



CHAPTER 1.

An Act to alter the name of the borough of Chepping Wycombe to provide for the extinction of lammas rights in or over certain lands in the borough known as Kings Mead and of commonable rights in or over other lands therein known as Marsh Green and Keep Hill to confer further powers upon the Corporation in regard to the health local government and improvement of the borough and for other purposes.

[1st August 1946.]

WHEREAS the borough of Chepping Wycombe in the county of Buckingham is a municipal borough under the government and local management of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation"):

And whereas the borough is commonly called and known as High Wycombe and inconvenience is caused by retaining Chepping Wycombe as the official name of the borough and it is accordingly expedient to alter the names of the borough and of the Corporation and to make such other provision with reference thereto as is contained in this Act:

And whereas the Corporation are or claim to be seized of the inheritance in fee simple of and in certain lands in the borough known as Kings Mead over which it is claimed that certain Lammas rights are exercisable but the Corporation have been unable to ascertain by whom or to what extent any such rights are so exercisable:

And whereas possession of a portion of Kings Mead was in the year 1941 taken by the Minister of Aircraft Production under the powers of the Defence (General) Regulations 1939 for industrial purposes connected with the war and the said

Minister is desirous of acquiring the greater part of such portion:

And whereas it is expedient to make provision for the extinction of such lammas or other rights as may exist in relation to Kings Mead and for the closing or diversion of footpaths thereover:

And whereas it is expedient that the said lands comprised in Kings Mead other than the part thereof which the said Minister is desirous of acquiring and other than the further part thereof which is numbered 1 on the plans and in the book of reference hereinafter referred to should subject to the provisions of this Act become and be public walks and recreation grounds as soon as the said rights in relation thereto are extinguished:

And whereas the Corporation also are or claim to be seized of the inheritance in fee simple of and in certain other lands in the borough known as Marsh Green and Keep Hill which the Corporation are required to use as open spaces or recreation grounds and over which it is believed that rights of common used to exist and be exercised:

And whereas such rights of common are not exercised at the present time and have not been exercised for many years and it is expedient to make provision for the extinction of such rights in relation to both Marsh Green and Keep Hill:

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

And whereas it is expedient to make further provision in regard to the finances of the Corporation:

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

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

23 & 24 Geo. 5.
c. 51. And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed:

And whereas plans of the lands required or which may be taken for the purposes or under the powers of this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the clerk of the county council of the administrative county of Buckingham and are hereinafter respectively referred to as the deposited plans and book of reference:

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

PART I.

PRELIMINARY.

1. This Act may be cited as the High Wycombe Corporation Short title. Act 1946.

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

Division of Act into Parts.

Part I.—Preliminary.

Part II.—Name of borough.

Part III.—Lands open spaces &c.

Part IV.—Streets and buildings.

Part V.—Infectious disease and sanitary provisions.

Part VI.—Financial.

Part VII.—Miscellaneous.

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

Incorporation of Acts.

(a) Sections 127 to 132 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act; 8 & 9 Vict. c. 18.

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

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Act 1936 shall have the same respective meanings unless there be something in the subject or context repugnant to such construction. 26 Geo. 5. & 1 Edw. 8. c. 49.

Interpretation of terms.

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

“ The borough ” means the borough of High Wycombe;

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

“ The council ” means the council of the borough;

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

PART I.
—cont.17 & 18 Geo. 5.
c. lxxxiii.

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

9 & 10 Geo. 5.
c. 27.
7 & 8 Geo. 6.
c. 47.

“ The Act of 1927 ” means the Chepping Wycombe Corporation Act 1927;

“ The Lands Clauses Acts ” means the Lands Clauses Acts as amended by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part II of the Town and Country Planning Act 1944 and by this Act;

38 & 39 Vict.
c. 55.

“ The Act of 1936 ” means the Public Health Act 1936;

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

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

“ Kings Mead ” means the lands in the borough which are numbered 1 2 3 5 6 7 8 and 9 upon the deposited plans;

“ Marsh Green ” means the lands in the borough which are numbered 12 and 13 on the deposited plans;

“ Keep Hill ” means the lands in the borough which are numbered 10 and 11 on the deposited plans;

41 & 42 Vict.
c. 76.

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

7 & 8 Geo. 6.
c. 31.

“ Child ” has the same meaning as in the Education Act 1944;

“ 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;

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

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

38 & 39 Vict.
c. 83.

“ Statutory security ” means any security in which trustees are for the time being by or under any Act of Parliament authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament 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 security 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;

PART I.
—cont.

“ The electricity undertaking ” and “ the water undertaking ” mean respectively the electricity and water undertakings of the Corporation;

“ The Corporation undertakings ” means the electricity and water undertakings and any other undertaking of the Corporation as from time to time existing from which revenue is derived;

“ The Minister ” means the Minister of Health.

PART II.

NAME OF BOROUGH.

5. On and after the passing of this Act the name of the borough hitherto known as “ Chepping Wycombe ” shall be “ High Wycombe ” and the name and style of the Corporation shall be “ the mayor aldermen and burgesses of the borough of High Wycombe.”

Changes of
name.

6.—(1) The Corporation by their new name shall have exercise enjoy and be subject to all powers rights privileges immunities exemptions duties and liabilities which at common law by charter by public or local statute by Order confirmed by Parliament or otherwise they had exercised enjoyed or were subject to or would have had exercised enjoyed or been subject to by their original name whether as a municipal body or as a sanitary authority or in any other capacity whatsoever.

Continuance
of powers
duties &c.
and construc-
tion of Acts
&c.

(2) All charters public and local statutes Orders confirmed by Parliament byelaws regulations commissions fiats awards judgments and decrees and all bonds conveyances covenants deeds mortgages securities contracts agreements resolutions orders and notices and the grant of arms from the College of Arms and other instruments and documents relating to the borough or to the Corporation by their respective original names shall from and after the passing of this Act be read and have effect as if throughout the same respectively wherever the original name of the borough or any reference to the borough by its original name occurs the new name of the borough or a reference to the borough by its new name were substituted and as if wherever the original name of the Corporation or a reference to the Corporation by their original

PART II.
—cont.

name occurs the new name of the Corporation or a reference to the Corporation by their new name were substituted.

