section.

Separate dwellings to be provided with food storage accommodation.

40.—(1) Every undertaking or agreement under seal expressed to be made in pursuance of this section and given by or to the Corporation to or by the owner of any legal estate in land or property 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 shall be entitled to require from the Corporation a copy of such undertaking or agreement.

Under-takings to bind successive owners.

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

(3) Any such undertaking or agreement of such owner 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.

15 & 16
Geo. 5.
c. 22.

41. Nothing contained in the sections in this Part of this Act of which the marginal notes are—

"Elevation of buildings erected on front lands to require approval";

Saving for railway companies.

PART II
—cont.

“ Frontage line, in new streets ” ; and

“ As to urgent repairs of private streets ” ;

shall extend or apply to any building (not being a house or building used as offices other than a building so used which forms part of a railway station) railway or work constructed by or belonging to or which may hereafter be constructed by or belong to any railway company in the exercise of their statutory powers or to any land held or acquired or which may hereafter be held or acquired by such company with the authority of Parliament so long as any such building railway work or land is used or held by the company primarily for railway purposes.

For protection of
Southampton County
Council.

42. For the protection of the county council of the county of Southampton (in this section referred to as “ the county council ”) the following provisions shall unless otherwise agreed in writing between the county council and the Corporation have effect :—

- (1) The Corporation shall not under the provisions of the section of this Act of which the marginal note is “ Crossings for horses or vehicles over footways ” require the construction of a carriage-crossing across the footway of any county road or allow the use of any such footway as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor cycle) in passing to and from any premises fronting or abutting on such road unless the consent of the county council shall in each case have been obtained :
- (2) The Corporation shall not give their consent to the construction under the section of this Act of which the marginal note is “ As to pavement lights ” of any pavement light in a county road without the consent in each case of the county council :
- (3) The county council may attach to any consent given by them under subsections (1) or (2) of this section such conditions as they may think fit and any requirement or allowance of the Corporation under the section of this Act of which the marginal note is “ Crossings for

horses or vehicles over footways" and any consent of the Corporation under the section of this Act of which the marginal note is "As to pavement lights" shall be made or given subject to the conditions so attached by the county council:

PART II
—cont.

- (4) The Corporation shall give to the county council the earliest practicable notice in writing of any appeal brought under the section of this Act of which the marginal note is "As to appeals" against any requirement of the Corporation under the section of this Act of which the marginal note is "Crossings for horses or vehicles over footways" or against any refusal of consent by the Corporation under the section of this Act of which the marginal note is "As to pavement lights" or against any condition imposed by the Corporation under either of those sections so far as such requirement refusal of consent or condition relates to any county road and the county council may if they think fit appear as respondents to the appeal:

Provided that in any case where both the Corporation and the county council are respondents to the appeal no order shall be made against the appellant for the payment of the costs of more than one of those authorities and if costs are ordered to be paid to the appellant the court may apportion those costs between the Corporation and the county council in such manner as the court thinks just.

43. For the protection of the Bournemouth Corporation the Bournemouth and Poole Electricity Supply Company Limited and the West Hampshire Water Company (each of whom are 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 (that is to say):—

For protection of statutory undertakers.

- (1) In this section "apparatus" means mains cables wires pipes syphons hydrants posts

PART II
—cont.

brackets meters and other works and apparatus belonging to the undertakers and "position" includes depth:

(2) If it shall be agreed between the Corporation and the undertakers or (in case of difference) determined by arbitration that in consequence of—

(a) the giving up under the powers of the section of this Act of which the marginal note is "Adjustment of boundaries of streets" of land forming part of a street; or

(b) the stopping up or diversion under an order made pursuant to the section of this Act of which the marginal note is "Stopping up and diversion of highways" of any highway or any length of a highway; or

(c) the addition to the carriageway of a street under the powers of the section of this Act of which the marginal note is "Power to vary width of carriageways and footways" of any portion of a footway or (in the case of apparatus erected laid or placed on or above the surface of the ground) the addition to the footway of a street under the powers of that section of any portion of a carriageway; or

(d) the construction under the powers of the section of this Act of which the marginal note is "Crossings for horses or vehicles over footways" of a carriage-crossing across the footway of any street or the allowance under the powers of that section of the use as a crossing for any horse or horse-drawn or mechanically propelled vehicle of the footway of any street;

in under upon or over which any apparatus is situate it is reasonably necessary that any apparatus should be removed or diverted or that the position of any apparatus should be altered or that works (hereinafter referred to as "protective works") for the protection of

any apparatus should be executed the undertakers may and (if so required by the Corporation) shall remove or divert or alter the position of or execute protective works in respect of the apparatus according as and in such manner as may be agreed or determined by arbitration and the Corporation shall repay to the undertakers the amount of the costs and expenses reasonably incurred by the undertakers in or in connection with such removal diversion or alteration or the execution of such protective works (which costs and expenses are hereinafter referred to as "the said expenses") :

Provided that if in carrying out any such diversion or alteration of position or the execution of protective works—

(A) (i) the undertakers erect lay or place new apparatus in substitution for their existing apparatus ; and

(ii) the existing apparatus was erected laid or placed before the commencement of the period of seven years and six months immediately preceding the diversion or alteration of position of the apparatus or the execution of such protective works ; and

(iii) the date at which the existing apparatus would have required to be renewed is deferred by reason of the erection laying or placing of the new apparatus or the execution of protective works ; or

(B) the said expenses are enhanced by—

(i) the substitution for the existing apparatus of improved apparatus ; or

(ii) the substitution for the existing apparatus of apparatus of greater dimensions (other than length) than those of the existing apparatus ; or

PART II
—cont.

- (iii) the laying or placing of apparatus at a depth greater than that of the existing apparatus except where and to the extent to which it is agreed or determined by arbitration that such greater depth is reasonably necessary in consequence of the addition to the carriageway of a street of part of the footway or of the construction of a carriage-crossing across the footway of a street or of the allowance of the use of the footway of a street as a crossing for any horse or horse-drawn or mechanically propelled vehicle ;

the undertakers shall themselves bear (in the case referred to in paragraph (A) of this proviso) such proportion of the said expenses as represents the estimated saving of expense to the undertakers resulting from such deferment as is referred to in subparagraph (iii) of the said paragraph (A) and (in the case referred to in paragraph (B) of this proviso) such proportion of the said expenses as represents the amount of such enhancement as is referred to in that paragraph except to the extent of any part of such amount which may be borne by the undertakers under paragraph (A) of this proviso :

Provided also that where the apparatus had been laid or constructed in under upon or over the part of the street highway or footway affected, within the period of two years immediately preceding the giving of the relevant notice required by subsection (4) of this section and at the time of the laying or construction of that apparatus the Corporation had given to the undertakers warning in writing of their intention of exercising the powers necessitating the removal or diversion or alteration of position of the apparatus or the execution of protective works with a statement of the manner in which and the

extent to which they intended to exercise such powers no part of the said expenses shall be repayable by the Corporation if the said powers are exercised by the Corporation in accordance with the statement so given or with such variation only of the particulars contained in that statement as not prejudicially to affect the undertakers :

PART II
—cont.