Actions &c.
not to abate.

7. Notwithstanding the changes of name effected by this Act any action arbitration prosecution or other proceeding civil or criminal which is pending by or against the Corporation by their original name immediately before the passing of this Act shall not abate or be discontinued or be prejudicially affected by the change of name of the borough or of the Corporation but on the contrary shall continue and take effect both in favour of and against the Corporation in like manner to all intents and purposes as if the same had been respectively commenced or instituted by or against the Corporation by their new name and in any notice warrant summons writ or other instrument used after the passing of this Act in or for the purposes of any such action arbitration prosecution or other proceeding as aforesaid the borough and the Corporation may be respectively described by their new names as if they had been originally constituted incorporated or called by their new names Nevertheless any such notice warrant summons writ or other instrument shall not be invalidated prejudiced or affected by reason of the borough or the Corporation being therein called by their original names respectively.

New common
seal to be
prepared.

8. As soon as conveniently may be after the passing of this Act a new common seal shall be obtained by the Corporation comprising the arms of the borough as recorded at the College of Arms with the words "borough of High Wycombe" instead of the words "burgus de Chepping Wycombe in com. Buck" which appear on the common seal in use at the passing of this Act and thereupon such last-mentioned seal shall be destroyed in the presence of the mayor and the town clerk and thenceforward such new seal shall be the common seal of the Corporation.

General
saving.

9. Notwithstanding the changes of name effected by this Act everything before the passing of this Act done suffered or confirmed under or by virtue of any other Act shall be as valid as if this Act were not passed and the changes of name effected by this Act shall accordingly be subject and without prejudice to every thing so done suffered or confirmed before the passing of this Act and to all rights liabilities claims and demands then present or future which if the changes of name had not happened and this Act had not been passed would be incident to or consequent on anything so done suffered or confirmed and the Corporation by their new name may sue or be sued with respect to any such right liability claim or demand as aforesaid.

PART III.

LANDS OPEN SPACES &C.

10. Subject to the provisions of this Act the Corporation may enter upon take appropriate and use all or any of the lands in the borough which are delineated on the deposited plans and described in the deposited book of reference. Power to take lands.

11.—(1) As from the first day of January nineteen hundred and forty-seven— Extinction of lammas and commonable rights over certain lands.

(a) all lammas and other rights on or over Kings Mead or any part thereof; and

(b) all common or commonable rights over Marsh Green and Keep Hill;

shall respectively be extinguished.

(2) The Corporation shall pay or make compensation (if any) for the rights so extinguished to the persons (being on the said first day of January persons entitled to exercise the said rights) who shall have lawfully exercised such rights during the period of ten years immediately preceding the twentieth day of November nineteen hundred and forty-five and who shall within a period of two months after the passing of this Act deliver to the Corporation a claim in writing to such compensation.

(3) If the Corporation shall dispute the right of any person to compensation under subsection (2) of this section such dispute shall be settled by arbitration under the Arbitration Acts 1889 to 1934.

(4) The compensation to be paid or made by the Corporation under the foregoing provisions of this section to any person entitled to such compensation shall be settled in manner provided by the Lands Clauses Acts. Provided that the Corporation may by resolution passed within one month after the expiration of the period within which claims for compensation are to be delivered to them under subsection (2) of this section determine that all questions of compensation arising under this section shall be determined in accordance with the next subsection of this section.

(5) If the Corporation pass the resolution referred to in the preceding subsection hereof the following provisions shall have effect (namely):—

(a) The Corporation shall within six weeks after the expiration of the period within which claims for compensation are to be delivered to them under subsection (2) of this section convene a meeting of the persons who have rights to compensation under subsection (2) of this section and have delivered such claims in the same manner as if (in all cases) the rights to be extinguished as aforesaid were commonable rights within the meaning of section 102 of the Lands Clauses Consolidation Act 1845:

PART III.
—cont.

(b) Such meeting shall proceed to the appointment of a committee in manner provided by section 103 of the Lands Clauses Consolidation Act 1845 and in the event of such committee and the Corporation being unable to agree upon a sum of money or other compensation to represent the value of such rights over Kings Mead Marsh Green or Keep Hill (as the case may be) the question shall be determined and compensation shall be paid in manner provided by sections 99 and 101 to 107 inclusive of the Lands Clauses Consolidation Act 1845 for the determination and payment of compensation for the commonable and other rights referred to in those sections.

(6) As from the first day of January nineteen hundred and forty-seven Kings Mead (except the parts thereof which are numbered 1 and 6 on the deposited plan and in the deposited book of reference) Marsh Green and Keep Hill shall be deemed to be public parks or pleasure grounds or lands acquired by the Corporation for the purpose of cricket football tennis bowls or other games and recreations or partly the one and partly the other as the Corporation may from time to time determine and the Corporation may exercise in regard thereto respectively (except the said parts of Kings Mead which are numbered as aforesaid) the powers conferred upon them by the Public Health Acts in respect of public parks and pleasure grounds and (except as expressly enacted in this Part of this Act) shall not use the said lands for any other purpose except with the consent of the Minister as hereinafter provided:

Provided that the Corporation may at any time (in addition to any powers conferred upon them by this Part of this Act) with the consent of the Minister (after holding a public inquiry if he thinks fit) and subject to such conditions (if any) as he may impose appropriate any part or parts of Kings Mead (except the said parts which are numbered as aforesaid) for purposes other than the purposes hereinbefore referred to.

(7) Within three months after the final determination of the compensation (if any) payable in respect of any rights extinguished by this section or the date of such extinction (whichever shall be the later) the Corporation shall produce to the Commissioners of Inland Revenue a King's Printer's copy of this Act duly stamped with the ad valorem stamp duty payable upon an instrument (as defined by the Stamp Act 1891) effecting the release upon sale of such rights and in default of any such production as aforesaid the duty with interest thereon at the rate of five per centum per annum from the date of such final determination of the compensation or of such extinction shall be a debt due from the Corporation to His Majesty.