- (3) Notwithstanding the giving up under the powers of the section of this Act of which the marginal note is "Adjustment of boundaries of streets" of land forming part of a street or the stopping up or diversion under an order made pursuant to the section of this Act of which the marginal note is "Stopping up and diversion of highways" of any highway or any length of a highway in under upon or over which street or highway or length of a highway any apparatus is situate the undertakers shall (unless the apparatus is removed or diverted under the provisions of subsection (2) of this section or unless new apparatus has been laid in substitution therefor) continue to have the same powers and rights in respect of such apparatus as if the land in under upon or over which the same is situate had continued to be part of the street or highway :
- (4) The Corporation shall give to the undertakers not less than twenty-eight days' notice in writing of their intention to exercise any of the powers referred to in subsection (2) of this section with respect to land forming part of a street or to any portion of a street footway or highway in under upon or over which any apparatus is situate and such notice shall be accompanied by a plan and (in the case of the addition of part of the footway to the carriageway) a section showing the nature and extent of the proposals in so far as they relate to any such land or portion of a street footway or highway as aforesaid :
- (5) If within twenty-eight days after the receipt from the Corporation of any notice under

PART II
—cont.

subsection (4) of this section of their intention to exercise any such powers as are referred to in that subsection the undertakers give to the Corporation notice in writing of their intention (otherwise than by the requirement of the Corporation) to remove or divert or alter the position of or to execute protective works in respect of any apparatus affected by the exercise of such powers and at the same time deliver to the Corporation a plan section and particulars of any such diversion or alteration of position or particulars of any such protective works (as the case may be) the Corporation shall not exercise the powers referred to in the notice given by them as aforesaid until—

(a) it shall have been agreed between the Corporation and the undertakers or settled by arbitration whether such intended removal diversion or alteration of position of apparatus or the execution of such intended protective works is reasonably necessary; and

(b) the plans sections and particulars of any diversion or alteration of position to be carried out or the particulars of any protective works to be executed have been so agreed or settled:

Provided that if the proposals contained in any notice given to the Corporation by the undertakers under this subsection and any plans sections or particulars delivered to the Corporation with such notice are not disapproved by the Corporation within twenty-eight days after the receipt thereof the said proposals shall be deemed for the purposes of this section to be reasonably necessary and the Corporation shall be deemed to have approved such plans sections or particulars:

- (6) Forthwith after the completion of any such removal or diversion or alteration of position of apparatus or of any such protective works

the undertakers shall if reasonably required by the Corporation fill in the excavation and make good the surface of the ground to the reasonable satisfaction of the Corporation :

PART II
—cont.

- (7) Any difference between the Corporation and the undertakers under this section shall be referred to arbitration.

PART III.

SEWERS DRAINS &C.

44.—(1) If a watercloset drain ventilation pipe 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.

Improper construction or repair of water-closet or drain.

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

45.—(1) Where the Corporation resolve to construct a sewer in a street or part of a street within the borough repairable by the inhabitants at large which has not been previously sewered and the resolution states that the construction of the sewer will in the opinion of the Corporation increase the value of premises fronting adjoining or abutting on such street or part of a street then subject to the provisions of the section of this Act whereof the marginal note is "Provisions applicable to the last two preceding sections" the expenses incurred by the Corporation in constructing the sewer so far as they do not exceed the sum

Apportionment to frontagers of expenses of sewer constructed under public highway.

PART III
—cont.

authorised by that section shall be apportioned by the Corporation on the premises fronting adjoining or abutting on the street or part of a street according to the frontages of the respective premises as existing at the date when the resolution becomes operative.

(2) Such resolution as aforesaid shall not become operative unless and until notice thereof has been published in a local newspaper circulating in the borough but shall become operative as from the date of such publication. Copies of the newspaper containing the notice shall be sufficient evidence of the publication thereof.

(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.

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

46.—(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 the next succeeding section 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.

47.—(1) The sum apportionable under either of the two last preceding sections 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 resolution became operative or the street was laid out (as the case may be) 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

PART III
—cont.
Provisions
applicable
to the last
two
preceding
sections.

PART III
—cont.

the erection of the building was completed before that date ;

(b) any such re-erection alteration or extension of a building as is mentioned in the Third Schedule to the Restriction of Ribbon Development Act 1935 shall be deemed to be the erection of a new building Provided that references in the said schedule to the date on which the restrictions came into force shall for the purposes of this subsection be construed as references to the date when the resolution became operative or the street was laid out as the case may be.

(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.

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

(7) Where such a resolution as is mentioned in the section of this Act whereof the marginal note is "Apportionment to frontagers of expenses of sewer constructed under public highway" has been passed but the construction of the sewer to which it relates has not been completed within two years from the date when the resolution became operative all liabilities of frontagers consequent thereon shall cease to have effect.

(8) 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.

PART III
—cont.

(9) 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 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 and the following provisions of the Public Health Act 1936 shall apply as if they were re-enacted in this Act and in terms made applicable thereto (that is to say) :—

Subsections (2) to (4) of section 291 ;

Subsection (2) of section 293 ;

Section 329.

48. If on a complaint by the Corporation to a court of summary jurisdiction it is proved to the satisfaction of the court—

As to
evasion by
owners of
sewerage
expenses.

- (i) that the owner of any land has conveyed sold leased or otherwise disposed of a portion of the land ; and
 - (ii) that by reason of such disposition any part of the land has ceased to be or has not become land fronting adjoining or abutting on a street within the meaning of the section of this Act of which the marginal note is “ Apportionment “ to frontagers of expenses of sewer constructed under public highway ” or as the case may be of the section of this Act of which the marginal note is “ Apportionment to “ frontagers of expenses of construction “ of sewer before land became a street ” ; and
 - (iii) that the disposal of such portion of the land was effected with the intention and for the purpose of the evasion of the payment of expenses under the said sections of this Act ;
- then the court shall order that such expenses shall be apportioned on the land which immediately before the date of such conveyance sale lease or disposal

PART III
—cont.

included the land so conveyed sold leased or disposed of and thereafter such expenses may be recovered from the owner of any part of that land on which a new building within the meaning of the last preceding section of this Act is erected and shall be a charge on any such part of that land and on all estates and interests therein to the same extent and in the same manner as any sum apportioned under either of the said sections of this Act of which the marginal notes are "Apportionment to frontagers of expenses of sewer constructed under public highway" and "Apportionment to frontagers of expenses of construction of sewer before land became a street" may be recovered and is charged on the premises under the said last preceding section of this Act.