12.—(1) If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices having jurisdiction in the borough for the correction of such plans or book of reference.

Correction
of errors in
deposited
plans and
book of
reference.

(2) If it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate or a copy thereof shall be deposited with the clerk of the county council of the administrative county of Buckingham and a duplicate thereof with the town clerk and thereupon such plans or book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

(3) Such certificate or copy or duplicate respectively shall be kept by such clerk and town clerk respectively with the other documents to which the same relate.

13. On or at any time after the first day of January nineteen hundred and forty-seven the Corporation may stop up all footpaths upon or over Kings Mead and thereupon all rights of way over those footpaths shall be extinguished:

Power to stop
up footpaths
over Kings
Mead.

Provided that such stopping up shall not take place until two justices shall have certified that the new footpaths extending from the point marked " A " to the point marked " B " and from the point marked " C " to the point marked " D " on the deposited plan and thereon marked respectively " Proposed new footpath " have been completed to their satisfaction and are open for public use.

14.—(1) Any private right of way over land which the Corporation are authorised to acquire compulsorily shall if they so resolve and give notice of the resolution to the owner of the right be extinguished as from the acquisition by them of the land or as from the expiration of one month from the service of the notice whichever may be the later.

Extinction
of private
rights of way.

(2) The Corporation shall pay compensation to all persons interested in respect of any such right so extinguished and such compensation shall in case of dispute be settled in manner provided by the Lands Clauses Acts with respect to the taking of lands otherwise than by agreement.

PART III.

—cont.

Powers to
close certain
lands for
shows &c.

15. Notwithstanding any custom or usage or anything contained in this or any other enactment the Corporation shall have power (without the necessity for obtaining any such consent as is referred to in subsection (6) of the section of this Act of which the marginal note is "Extinction of lammas and commonable rights over certain lands") to close to the public any part not exceeding ten acres of any one or more of the following, (namely):—

- (a) The Rye Mead as defined in section 4 (Interpretation of terms) of the Act of 1927;
- (b) So much of Kings Mead as is for the time being used for the purposes referred to in the said subsection (6);
- (c) Marsh Green;
- (d) Any other public park or pleasure ground exceeding twenty acres in extent and for the time being vested in or under the control of the Corporation;

and any public footpaths or rights of way thereover respectively for the purpose of granting the use thereof either gratuitously or for payment to any public charity or institution or for any agricultural or horticultural or other show or for any fair pageant fete or circus or for any trade exhibition:

Provided that the lands known as "Hughenden Park" shall not be used for any fair or circus:

Provided also that the part so closed of any of the lands above referred to shall not be closed for more than twenty-eight days in any one year or for more than fourteen days consecutively.

Establishment
of golf courses.

16. 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 equipment apparatus 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 equipment apparatus or conveniences 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 equipment apparatus 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 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.

17. The Corporation shall apply out of the general rate fund a sum or sums of money not being less in total amount than the total of any sum or sums received by them in respect of the sale of the lands numbered 1 and 6 on the deposited plans and in the deposited book of reference and carried by them to that fund to all or any of the following purposes (namely):—

As to application of purchase money of part of Kings Mead.

- (a) the payment of the costs charges and expenses of this Act;
- (b) the payment of any compensation payable by them under the provisions of subsection (2) of the section of this Act of which the marginal note is "Extinction of Lammas and commonable rights over certain lands";
- (c) the development laying out or improvement of any park or pleasure grounds belonging to the Corporation (including Kings Mead Marsh Green and Keep Hill) or of any land acquired by them for the purpose of games and recreations.

PART III.
—cont.Retention
and disposal
of lands.26 Geo. 5. &
1 Edw. 8.
c. 51.

18.—(1) Notwithstanding anything in the Lands Clauses Acts to the contrary (but subject in regard to lands acquired under this Act to the provisions of this Act) 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.

(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 like manner and to the same extent as if this Act had not been passed.

Powers with
reference to
leases of
surplus lands.

19.—(1) The Corporation may accept a surrender of any lease or letting granted by them of lands acquired under the powers of any Act or Provisional Order and in their discretion

grant either to the lessee or tenant under the surrendered lease or letting or to any other person a new lease or letting of all or any of the lands leased or let by the surrendered lease or letting and may grant reversionary leases of all or any of such lands as aforesaid.

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

(3) Provided that any lease granted by the Corporation in pursuance of this section shall be subject to similar conditions and limitations as are prescribed in the section of this Act of which the marginal note is "Retention and disposal of lands" with respect to leases granted thereunder.

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

Proceeds of
sale of surplus
lands.

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

21. The Corporation and their surveyors officers and workmen and any person duly authorised in writing under the hand of the town clerk may from time to time at all reasonable times in the day upon giving in writing for the first time seven days' and afterwards from time to time three days' previous notice enter upon and into the lands houses and buildings authorised by this Act to be taken and used or any of them for the purpose of surveying and valuing the said lands houses and buildings without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands houses and buildings.

Power to
enter upon
property
for survey
and valuation.

PART III.
—cont.Power to
develop lands
&c.

22.—(1) The Corporation may (with the consent of the Minister) lay out and develop any lands acquired by them and adjoining or adjacent to any new street or street improvement constructed by them and any other lands at any time belonging to the Corporation and may erect and maintain buildings and construct sewer drain pave flag channel and kerb streets roads and ways on any such lands.

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

Saving for
town and
country
planning.
22 & 23 Geo. 5.
c. 48.
6 & 7 Geo. 6.
c. 29.

23. The provisions of the Town and Country Planning Acts 1932 and 1943 and the Town and Country Planning Act 1944 and of any order scheme or regulation made under those Acts or under any enactment repealed by those Acts so far as those provisions are from time to time in force in respect of the land on which any development within the meaning of those Acts is carried out under this Act shall apply to that development.

PART IV.

STREETS AND BUILDINGS.

No building
allowed
until street
defined.

24.—(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 buildings
to be erected
until street
formed.

25.—(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 within the borough. 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.

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

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

(3) 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.

PART IV.
—cont.

(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.

As to
termination
of new streets.

27.—(1) The Corporation may on the deposit of a plan and sections of a new street in pursuance of any byelaw in force in the borough by order prohibit the erection or retention on land belonging to the owner of the land upon which such new street is proposed to be constructed or laid out of any wall or fence at either end of such new street in order to secure means of communication between such new street and any other street or intended street or for the purpose of securing an adequate opening at either end of the new street:

Provided that such prohibition shall not become operative until the streets on both sides of such wall or fence shall become highways repairable by the inhabitants at large.

(2) If any person acts in contravention of any order made by the Corporation under the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Rounding of
corners at
street
junctions.
7 Edw. 7.
c. 53.

28. The powers conferred upon the Corporation by section 17 of the Public Health Acts Amendment Act 1907 to vary the intended position of a new street so far as is necessary for the purpose of securing more direct easier or more convenient means of communication with any other street or intended street shall be extended so as to enable them (subject to the provisions of that section) to require that the corners formed at the junction of a new street with another street (whether new or existing) shall for the purposes of safety be rounded off so as to be coincident with the arc of a circle tangential to the adjacent boundaries of the two streets and having such radius as may be determined by the Corporation.

Provision for
intersecting
streets.

29.—(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.

30.—(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 or the county council of the administrative county of Buckingham if the street is a county road (whether the Corporation shall have claimed to exercise the functions of maintenance and repair of such street or not) 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.

(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 of 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.

31.—(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.

PART IV.
—cont.

or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provision so to be made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective persons interested in such estate or lands be determined on the application of the Corporation or any such person by an arbitrator to be appointed by the Minister and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid:

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

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

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

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

32.—(1) 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:

PART IV.

—cont.

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.

Power to vary width of carriageways and footways.

(2) The Corporation shall not exercise the powers of this section in respect of the portion of any street situate upon a bridge carrying the street over any railway or upon the approaches thereto without the previous consent in writing of the railway company which consent shall not be unreasonably withheld and any question as to whether any such consent is unreasonably withheld shall be referred to arbitration.

33.—(1) In connection with the purposes mentioned in section 154 of the Public Health Act 1875 and section 68 of the Public Health Act 1925 the Corporation may temporarily stop up and divert and interfere with any street and may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land house or building in the street from passing along and using the same.

Temporary stoppage of streets.

15 & 16 Geo. 5. c. 71.

(2) The Corporation shall provide reasonable access for foot passengers bona fide going to or from any such land house or building and for vehicular traffic bona fide going to or from any garage of the London Passenger Transport Board.

(3) The Corporation shall not exercise the powers of this section so as to prevent reasonable access for foot passengers and vehicular traffic bona fide going to or from any railway station or depot of any railway company.

34.—(1) It shall be lawful for the Corporation at all times of ceremonies public processions rejoicings fairs exhibitions carnivals races sports or illuminations or on emergencies to cause barricades to be erected across any of the streets of the borough and to continue the same for such time as may be deemed reasonably necessary and any person who wilfully removes any such barricade or any part thereof shall be liable to a penalty not exceeding forty shillings.

As to barriers in streets.

(2) For the purpose of the erection of such barricades the Corporation may construct or place and maintain in and under the surface of the streets of the borough such sockets or slots as may in their opinion be necessary or convenient.

(3) The Corporation shall not exercise the powers of this section in such manner as to cause obstruction to the access to or egress from any station or depot of a railway company except with the consent of such company but such consent

PART IV.
—cont.

shall not be unreasonably withheld and any question as to whether in any case the consent is unreasonably withheld shall be referred to arbitration.

(4) The Corporation shall not exercise the powers of this section so as to prevent reasonable access for foot passengers and vehicular traffic bona fide going to or from any garage of the London Passenger Transport Board.

Crossings
for horses
or vehicles
over footways.

35.—(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 and any expenses incurred by the Corporation in respect of any alteration of the apparatus of statutory undertakers which may be necessary in consequence thereof 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.

(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.

36.—(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. Provisions 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.

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

(2) Before putting up or painting a sign on a house building or place the Corporation shall give to the owner of such house building or place notice of their decision so to do.

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

(4) The exercise of the powers conferred by this section shall be subject to the provisions of the Road Traffic Acts 1930 to 1937 with respect to traffic signs and to any regula-

PART IV.
cont.

tions made or any general or other directions given by the Minister of War Transport or the Minister of Transport in pursuance of the said provisions.

Signs over
streets.

38.—(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 in the borough 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 twenty-sixth day of November nineteen hundred and forty-five.

(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 in the borough.

(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.

Power to
provide tubs
for trees &c.

39. The Corporation may provide and maintain in any street (including the footway) repairable by the inhabitants at large tubs for trees or plants. Provided that this power

shall not be exercised so as to hinder the reasonable use of the street or footway by the public or any person entitled to use the same or so as to become a nuisance or injurious to any adjacent owner or occupier.

PART IV.
—cont.

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

(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.

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

41.—(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

As to pave-
ment lights.

PART IV.
—cont.

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.

Regulation of
petroleum
filling stations.
18 & 19 Geo. 5.
c. 32.

42. Section II of the Petroleum (Consolidation) Act 1928 in its application to the borough shall be extended so as to empower the Corporation to make byelaws in accordance therewith for the purpose of preserving for the enjoyment of the public or residents the amenities of any street.

As to urgent
repairs of
private streets.

43. 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.

PART V.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Commence-
ment of
certain pro-
visions of
this Act.

44.—(1) The provisions of this Part 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 Corporation 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.

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

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

PART V.
—cont.

“ Parents &c. to notify certain diseases ”;

“ Notice of slaughter of animal unfit for food ”.

45.—(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. Parents &c. to notify certain diseases.

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.

(2) The diseases to which this section applies are notifiable diseases as defined by the Act of 1936 and any other disease which the Minister by regulation made under section 143 of the Act of 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.

46.—(1) If the medical officer has reasonable cause to believe that in any premises there is a person who is suffering or who has recently suffered from a notifiable disease he may on obtaining a warrant from a justice of the peace which such justice is hereby authorised to grant enter such premises and examine any person found therein with a view to ascertaining whether he is suffering or has recently suffered from such disease: Entry into premises in case of disease.