PART IV.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Information to be furnished in case of notifiable disease.

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

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

Parents &c. to notify certain diseases.

50.—(1) As from the commencement of this section any parent or other person having the care or charge of a child attending at a school in the borough who is aware of or has reason to suspect the occurrence of any disease to which this section applies in any person residing with him or is himself suffering from such a disease and who fails forthwith to notify such occurrence to the head teacher principal or superintendent of the school shall be liable to a penalty not exceeding twenty shillings.

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

PART IV
—cont.

(2) The diseases to which this section applies are notifiable diseases as defined by section 343 of the Public Health Act 1936 and any other disease which the Minister by regulation made under section 143 of the Public Health Act 1936 declares to be a notifiable disease for the purpose of this section.

(3) For the purpose of this section the expression "school" shall include a Sunday school.

51.—(1) As from the commencement of this section no person of or exceeding the age of sixteen years who has the custody charge or care of a child—

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

(a) who is or has been attending any school or any part thereof which for the time being is closed by order of the Corporation or of the education committee of the county council of the county of Southampton with the view of preventing the spread of a disease to which this section applies; or

(b) who is suffering from a disease to which this section applies; or

(c) who with the view of preventing the spread of a disease to which this section applies has been prohibited from attending school by the medical officer or school medical officer;

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

PART IV
—cont.

entertainment or assembly without undue risk of communicating disease to others.

(2) The diseases to which this section applies are notifiable diseases as defined by section 343 of the Public Health Act 1936 and any other disease which the Minister by regulation made under section 143 of the Public Health Act 1936 declares to be a notifiable disease for the purpose of this section.

(3) In this section the expression "day school" means a school (not being a school provided by a local education authority) at which some or all of the children are not boarders but the provisions of this section shall not apply to the attendance at a day school of children who are boarders at that school.

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

Power to
close
schools and
exclude
children
from enter-
tainments.

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

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

(3) The diseases to which this section applies are notifiable diseases as defined by section 343 of the Public Health Act 1936 and any other disease which the Minister by regulation made under section 143 of the Public Health Act 1936 declares to be a notifiable disease for the purpose of this section.

(4) In this section the expression "day school" means a school (not being a school provided by a local education authority) at which some or all of the children are not boarders but the provisions of this

section shall not apply to the attendance at a day school of children who are boarders at that school.

PART IV
—cont.

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

Removal of infirm and diseased persons in certain cases.

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

(b) is suffering from any grave chronic disease;

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

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

(3) The cost of the removal of any person to a hospital infirmary or other institution or place as aforesaid and of his detention and maintenance

PART IV
—cont.

therein in pursuance of an order made under this section shall be borne by the Corporation and during any period for which a person is so detained the Corporation may and if so required by the court shall make towards the maintenance of any dependants of that person such contributions as the Corporation think fit or as may be directed by the court as the case may be :

Provided that where the institution to which the said person is to be removed is a public assistance institution the authority to which the institution belongs may in the exercise of their powers under any scheme made under Part I of the Local Government Act 1929 assume such obligations with regard to the maintenance of the said person and his dependants as may be agreed between that authority and the Corporation.

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

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

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

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

proposed to be exercised and no order shall be made under the provisions of this section for the removal of any person to any hospital or other institution without the consent in writing of the authority or body having the control thereof.

PART IV
—cont.

54. The Corporation may provide and supply (with or without charge therefor) to any registered medical practitioner antidotes and remedies against any notifiable disease.

Supply of
antidotes
against
notifiable
disease.

55. Section 82 of the Public Health Act 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 set fire to or burned in yards and gardens.

Byelaws
as to the
burning of
refuse.

56.—(1) (a) The Corporation may by written notice to the owner and occupier of any slaughter-house being a slaughter-house which immediately before the commencement of the Food and Drugs Act 1938 was a registered slaughter-house within the borough which from its situation or construction is in the opinion of the Corporation injurious or prejudicial to health or which shall have remained unused as a slaughter-house for a period of six months require that the premises shall cease to be used as a slaughter-house on and after such date (not being less in the case of a slaughter-house which is in the opinion of the Corporation injurious or prejudicial to health than six months from the service of such notice) as may be specified in the notice and no person shall after such date slaughter in the way of trade any cattle horse sheep or pig on the said premises.

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

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

PART IV
—cont.

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

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

(2) The Corporation shall make compensation to the owner and occupier of any slaughter-house (other than a slaughter-house which has remained unused as a slaughter-house for a period of six months) who shall be injuriously affected by any requirement of the Corporation under subsection (1) of this section such compensation in case of difference to be settled in manner provided by the Public Health Act 1936 Provided always that in the case of a slaughter-house which is defective or otherwise open to objection on sanitary grounds the arbitrator shall have regard thereto in settling the amount of compensation (if any) which shall be awarded in pursuance of this section.

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

Restric-
tions on
vessels on
land.

57.—(1) As from the commencement of this section no vessel used or intended to be used for human habitation shall be placed or kept on any land in the borough (not being land lying below high-water mark of ordinary spring tides) without the previous approval of the Corporation.

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

PART IV
—cont.

PART V.

HUMAN FOOD.

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

Registra-
tion of
hawkers
of meat
fish fruit
and
vegetables
and
premises.

(a) Any person other than a person keeping open shop for the sale of meat or meat food product or fish or fruit or vegetables who shall by himself or by any person employed by him sell or offer or expose for sale any meat or meat food product or fish or fruit or vegetables from any cart barrow or other vehicle or from any basket pail tray or other receptacle ; and

(b) Any premises used or proposed to be used as storage accommodation for any meat or meat food product or fish or fruit or vegetables intended for sale from any such vehicle or receptacle ;

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

(2) (a) No person other than a person keeping open shop for the sale of meat or meat food product or fish or fruit or vegetables shall by himself or by any person employed by him sell or offer or expose for sale any meat or meat food product or fish or fruit or vegetables from any cart barrow or other vehicle or from any basket pail tray or other receptacle unless he is so registered as aforesaid.