Provided that the medical officer shall not under the powers of this section—

- (a) enter any premises except between the hours of seven in the morning and ten in the evening; or
- (b) examine a person who is already under the treatment of a medical practitioner except with the consent of the latter.

PART V.
—cont.

(2) Any person who obstructs the medical officer in the exercise of his power under this section shall in addition to any other punishment to which he may be subject be liable to a penalty not exceeding five pounds.

Supply of
antidotes
against
notifiable
disease.

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

Notice of
slaughter
of animal
unfit for food.

48.—(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.

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

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

Edw. 8. &
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.

PART VI.

FINANCIAL.

Power to
borrow.

49.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow at interest without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within such periods as the Corporation may determine not exceeding the respective periods mentioned in the third column of the said table (namely):—

| 1 | 2 | 3 |
|--|--------------------|--|
| Purpose. | Amount. | Period for repayment. |
| (a) The purchase of lands which the Corporation are by this Act authorised to acquire including the payment of any compensation payable by the Corporation under Part III of this Act. | The sum requisite. | Sixty years from the date or dates of borrowing. |
| (b) The payment of the costs charges and expenses of this Act. | The sum requisite. | Five years from the passing of this Act. |

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this 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.

50. So long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Act 1939 or under that Act as extended by any subsequent enactment including the Supplies and Services (Transitional Powers) Act 1945 or so long as the borrowing of money in Great Britain without the consent of the Treasury is prohibited by an order made under the Borrowing (Control and Guarantees) Act 1946 it shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act as hereinafter defined) without such consent.

Saving for powers of Treasury.
2 & 3 Geo. 6. c. 62.
9 Geo. 6. c. 10.
9 & 10 Geo. 6. c. 58.

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

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

52. Sections 213 and 214 of the Act of 1933 shall apply with respect to any sinking fund formed by the Corporation for the repayment of any money borrowed (otherwise than by the issue of 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.

Application of Act of 1933 to existing sinking funds.

53.—(1) Notwithstanding anything contained in this or any other Act or order on and after the thirty-first day of March nineteen hundred and forty-seven the Corporation may (if they think fit) establish a fund to be called "the consolidated loans fund" to which shall be paid—

Consolidated loans fund.

PART VI.
—cont.

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

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

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

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

And the moneys of the consolidated loans fund not used or applied in these ways or intended 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 these sums and their application.

(4) The Corporation may pay into the consolidated loans fund any moneys forming part of any reserve capital renewal and repairs depreciation contingency insurance accident superannuation or other similar fund (hereinafter referred to

as "the lending fund") and not for the time being required for the purposes thereof 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 equivalent 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) 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:

(7) 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.

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

(2) Where more persons than one are registered as joint holders of any authorised security any one of them may for

PART VI.
—cont.

the purpose of this section be regarded as the holder of the security unless contrary notice has been given to the Corporation by any other of them.

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

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

45 & 46 Vict.
c. 61.

Closing of
transfer books.

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

(2) The persons who on the day on which any such books and registers are so closed are entered in the register as holders of any securities of the class of which the register of transfers is closed shall as between them and the transferees of those securities be entitled to the interest or dividends next payable thereon.

Date of
operation of
certain
sections.

56. The sections of this Act of which the marginal notes are—

“Accounts”;

“Application of general rate fund for certain purposes”; and

“Surplus electricity revenue”;

shall be deemed to have come into operation on the first day of April nineteen hundred and forty-six.

Accounts.

57.—(1) The Corporation shall keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the Corporation undertakings (each of which is in this section separately referred to as “the undertaking”) on the one side all receipts in respect of the undertaking (including the income from any authorised fund provided in connection with the undertaking) and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts representing—

(a) the working and establishment expenses and cost of maintenance of the undertaking;

- (b) the interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking or used for those purposes in pursuance of section 8 (1) of the Local Authorities Loans Act 1945 or the section of this Act of which the marginal note is "Consolidated loans fund";
- (c) the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;
- (d) all other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) the amount (if any) credited to any reserve or other fund which the Corporation are from time to time authorised to maintain; and
- (f) any money expended on any of the purposes mentioned in the section of this Act of which the marginal note is "Application of general rate fund for certain purposes" other than the purpose mentioned in paragraph (e) of this subsection.

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

(3) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

58.—(1) If in respect of any year the moneys received by the Corporation on account of the revenue of any of the Corporation undertakings (including the interest and other annual proceeds received by the Corporation in that year on the investments representing or forming part of any authorised fund provided in connection with the undertaking) shall exceed the moneys expended or applied by the Corporation in respect of that undertaking for the several purposes mentioned in paragraphs (a) (b) (c) and (d) of subsection (1) of the last preceding section of this Act the Corporation may in respect of that year (if they think fit) apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes:—

Application of
general rate
fund for
certain
purposes.

- (a) In the reduction of capital moneys borrowed for the purpose of the undertaking;

PART VI.
—cont.

- (b) In the renewal and (subject in the case of the electricity undertaking to the consent of the Electricity Commissioners as respects expenditure chargeable to capital account) the construction extension or improvement of any works and conveniences for the purposes of the undertaking;
- (c) In providing a reserve fund in respect of the undertaking by setting aside such an amount as the Corporation may from time to time think reasonable and (unless the amounts so set aside are used in any manner authorised by this Act) investing the same in statutory securities until the reserve fund so provided amounts—
- (i) in the case of the electricity undertaking and the water undertaking respectively to a sum equal to one-tenth of the aggregate capital expenditure of the Corporation on the undertaking; and
 - (ii) in the case of any other undertaking to the maximum reserve fund for the time being prescribed by the Corporation;
- (d) In the case of the electricity undertaking and the water undertaking in providing (subject in the case of the electricity undertaking to the consent of the Electricity Commissioners) a fund for working capital but the aggregate amount of either such fund shall not at any time exceed a sum equivalent to one-half of the gross annual revenue of the undertaking for the time being in respect of which it is provided.