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

PART V
—cont.

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

(4) (a) The Corporation may refuse to register any such person or premises as is or are referred to in subsection (1) of this section or (after giving one month's notice in writing to the person registered or in whose name any such premises are registered) may revoke the registration of any such person or premises if they are satisfied (as regards any such person) that the public health is or is likely to be endangered by any act or default of such person in relation to the quality storage or distribution of the meat or meat food product or fish or fruit or vegetables as the case may be or (as regards any such premises) that such 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 them not less than seven days after the date of the notice to show cause why the Corporation should not for reasons to be specified in the notice refuse to register or revoke the registration of the person or premises 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 the section of this Act of which the marginal note is "As to appeals") against any such refusal or revocation shall do so within fourteen days from the date of the notice of such refusal or revocation.

(5) 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 meat or meat food product or fish or fruit or vegetables intended for sale from a cart barrow or other vehicle or from a basket pail tray or other receptacle.

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

(7) In and for the purposes of this section—

“meat” means the flesh of cattle swine sheep or goats including bacon and ham and edible offal and fat which is sold or intended for sale for human consumption ;

“meat food product” means any article of food intended for sale for human consumption and derived or prepared in whole or in part from meat.

59.—(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 the medical officer or sanitary inspector of such intention and shall on the application of the medical officer or sanitary inspector within six weeks from the date of such slaughter furnish such information within his knowledge as the medical officer or sanitary inspector may reasonably require for the purpose of enabling inquiries to be made to trace the disposition of the carcasses or any part thereof.

Notice of slaughter of animal unfit for food.

(2) Any person failing to give such notice or refusing to furnish such information or knowingly

PART V
—cont.

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 apply.

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 of the Agriculture Act 1937 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

Power to prohibit persons in advanced state of tuberculosis from selling &c. food.

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

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

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

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

PART VI.

CAMPING GROUNDS TENTS &C.

61.—(1) The Corporation may subject to the approval of the Minister by agreement purchase or take on lease land within the borough and equip and use any land so purchased or taken on lease or any other land for the time being belonging to them for the purpose of providing camping grounds for any or for any particular class or number of moveable dwellings as may be prescribed from time to time by the Corporation.

Provision
of camping
grounds.

(2) The Corporation before applying for the approval of the Minister of the purchase taking on lease equipping or use by them of any land under this section shall give notice in writing of their proposal to every owner of land contiguous to the land proposed to be purchased taken on lease equipped or used by them and (if the land which is the subject of the application is within one hundred yards of the boundary between the borough and the borough of Bournemouth) to the Bournemouth Corporation and also by advertisement in a local newspaper circulating in the borough and in such other manner (if any) as the Minister may direct. The said notice shall state the matters mentioned in paragraph (c) of subsection (6) of this section and a date (not being less than twenty-one days from the date of the notice) by which and the manner in which any person aggrieved by the proposal or the Bournemouth Corporation if aggrieved by the proposal may make representations thereon to the Minister and shall require that any such person or the Bournemouth Corporation shall at the same time send a copy of his or their representations to the town clerk.

(3) Before signifying approval of the purchase taking on lease equipping or use by the Corporation of any land under this section the Minister shall consider any representations on the proposal of the Corporation which may be duly made and may subject to the provisions of this section signify approval of the said proposal with or without modifications or may withhold such approval.

PART VI
—cont.

(4) Before signifying such approval the Minister if any representation is duly made and is not withdrawn shall (unless the representation appears to him to be frivolous) direct a local inquiry to be held under the provisions of the section of this Act of which the marginal note is "Inquiries by Minister" and the person holding the inquiry shall have regard to the matters mentioned in paragraphs (a) to (c) of subsection (6) of this section.

(5) The Corporation shall give at least fourteen days' notice of the intention to hold such inquiry by advertisement in a local newspaper circulating in the borough and shall also give similar notice in writing to each person or the Bournemouth Corporation who has duly made any representation and has not withdrawn the same.

(6) Before signifying approval of the purchase taking on lease equipping or use by the Corporation of any land under this section the Minister shall consider the report made to him by the person holding any such inquiry and shall also have regard to (inter alia)—

- (a) the general interests of the public and the neighbourhood in relation to such proposal including the effect of the provision of the proposed camping ground on the amenities of surrounding properties ;
- (b) the distance between and area of camping grounds in the neighbourhood whether provided by the Corporation under this section or not ; and
- (c) the area and situation of and the conditions as to the provision of water supply sanitation and otherwise proposed to be prescribed by the Corporation with respect to the proposed camping ground.

(7) Where the Corporation have provided under this section a camping ground the occupier of any moveable dwelling may (subject to any limitation on the number or definition of the class of moveable dwellings

which may have been prescribed by the Corporation with respect to the use of that camping ground for moveable dwellings) encamp upon that camping ground upon payment of such fee as may be prescribed by the Corporation.

PART VI
—cont.

(8) In this section “moveable dwelling” has the meaning assigned to that expression by paragraph (i) of subsection (8) of section 269 of the Public Health Act 1936.

62.—(1) It shall be lawful for the Corporation by order to close during such period as they may determine and as may be specified in the order the whole or any portion of any camping ground provided by them.

Temporary closing of camping grounds.

(2) Any order made by the Corporation under this section shall be published in one or more local newspapers circulating in the borough and by placards posted in a conspicuous position on or near the camping ground to which the order relates and such order shall not come into force until such date as may be stated in the order and not being earlier than fourteen days after the completion of the publication of the order in accordance with the requirements of this subsection.

63.—(1) Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of section 3 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.

Provisions as to tents vans &c.

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

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

PART VII.

PUBLIC BUILDINGS PARKS SEASHORE &C.

Power to
provide
concert
halls &c.

64.—(1) The Corporation may provide concert halls entertainment rooms reading rooms pavilions and bandstands with all necessary and suitable offices refreshment rooms kitchens cloak rooms lavatories conveniences and appliances.

(2) For the purposes aforesaid the Corporation may—

- (a) erect or adapt buildings in any public park or pleasure ground belonging to them ;
- (b) acquire buildings or acquire land and erect buildings thereon ;
- (c) with the consent of the Minister adapt any premises or erect buildings on any land belonging to them but not already appropriated to entertainment purposes ;

and may provide erect and maintain shops and offices as part of the buildings so acquired or erected.

(3) The Corporation may furnish and equip any premises provided by them under this section.

Power to
provide &c.
entertain-
ments.

65.—(1) The Corporation may use or allow to be used or let any premises provided under subsection (1) of the last preceding section of this Act for concerts and other entertainments and may themselves provide or arrange for the provision of or contribute towards the expenses of any such concerts or entertainments and may make or allow to be made such charges as they think fit in connection therewith :

Provided that—

- (a) the Corporation shall not themselves use any such premises for a cinematograph theatre except for the exhibition of a cinematograph film relating to the functions of county councils or other local authorities nor shall they grant or let the use of any such buildings for the purposes of a theatre music hall or cinematograph theatre except on the best terms that can be obtained ;

(b) the power of the Corporation themselves to provide entertainments shall include a power to provide concerts and pierrot or other entertainments whether theatrical costume is or is not used in connection therewith and either with or without appropriate scenery but save as aforesaid the Corporation shall not provide or arrange for the provision of stage plays performed by persons other than members of any amateur dramatic society or any entertainment for which scenery or theatrical costume is used and which forms a complete programme of variety entertainments as usually given at a music hall;

PART VII
—cont.

(c) the net amount of the expenses incurred by the Corporation under this section when added to the net amount of the expenses incurred by them in the provision of entertainments under section 56 of the Public Health Act 1925 shall not in any one year exceed the amount (calculated in accordance with the rules made from time to time by the Minister under sections 9 and 58 of the Rating and Valuation Act 1925) which would be produced by a rate of one penny and a third in the pound Provided that the limitation hereby imposed shall not apply in respect of any excess rate which may be approved by the Minister under the provisions of subsection (3) of section 56 of the Public Health Act 1925.

15 & 16
Geo. 5.
c. 71.

15 & 16
Geo. 5.
c. 90.

(2) The Corporation may provide and sell or authorise the provision and sale of programmes of any concert or entertainment given in pursuance of this section.

(3) The Corporation may make byelaws for securing good and orderly conduct during any concerts or entertainments given in pursuance of this section.

(4) Nothing in this or in the last preceding section shall be taken to dispense with the consent of the Board of Education to any appropriation lease or other disposition of any lands of the Corporation in any case

PART VII in which such consent would have been required if this
—cont. section had not been passed.

(5) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for the public performance of stage plays or for public music or dancing or any public contest or display of boxing or wrestling or other public entertainment of the like kind or a cinematograph exhibition.

Charges for
and letting
of parks
&c. for
games.

66. When any portion of any park or place of public resort or recreation is set apart by the Corporation for any purpose under section 76 of the Public Health Acts Amendment Act 1907 the Corporation may permit the exclusive use by any club or other body or persons of any part of any park or place of public resort or recreation set apart as aforesaid and of any pavilions buildings or refreshment or other rooms or conveniences subject to such charges and conditions as the Corporation may think fit:

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

As to use
of parts of
recreation
grounds for
parking
places.

67.—(1) The provisions of section 68 of the Public Health Act 1925 as amended by section 16 of the Restriction of Ribbon Development Act 1935 shall extend to enable the Corporation from time to time to utilise as lands which may lawfully be appropriated as a parking place or as parking places for vehicles such part or parts of their parks recreation grounds or pleasure grounds not exceeding in the case of any park recreation ground or pleasure ground one acre as the Minister may sanction and the provisions of the said section relating to the utilisation for parking places of land not forming part of a street shall mutatis mutandis apply and have effect for the purposes of this subsection Provided that the powers of subsection (1) and subsection (3) of section 16 of the Restriction

of Ribbon Development Act 1935 shall not be exercisable by the Corporation in respect of any part of a park recreation ground or pleasure ground utilised as a parking place for vehicles.

PART VII
—cont.

(2) The provisions of section 90 of the Road Traffic Act 1930 except subsections (1) (7) and (9) thereof shall apply to any parking place provided under this section.

20 & 21
Geo. 5.
c. 43.

68. The Corporation may—

- (1) Upon any lands already acquired by the Corporation and used for the purpose of a golf course or acquired or appropriated after the passing of this Act for that purpose form construct alter maintain regulate manage and use golf courses with all proper and convenient houses pavilions works buildings and conveniences :
- (2) Make charges for the use of any of their golf courses or of any part thereof and of any buildings conveniences or apparatus provided in connection therewith :
- (3) Permit the use by any club or other body or persons of any of their golf courses lands buildings conveniences or apparatus aforesaid subject to such charges and conditions as the Corporation may think fit :
- (4) Let on lease or otherwise to any club company body or persons any of their golf courses or any part thereof and the lands houses pavilions works buildings and conveniences as aforesaid for such consideration and upon such terms and conditions as the Corporation may think fit :
- (5) (a) Provide and sell and may enter into any agreement or arrangement with any person for the provision and sale at any such golf course or in any such house pavilion or building as aforesaid of refreshments of all kinds subject to the provisions of all Acts relating thereto and may also upon such terms and conditions and for such periods as they may think fit grant to any

Establishment of
golf
courses.

PART VII
—cont.

person the right so to provide and sell refreshments ;

(b) By themselves or any person appointed by them in that behalf apply for and hold licences for the sale of beer or intoxicating liquors or of tobacco for the purposes of this subsection :

- (6) Make and enforce byelaws for regulating the use of their golf courses whether within or without the borough and the conduct of persons using the same or resorting thereto :
- (7) Employ officers and servants in connection with and for the purposes of the powers aforesaid.

Saving for trusts covenants &c. in conveyances and leases.

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

Officers may be sworn in as constables.

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

11 & 12 Geo. 5. c. 31.

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

As to parks &c. outside borough.

71. Any park recreation ground or pleasure ground which has been or shall be provided by the Corporation outside the borough shall be deemed to be within the borough for the purposes of any

statutory provision as to parks recreation grounds or pleasure grounds which would have applied or been applicable thereto if the same had been situate within the borough :

PART VII
—cont.

Provided that nothing in this section shall extend affect or interfere with the area of jurisdiction of any justices or any court of competent jurisdiction or of any police constable or the control or maintenance of any public highway.

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

Corporation may provide automatic weighing machines.

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

Medicated and other baths.

(2) In connection with any electrical or radiant heat or other similar baths provided by the Corporation in pursuance of their powers under this section patients shall only be afforded treatment on the prescription of a medical practitioner and on the certificate of that practitioner that the patient is in a fit condition to receive treatment and the Corporation shall afford facilities to medical practitioners to attend their patients at such baths.

(3) The treatment of patients under this section shall not be administered by any person other than—

(a) a person whose name is for the time being entered on any of the following :—

The National Register of Medical Auxiliary Services (Physiotherapists sections);
or

The register of the Chartered Society of Massage and Medical Gymnastics; or

The roll of bio-physical assistants of the Society of Apothecaries of London (Incorporated in the National Register);
or

PART VII
—cont.