(2) Any reserve fund which has been provided in respect of any of the Corporation undertakings and which was in existence at the commencement of this Act shall be carried to and form part of any reserve fund provided under this section in respect of such undertaking.

(3) Any reserve fund provided under this section may be applied—

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

in or towards the payment of the cost of renewing improving or extending any works forming part of the undertaking or otherwise for the benefit thereof;

PART VI.
—cont.

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

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

59.—(1) In lieu of the provisions of subsection (1) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899 and of section 43 of and the Fifth Schedule to the Electricity (Supply) Act 1926 the following provisions shall apply with respect to the electricity undertaking of the Corporation (namely):—

Surplus
electricity
revenue.
62 & 63 Vict.
c. 19.
16 & 17 Geo. 5.
c. 51.

If in respect of any year the moneys received by the Corporation on account of the revenue of the undertaking (including the interest and annual proceeds received by the Corporation in that year on the investments representing or forming part of any authorised fund provided in connection with the undertaking) shall exceed the aggregate of the moneys paid or expended by the Corporation in respect of the undertaking for the several purposes mentioned in paragraphs (a) (b) (c) (d) (e) and (f) of subsection (1) of the section of this Act of which the marginal note is "Accounts" then—

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

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

PART VI.
—cont.

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

Capital fund.

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

Provided that—

- (a) any sum directed by the Corporation to be paid to the capital fund from the general rate fund (exclusive of the sum equal to the interest earned on the capital fund and the income (if any) arising from the application of the fund to the purposes authorised) shall not exceed in any year the equivalent of a rate of twopence in the pound calculated according to the rules made pursuant to sections 9 and 58 of the Rating and Valuation Act 1925;
- (b) payments into the capital fund shall cease to be made whenever the said fund amounts to the sum of twenty-five thousand pounds.

(2) The Corporation may apply the moneys in the capital fund for the purpose of defraying (to an amount not exceeding ten thousand pounds in any one transaction) expenditure to which capital is properly applicable other than expenditure in connection with the Corporation undertakings.

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

(b) Any income arising from the investment or use of the moneys in the capital fund in the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the fund to the purpose authorised shall be carried to and form part of the general-rate fund.

(4) All moneys derived from the sale of corporate land which are applied from the capital fund under the provisions of this section shall and all other moneys which are applied

from the capital fund under those provisions may if the Corporation think fit be repaid from the account to which such moneys were advanced by such annual instalments with or without interest and within such period as may be determined by the Corporation:

PART VI.
—cont.

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

61.—(1) The Corporation may (if they think fit) establish a fund to be called “ the insurance fund ” with a view to providing a sum of money which shall be available for making good all losses damages costs and expenses to which the Corporation may be subjected in consequence of the whole or any part of all or any of the following risks (that is to say):—

Insurance
fund.

(a) Risk of fire in respect of buildings works premises and the contents thereof and other property whether belonging or on loan to or under the care custody or control of the Corporation;

(b) Risk of accident and claims by third parties in respect of any vehicles whether belonging to or hired by or under the control of the Corporation and whether drawn or propelled by man or horse or mechanical or other means or power;

(c) Risk of explosion in respect of boilers;

(d) Risks under the common law the Employers' Liability Act 1880 the Workmen's Compensation Act 1925 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of accidents to the officers servants or workmen of the Corporation or to third parties;

43 & 44 Vict.
c. 42.
15 & 16 Geo. 5.
c. 84.

(e) Risks of mechanical or electrical breakdown at or in connection with any of the works of the Corporation;

(f) Risks of loss due to infidelity of officers or servants of the Corporation;

(g) Any other risks against which in the absence of such an insurance fund the Corporation would ordinarily insure.

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices of good repute against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide.

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

PART VI.
—cont.

- (a) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the Corporation fully insured in some insurance office of good repute against the several risks for which the insurance fund is intended to provide; or
- (b) if the Corporation partly insure in some insurance office of good repute against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

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

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

(6) (a) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence of risks for which the fund is intended to provide all moneys for the time being standing to the credit of the fund shall (unless applied in any manner authorised by this Act) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the insurance fund in the manner provided in the foregoing paragraph of this subsection shall be carried to and form part of the general rate fund.

(c) In addition to the sum required to be paid into the insurance fund by subsection (3) of this section the Corporation shall in every year so long as the fund is less than one hundred and fifty thousand pounds pay into that fund out of the general rate fund an amount equal to the interest and other annual proceeds received by the Corporation in respect of or on investments forming part of the insurance fund and carried to the general rate fund.

(d) If and so long as the insurance fund amounts to one hundred and fifty thousand pounds the interest and other annual proceeds received by the Corporation in respect of or on investments forming part of the insurance fund and carried to the general rate fund shall be apportioned in the accounts of the Corporation between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

(7) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Corporation in consequence of risks for which it is intended to provide in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Corporation may with the sanction of the Minister borrow at interest such sums of money as will be necessary to make up the deficiency.

The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings departments or services of the Corporation and in such proportions as the Minister may direct having regard to the risks through which such deficiencies arise.

(8) All moneys standing to the credit of any existing fund formed by the Corporation for the purposes for which the insurance fund is authorised to be formed shall be carried to the credit of that fund in the accounts of the Corporation.

62.—(1) The Corporation may if they think fit establish a fund or funds for the purpose of defraying the expenditure to be incurred from time to time in repairing maintaining and renewing any buildings works plant appliances or things the cost of repairing maintaining and renewing which is payable out of the general rate fund and may from time to time apply any fund so established or any part thereof in defraying such expenditure but this section shall not apply to any buildings works plant appliances or things for the purposes of the electricity or water undertakings of the Corporation or for the purposes of any undertaking in respect of which the Corporation have for the time being provided a reserve fund under the provisions of the section of this Act of which the marginal note is "Application of general rate fund for certain purposes."

Renewal and
repairs fund.

(2) The Corporation may from time to time pay out of the general rate fund such sums as they think fit into a fund or funds

PART VI.
—cont.

to be established under this section. Provided that the total of such sums which may be carried to any such fund or funds in any one financial year shall not 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 twopence in the pound levied in that year in the borough and the amount standing to the credit of such fund or funds shall not at any time exceed fifteen thousand pounds.