The register of the Society of Radiographers ; or

- (b) some other person whose proficiency is certified for that purpose by two registered medical practitioners :

Provided that this subsection shall not apply with respect to the use for purposes other than therapeutic purposes and otherwise than on the prescription of a medical practitioner of baths provided under this section.

Prohibition
of touting
hawking
&c. on
esplanades
seashore
&c.

74.—(1) No person shall in or on any esplanade parade promenade marine drive public walk garden open space or place of recreation or on the seashore or at any place forming part of Avon Run Road Bure Road Cliff Drive Montague Road Rook Hill Road Wharncliffe Road the portion of East Cliff Way between Seaway Avenue and Priors Close the portion of Mundeford Road from Bure Lane to the seashore the portion of Seaway Avenue from Cliff Drive to Hynesbury Road the portion of Southcliffe Road from Cliff Drive to Hynesbury Road the portion of Waterford Road from Wharncliffe Road to Montague Road or any street within two hundred yards from the edge of the cliffs adjoining the sea front—

- (a) importune any person by touting for a hotel lodging-house refreshment-house shop pier garden theatre hackney carriage public service vehicle or any place of amusement ;
- (b) without the consent of the Corporation hawk sell or offer for sale any article or commodity or take any photograph by way of trade or business of any person or group of persons ;
- (c) with a view to gaining or receiving profit or reward sing or play any instrument or conduct or take part in any entertainment exhibition or performance :

Provided that a pleasure fair held on any open space or place of recreation not belonging or leased to the Corporation shall not be deemed to be an entertainment exhibition or performance for the purpose of paragraph (c) of this section.

(2) The Corporation may give any consent under this section upon such terms and conditions as they may think fit. Provided that in the case of the sale of newspapers and periodicals the said consent shall be given to such reasonable number of persons and upon such terms and conditions as the Corporation may think fit.

(3) Any person offending against the provisions of this section or contravening the terms or conditions upon which any consent is given thereunder shall be liable for every such offence to a penalty not exceeding twenty shillings.

(4) The provisions of this section shall not prevent the owner of any part of the seashore or any person with his consent exercising any rights which they could have exercised if this section had not been enacted.

75. The Corporation may employ and pay bathing attendants and boatmen for the purpose of protecting persons whilst bathing on or from the seashore and may provide any boats and life-saving appliances for that purpose. Protection of bathers.

76. Section 94 of the Public Health Acts Amendment Act 1907 shall in its application to the borough be read and have effect as if at the end of subsection (3) thereof the words "or unless the boatmen and persons assisting in the charge or navigation of such boat or vessel are for the time being licensed under this section by the Corporation" were added. Licensing of boatmen.

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

PART VII
—cont.

or from any sea defence work or embankment esplanade footway or carriageway as aforesaid in any quantity or manner other than the part quantity or manner permitted by such licence shall for every such offence be liable to a penalty not exceeding twenty pounds.

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

Provisions
as to
vessels.

78.—(1) The provisions of subsections (2) and (3) of section 268 of the Public Health Act 1936 shall apply to any vessel which is used for human habitation on so much of the rivers Stour and Avon as is within the borough in such a way as to be a nuisance or injurious to health or to cause a nuisance or give rise to conditions injurious to health as if such vessel were a tent, van shed or similar structure.

(2) The Corporation may from time to time make such byelaws as they may think fit with regard to the use of vessels for purposes of habitation on so much of the rivers Stour and Avon as is within the borough for all or any of the following purposes (namely):—

The registration and regulation of such vessels ;

The prevention of the passing into the said rivers from or out of any such vessel of any sewage or any other offensive or injurious matter whether solid or fluid ;

Compelling with a view to the prevention of pollution of the said rivers the alteration as the Corporation may think fit of such vessels and the provision of such vessels with proper and sufficient sanitary appliances.

(3) The provisions of this section shall not apply to—

(a) any vessel belonging to His Majesty or under the command or charge of an officer holding His Majesty's commission or any vessel belonging to a foreign government ;

- (b) any vessel registered under the Merchant Shipping Act 1894 ;
- (c) any vessel normally engaged in the transport of persons or goods for profit ;
- (d) any tug lightship or watch barge ;
- (e) any canal boat or other boat registered under Part X of the Public Health Act 1936 ;
- (f) any vessel which is not used for human habitation for more than seven consecutive days.

PART VII
—cont.

57 & 58
Vict. c. 60.

79.—(1) The Corporation for the prevention of noise or of danger obstruction or annoyance to persons boating fishing or bathing or using the beach and foreshore (other than the beach and foreshore of Christchurch Harbour) or so much of the river Avon as lies between Quartley's Bridge or Town Bridge and its junction with the river Stour at Clay Pool for any of those purposes or otherwise or for securing safety in navigation may make byelaws—

Byelaws.
as to boats.

- (a) prohibiting limiting or restricting the use of motor boats or regulating the speed at which or the manner in which they may be driven ;
- (b) requiring the fitting of efficient silencers on boats propelled by internal combustion engines ;
- (c) prohibiting regulating or controlling the keeping or landing of boats on such parts of the beach and foreshore and the banks of the said river as shall be specified in such byelaws ;
- (d) requiring boats of any specified class or description to be kept on such parts of the beach and foreshore and the banks of the said river as may be specified in such byelaws.

(2) The Corporation may charge for any licence or permission granted by them to keep a boat on any part of the beach or foreshore or the banks of the said river owned by or leased to them such sum (not exceeding one pound for each such licence or permission) as they may think fit and such sum may be recovered summarily as a civil debt.

PART VII
—cont.

(3) No byelaw made under this section shall affect any right or privilege of owners of boats engaged in the fishing industry which may exist at the time of the making of such byelaw and no byelaw made under paragraph (b) of subsection (1) of this section shall apply to—

- (i) any motor boat for which a valid passenger certificate issued under the provisions of the Merchant Shipping Acts is in force ; or
- (ii) any boat (not being a boat required to be licensed by the Corporation) which is ordinarily kept outside the borough.

As to byelaws with respect to boats.

80.—(1) The powers of the Corporation to make byelaws and impose penalties for the breach thereof with respect to boats (whether required to be licensed by the Corporation or not) shall extend and be applicable for a distance of three miles seaward from low-water mark of ordinary tides but not including Christchurch Harbour.

(2) All breaches of such byelaws committed within the said distance seaward from low-water mark may be inquired into and dealt with as if they had been committed within the borough.