(3) The renewal and repairs fund shall be applicable only to meet expenses requisite for the repair maintenance and renewal of the things referred to in subsection (1) of this section which are not comprised in the Corporation undertakings and shall be so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect of such expenses but this section shall not apply to any appliances works equipment and buildings for the purposes of any of the Corporation undertakings or to buildings in respect of which the Corporation are required by the Housing Acts to keep a housing repairs account.

(4) Any moneys standing to the credit of any existing fund formed by the Corporation for the purposes for which the renewal and repairs fund is authorised to be formed shall be carried to the credit of that fund in the accounts of the Corporation.

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

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

PART VII.

MISCELLANEOUS.

Aerodrome
undertaking.
10 & 11 Geo. 5.
c. 80.

63.—(1) In the event of the Corporation establishing or acquiring in pursuance of section 8 of the Air Navigation Act 1920 or in pursuance of any Act amending replacing or consolidating that Act an aerodrome and any subsidiary business in connection therewith (in this section referred to as "the aerodrome undertaking") they may make such charges in

respect thereof as they may think fit and may grant a lease of or let the same or any part thereof for such period and upon and subject to such terms and conditions as they may think fit:

Provided that the charges to be made in respect of the aerodrome shall be subject to the approval of the Minister of Civil Aviation.

(2) The Corporation may make byelaws with respect to the aerodrome undertaking and for maintaining order in and for regulating the use of any premises used in connection therewith.

(3) The aerodrome undertaking shall be in the same relation to the Minister of Civil Aviation and subject to the like control by him under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same as if this Act had not been passed.

64.—(1) The Corporation may erect and maintain at suitable stopping places on any of the routes along which any person is for the time being authorised to run omnibuses in the borough shelters and other accommodation for passengers. Power to provide shelters.

(2) The Corporation may make byelaws as to the use and management of any such shelters.

(3) The Corporation may enter into and carry into effect agreements with any such person as is referred to in subsection (1) of this section for and in relation to the erection maintenance and use of any such shelters and other accommodation and as to the contributions to be made by any such person towards the cost of the provision and maintenance thereof.

(4) The Corporation shall not—

(i) erect any shelter so as to cause interference with or to render less convenient the access to or exit from any station depot or property belonging to any railway company; or

(ii) erect or maintain any shelter in any street belonging to or repairable by any railway company without the previous consent of that company which consent shall not be unreasonably withheld; or

(iii) erect any shelter on any bridge carrying any street or road over the railway of any railway company without the consent of that company.

65. 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 rubbish or street sand bin Compensation for injuring lamps &c.

PART VII.
—cont.

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.

Maintenance
of graves in
burial
grounds.
42 & 43 Vict.
c. 31.

66.—(1) Subsection (3) of section 2 of the Public Health (Interments) Act 1879 shall be extended to enable the Corporation to maintain in perpetuity or for such period as they may determine a grave or grave space or monument in any burial ground or cemetery provided or maintained by them and to accept a sum of money from any person in consideration of such maintenance.

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

(3) The Corporation may if they think fit invest in statutory securities the whole or any part of any such sum as is referred to in subsection (1) or subsection (2) of this section or use the same in manner provided by the section of this Act of which the marginal note is "Consolidated loans fund."

Recovery of
rate from
persons
removing.

67. If a justice is satisfied on complaint by any rate collector or other authorised officer of the Corporation that any person is quitting or about to quit any premises and has failed to pay on demand any general rate or water or electricity rate or charge which may be due from him to the Corporation and intends to evade payment of the same 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 the defaulter until the complaint is determined upon the return of the summons.

As to
interference
with works of
electricity
undertakers.
45 & 46 Vict.
c. 56.

68. Nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1936 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section and of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899.

For protection
of Uxbridge
Maidenhead
Wycombe and
District Gas
Company.

69. Notwithstanding anything contained in this Act or shown on the deposited plans or described in the deposited book of reference the following provisions for the protection of the Uxbridge Maidenhead Wycombe and District Gas Company in this section referred to as "the gas company"

shall unless otherwise agreed in writing between the Corporation and the gas company apply and have effect that is to say:—

PART VII.—
—cont.

- (1) In this section “ apparatus of the gas company ” means conduits mains pipes valves or other works or apparatus belonging to the gas company:
- (2) The Corporation shall not under the powers of this Act take appropriate or use any apparatus of the gas company:
- (3) Nothing contained in Part III of this Act or done thereunder shall in any way alter prejudice or affect the agreement dated the third day of July one thousand nine hundred and twenty-nine and made between the Corporation of the one part and the gas company of the other part or the rights powers or privileges of the gas company thereunder but the provisions of the said agreement shall continue to be of full force and effect as though this Act had not been passed:
- (4) Not less than fourteen days before the Corporation pursuant to the section of this Act of which the marginal note is “ Crossings for horses or vehicles over footways ”—
 - (a) require the construction of a carriage-crossing across any footway in or under which any apparatus of the gas company is for the time being situate; or
 - (b) allow the use of any such footway as a carriage-crossing for any horse or horse-drawn or mechanically-propelled vehicle (other than a motor-cycle);they shall give notice in writing to the gas company and if in consequence of the construction of the carriage-crossing across such footway or the use of such footway for the purpose aforesaid it shall be reasonably necessary to alter the position or depth of the apparatus of the gas company the gas company may (and if so required by the Corporation shall) alter the position of such apparatus by relaying the same in such position under either the carriageway or the footway and at such depth as may be reasonable and the Corporation shall subject to the provisions of this section repay to the gas company the cost reasonably incurred by them in so doing:
- (5) Not less than fourteen days before the Corporation in the exercise of the powers of either of the sections

PART VII.
—cont.