Byelaws as to boats on river Stour and Christchurch Harbour.

81.—(1) The Corporation and the Bournemouth Corporation for the prevention of noise or of danger obstruction or annoyance to persons boating fishing or bathing or using the river Stour from Iford Oat or Iford Dowells southward to where the said river unites with the river Avon and thence the united waters to the haven mouth including Christchurch Harbour for any of those purposes or otherwise or for securing safety in navigation in the said river and the said harbour may jointly make byelaws—

- (a) prohibiting limiting or restricting the use of motor boats or regulating the speed at which or the manner in which they may be driven ;
- (b) requiring the fitting of efficient silencers on boats propelled by internal combustion engines ;
- (c) prohibiting regulating or controlling the keeping or landing of boats on such parts

of the banks of the said river and the said harbour as may be specified in such byelaws ; and

PART VII.
—cont.

(d) requiring boats of any specified class or description to be kept on such parts of the banks of the said river and the said harbour as may be specified in such byelaws.

(2) No byelaw made under this section shall affect any right or privilege of owners of boats engaged in the fishing industry which may exist at the time of the making of such byelaw and no byelaw made under paragraph (b) of subsection (1) of this section shall apply to—

(i) any motor boat for which a valid passenger certificate issued under the provisions of the Merchant Shipping Acts is in force ; or

(ii) any boat (not being a boat required to be licensed by the Corporation or the Bournemouth Corporation) which is ordinarily kept outside the boroughs of Christchurch and Bournemouth.

(3) Any byelaws made under this section shall be administered and enforced by a joint committee appointed by the Corporation and the Bournemouth Corporation under section 91 of the Local Government Act 1933.

82. The Corporation shall not exercise any of the powers contained in this Part of this Act in respect of the lands of the Bournemouth Corporation forming part of Hengistbury Head held by the Corporation under a lease dated the ninth day of October one thousand nine hundred and thirty-one in such a manner as to contravene the provisions of the said lease without the consent of the Bournemouth Corporation.

For-protection of Bournemouth Corporation.

PART VIII.

LANDS.

83.—(1) The Corporation notwithstanding that the same may not be immediately required may by agreement purchase or acquire or take on lease and hold any lands which in their opinion it is desirable that the Corporation should acquire for or in connection

Further powers for acquisition of lands.

PART VIII
—cont.

with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the borough.

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

Retention
and
disposal of
lands.

84.—(1) Notwithstanding anything in the Lands Clauses Acts to the contrary the Corporation may retain and hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and on such terms and conditions as they may think fit and in consideration either of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act or any general or local Act for the time being in force in the borough (other than the Housing Act 1936 or any Act repealed by that Act) and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange :

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

Provided also that nothing in this section shall be taken to dispense with the consent of any Government department to any sale lease appropriation or other disposition of any lands of the Corporation other than

lands acquired under any local Act applying to the Corporation in any case in which such consent would have been required if this Act had not been passed.

PART VIII
—cont.

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

85.—(1) The Corporation may (with the consent of the Minister) lay out and develop any lands at any time belonging to the Corporation and not required for the purposes for which they were acquired and may erect and maintain houses shops offices warehouses and other buildings and construct sewer drain pave flag channel and kerb streets roads and ways on any of such lands.

Power to
develop
lands.

(2) The Corporation may use or dispose of the building or other materials of any houses and premises on any lands acquired or appropriated by them which they may deem it necessary or desirable to pull down.

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

Houses for
persons in
employ-
ment of
Corpora-
tion.

(2) Nothing contained in this section shall empower the Corporation to create or permit a nuisance.

PART IX.

FINANCIAL.

Power to
borrow.

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

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

Applica-
tion of
Local
Govern-
ment Act
1933 to
existing
sinking
funds.

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

Use of
moneys
forming
part of
sinking
and other
funds.

89. Notwithstanding anything contained in this or any previous enactment the Corporation may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part of but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve renewals repairs depreciation contingency or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

(1) The moneys so used shall be repaid out of the general rate fund within the period and by the method within and by which a loan raised

under the statutory borrowing power would be repayable :

PART IX
—cont.

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

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

90.—(1) Notwithstanding anything contained in any other Act or Order on and after the thirty-first day of March one thousand nine hundred and forty-one the Corporation may (if they think fit) establish a fund to be called “the consolidated loans fund” to which shall be paid—

Consoli-
dated loans
fund.

- (a) all moneys borrowed by the Corporation by the issue of authorised securities together with any moneys borrowed without security in

PART IX
—cont.

connection with the exercise of any statutory borrowing power ;

- (b) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose ; and
- (c) the appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt :

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

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

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

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

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

and separate account shall be kept of the said sums and their application.

PART IX
—cont.

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

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

(b) There shall be paid out of the consolidated loans fund to the general rate fund an amount equal to the interest on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the average rate of interest payable by the Corporation on their current borrowings and in the accounts of the general rate fund an amount equal to the interest as aforesaid (subject in the case of any of the said funds to any prescribed limit on the amount thereof) shall be credited to the lending fund.

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

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

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

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

PART IX
—cont.
As to
operation
of
section II
of Rating
and
Valuation
Act 1925.

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

Recovery
of rate
from
persons
removing.

92. If a justice is satisfied on complaint by any officer of the Corporation duly authorised that any person is quitting or about to quit any premises in the borough and has failed to pay on demand any general rate which may be due from him and intends to evade payment of the same by departing from the said premises the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the person named therein to seize forthwith and detain the goods and chattels of such first-mentioned person until the complaint is determined upon the return of the summons.

Recovery
of rates
from
certain
owners.

93.—(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.

(3) This section shall not apply to any hereditament to which subsection (1) of section II of the Rating and Valuation Act 1925 applies by virtue of a resolution of the Council.

PART IX
—cont.

94. The Corporation may pay out of the general rate fund and general rate—

Subscriptions to local government associations and other expenses.

- (a) reasonable subscriptions whether annually or otherwise to the funds of any association of local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings ;
- (b) the reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with any public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough.

PART X.

MISCELLANEOUS.

95. It shall be lawful for the Corporation—

Provision of lectures.

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

Provided that the sum to be expended by the Corporation in any one year on the provision of lectures shall not exceed the amount (calculated in accordance

PART X
—cont.

with the rules made from time to time by the Minister under sections 9 and 58 of the Rating and Valuation Act 1925) which would be produced by a rate of one-third of a penny in the pound in addition to any moneys received by the Corporation under the provisions of this section.

Power to
establish-
informa-
tion
bureaux.