of this Act of which the marginal notes are respectively—

“ Rounding of corners at street junctions ”; and

“ Power to vary width of carriageways and footways ”;

add to the carriageway of a street any portion of any street not theretofore forming part of the carriageway thereof in or under which any apparatus of the gas company is for the time being situate the Corporation shall give notice in writing to the gas company of their intention so to do and if in consequence thereof it shall be reasonably necessary to alter the position of such apparatus the gas company may (and if so required by the Corporation shall) alter the position of any apparatus in or under such portion of street by relaying the apparatus in such position (either under the carriageway or the footway) and at such depth as may be reasonable and the Corporation shall repay to the gas company the cost reasonably incurred by them in so doing:

- (6) In any case in which pursuant to any agreement entered into under the powers of the section of this Act of which the marginal note is “ Adjustment of boundaries of streets ” the Corporation propose to give up to or convey to any such persons as are mentioned in subsection (1) of that section any land forming part of a street in or under which any apparatus of the gas company is laid or placed the Corporation shall give to the gas company notice of their proposal accompanied by a plan showing the position and dimensions of the portion of the street proposed to be given up or conveyed and notwithstanding any agreement entered into or conveyance executed by the Corporation under the said section the gas company their engineers and workmen shall have and may exercise the same powers rights and privileges with respect to such apparatus as if the land in or under which the same is laid or placed had continued to be part of the street or the gas company may at their option (and if reasonably so required by the Corporation or the person to whom the land is or is proposed to be given up or conveyed shall) divert or alter the position of such apparatus to such position in and at such depth below the footway or carriageway of the street as altered under the said powers as may be reasonable:

- (7) The gas company shall give to the Corporation not less than fourteen days' notice of their intention to alter (otherwise than on the requirement of the Corporation) the position or depth of any apparatus of the gas company under the provisions of subsections (4) (5) or (6) of this section and shall at the same time deliver to the Corporation a plan and section of the proposed alteration. If such plan and section are not disapproved by the Corporation within fourteen days from the receipt thereof the depth and position of the apparatus shown thereon shall be deemed to be reasonable:
- (8) The Corporation shall repay to the gas company the reasonable cost of and incidental to the cutting off of any apparatus of the gas company from any other apparatus and of and incidental to any other works or things rendered reasonably necessary in consequence of any such alteration as is referred to in subsections (4) (5) and (6) of this section of the position or depth of any apparatus:
- (9) If any shelter erected by the Corporation under the powers of the section of this Act of which the marginal note is "Power to provide shelters" is situated in any street over any apparatus of the gas company laid or placed before the erection of the shelter and it is at any time reasonably necessary for the gas company to obtain access to such apparatus and the gas company give to the Corporation notice in writing of their desire to obtain such access the Corporation shall either remove temporarily the shelter or so much thereof as shall require to be so removed in order to afford such access or (if the Corporation determine not to remove the shelter or part thereof) bear any additional expense due to the existence of the structure which may be reasonably incurred by the gas company in obtaining such access:
- (10) Any difference which may arise between the Corporation and the gas company under this section (other than a difference as to the meaning or construction of this section which does not arise in the course of the arbitration) shall be referred to arbitration.

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

As to
byelaws.

- (a) in the case of byelaws made under the section of this Act of which the marginal note is "Aerodrome undertaking" the Minister of Civil Aviation; and
- (b) in all other cases the Minister.

PART VII.
—cont.
Restriction
on right to
prosecute.

71. Section 298 of the Act of 1936 shall apply to offences created by or under Part IV (Streets and buildings) and Part V (Infectious disease and sanitary provisions) of 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 section of this Act of which the marginal note is "Regulation of petroleum filling stations."

As to
appeals.

72.—(1) Any person aggrieved by any requirement refusal or other decision of the Corporation or of any officer thereof under Part IV (Streets and buildings) or Part V (Infectious disease and sanitary provisions) of this Act may except where otherwise expressly provided or when some other right of appeal is conferred by this Act appeal to a court of summary jurisdiction.

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

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

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

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

(6) Where any requirement refusal order determination or other decision against which a right of appeal is conferred by this Act involves the execution of any work or the taking of any action—

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

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

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 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.

73. Section 160 (In executing works in default of owner or occupier no liability for damages to be incurred except in case of negligence) of the Act of 1927 shall be read and have effect as if the words " or the sanitary inspector " were inserted after the words " the surveyor " wherever those words occur in the said section. Amendment of section 160 of Act of 1927.

74. The following provisions of the Act of 1927 shall extend and apply to and for the purposes of this Act as if those provisions were with any necessary modifications re-enacted in this Act (namely):— Application of provisions of Act of 1927.

Section 169 (Damages and charges to be settled by court);

Section 177 (Compensation how to be determined);

Section 179 (Saving for indictment &c.);

Section 180 (Application of section 265 of Public Health Act 1875);

Section 183 (Crown rights).

75. 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 subject to the provisions of the Arbitration Act 1889 and the Arbitration Act 1934 and unless otherwise agreed the arbitrator shall be appointed by the President of the Institution of Civil Engineers. Application of Arbitration Acts. 52 & 53 Vict. c. 49. 24 & 25 Geo. 5. c. 14.

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

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

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

Section 283 (Notices to be in writing; forms of notices &c.);

Section 284 (Authentication of documents);

Section 285 (Service of notices &c.);

Section 286 (Proof of resolutions &c.);

PART VII.
—cont.

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

15 & 16 Geo. 5.
c. 22.

Provided that the said sections 277 287 288 289 291 292 294 295 and 329 shall only apply to the provisions contained in Part IV (Streets and buildings) and Part V (Infectious disease and sanitary provisions) of this Act.

(2) The following sections of the Act of 1936 shall extend and apply in relation to any local Act for the time being in force in the borough as if such sections were re-enacted in that local Act and in terms made applicable thereto (that is to say):—

- Section 283 (Notices to be in writing; forms of notices &c.);
 Section 285 (Service of notices &c.).

Inquiries by
Minister.

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

Repeal.

78. The following provisions of the Act of 1927 are hereby repealed (that is to say):—

- Section 59 (Powers to close Rye Mead for shows &c.);
 Section 142 (Use of moneys forming part of sinking and other funds);
 Section 153 (Reserve fund for water undertaking).

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

PART VII.
—cont.
Costs of Act.

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