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

Power to
make
regulations
as to
traffic on
carnival
&c. days.
10 & 11
Vict. c. 89.

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

(2) Except in cases of emergency the Corporation shall not exercise the powers conferred upon them by this section except after consultation with the chief constable of the county of Southampton.

Notice of
processions
to be given.

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

(2) The Corporation shall as soon as reasonably practicable after the receipt of such notice communicate the information therein contained to the chief constable of the county of Southampton.

PART X
—cont.

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

99. The power to make byelaws conferred on the Corporation by section 249 of the Local Government Act 1933 shall be deemed to enable the Corporation to make byelaws in accordance with the provisions of that section for prohibiting animals other than animals drawing vehicles or a single horse led by an attendant from being led or driven along such streets of the borough as may be specified in such byelaws and for prescribing the hours during which and the manner according to which such animals may be led or driven along any streets in the borough :

Byelaws
as to
leading or
driving
cattle.

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

Provided also that no such byelaw shall prevent the owner of any animal driving the same to his own premises.

100. Every person who shall on Sunday in any street or public place call or shout or ring any bell or use any noisy instrument for the purpose of selling or advertising any article or commodity shall for every such offence be liable to a penalty not exceeding forty shillings.

Penalty
for street
crying on
Sunday.

101.—(1) Any person who shall wilfully or negligently obstruct or interfere with the convenient access to any police telephone call box or police shelter

Interfer-
ence with
telephone

PART X
—cont.
call boxes
&c.

or box or who shall remove or efface any plate or mark indicating the position of such call box shelter or box or any fire hydrant shall be liable to a penalty not exceeding five pounds and the Corporation may recover the expenses of replacement and making good from such person.

(2) Any person who shall knowingly and improperly use or cause to be used by means of any false or malicious statement message or otherwise any police telephone call box or (for the purposes of requiring the services of the police or an ambulance) any telephone call box of the Post Office telephone service shall for every such offence be liable to a penalty not exceeding five pounds.

Restriction
on right to
prosecute.

102. Section 298 of the Public Health Act 1936 shall apply to offences created by or under this Act as if they were offences created by or under that Act except that the said section shall not apply to those created by or under the sections of this Part of this Act of which the marginal notes are—

“ Power to make regulations as to traffic on
carnival &c. days ” ;

“ Penalty for street crying on Sunday ” ;

“ Interference with telephone call boxes &c.”

As to
appeals.

103.—(1) Any person aggrieved by any requirement refusal or other decision of the Corporation or of any officer thereof under Part II (Streets and buildings) Part III (Sewers drains &c.) Part IV (Infectious disease and sanitary provisions) or Part V (Human food) of this Act or the section of this Act of which the marginal note is “ Prohibition of touting hawking &c. on esplanades seashore &c.” 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.

(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

PART X
—cont.

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.

Byelaws.

104.—(1) As respects byelaws made under this Act the confirming authority for the purposes of section 250 of the Local Government Act 1933 shall be the Minister.

(2) No byelaws affecting any area below high-water mark shall come into operation until the consent of the Minister of Shipping has been given thereto and confirmation by a confirming authority shall be sufficient evidence that such consent has been given.

Compensation how to be determined.

105. When any compensation costs damages or expenses is or are by this Act or by any local Act or Order for the time being in force in 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 Public Health Act 1936.

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.

107. Where under the provisions of this Act or any local Act in force in the borough the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

PART X
—cont.
Apportionment of expenses in case of joint owners.

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

Damages and charges to be settled by court.

109. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration other than questions or disputes to which the provisions of the Lands Clauses Acts apply then unless other provision is made the reference shall be to a single arbitrator to be agreed upon between the parties to the question or dispute or in default of such agreement appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such arbitration.

Application of Arbitration Acts 1889 to 1934.

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

Breach of conditions of consent of Corporation.

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

Application of section 265 of Public Health Act 1875.

PART X
—cont.
Inquiries
by
Minister.

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

Inquiries
by
Minister of
Transport.

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

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

Applica-
tion of
provisions
of Public
Health
Act 1936.

114.—(1) The sections of the Public Health Act 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable thereto (that is to say):—

Section 275 (Power of local authority to execute certain work on behalf of owners or occupiers);

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 293 (Recovery of expenses &c.);

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).

(2) The sections of the Public Health Act 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable

to Part II (Streets and buildings) Part III (Sewers drains &c.) Part IV (Infectious disease and sanitary provisions) and Part V (Human food) of this Act (that is to say) :—

PART X
—cont.

Section 277 (Power of councils to require information as to ownership of premises) ;

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) ;

Section 292 (Power to make a charge in respect of establishment expenses) ;

Section 295 (Power of local authority to grant charging orders) ;

Section 329 (Saving for certain provisions of the Land Charges Act 1925).

115.—(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 publication of the advertisement. Provided that if the provision is one which requires the registration of any person or premises the application for the registration may be made and determined before the provision comes into operation.

Com-
mencement
of certain
provisions
of this Act.

(2) A copy of a newspaper containing such advertisement shall be sufficient evidence of the publication of the advertisement.

PART X
—cont.

(3) This section shall apply to the sections of this Act of which the marginal notes are—

- “Parents &c. to notify certain diseases”;
- “Restrictions on attendance at schools and places of assembly”;
- “Restrictions on vessels on land”;
- “Registration of hawkers of meat fish fruit and vegetables and premises”;
- “Notice of slaughter of animal unfit for food.”

(4) As respects any of the said provisions which requires the 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 comes into operation—

- (a) was carrying on any such business or using any premises for any such purpose; and
- (b) has made application in accordance with the provisions of this Act for such 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 the section of this Act of which the marginal note is “As to appeals.”

Saving for
indict-
ments &c.

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

Works
below
high-water
mark not
to be con-
structed
without
consent of

117. The Corporation shall not under the powers of this Act construct on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides any work without the previous consent of the Minister of Shipping to be signified in writing under the hand of a secretary

or some person authorised by the said Minister to act in that behalf and then only according to such plan and under such restrictions and regulations as the said Minister may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Corporation shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Minister of Shipping may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Corporation and the amount of such costs and charges shall be a debt due from the Corporation to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

PART X
—cont.
Minister of
Shipping.

118. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Minister of Shipping respectively without the consent in writing of the Commissioners of Crown Lands or the Minister of Shipping as the case may be on behalf of His Majesty first had and obtained for that purpose.

Crown
rights.

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

Costs of
Act.

Ch. xxx.

Christchurch Corporation
Act, 1940.

3 & 4 GEO. 6.

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