

Essex County Council Act, 1952

15 & 16 GEO. 6 & 1 ELIZ. 2 Ch. 1

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CHAPTER I

An Act to confer further powers on the Essex County Council and local authorities in the county of Essex in relation to lands and highways and the local government improvement health and finances of the county to enact provisions with respect to houseboats and public entertainments to make further provision for the superannuation of employees to authorise the mayor aldermen and burgesses of the borough of Dagenham to supply heat and hot water and for other purposes. [1st August 1952.]

WHEREAS it is expedient that further and better provision should be made with reference to lands and highways and for the local government improvement health and finances of the administrative county of Essex and that the powers of the county council of that administrative county (hereinafter referred to as "the Council") and of the local authorities within the county should be enlarged and extended as by this Act provided:

And whereas it is expedient to confer further powers on the Council and local authorities with reference to houseboats and public entertainments:

And whereas it is expedient to make further provision for the superannuation of officers and servants of the Council and of persons who contribute to the superannuation fund of the Council and to amend the enactments relating thereto:

And whereas it is expedient to empower the mayor aldermen and burgesses of the borough of Dagenham to supply heat and hot water within part of their borough:

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

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

And whereas in relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 have been observed:

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

PART I

PRELIMINARY

Short title. 1. This Act may be cited as the Essex County Council Act 1952.

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

Part I.—Preliminary.

Part II.—Land.

Part III.—Highways and streets.

Part IV.—Parks and pleasure grounds etc.

Part V.—Public order and public safety.

Part VI.—Public health.

Part VII.—Houseboats.

Part VIII.—Control of public entertainments.

Part IX.—Weights and measures.

Part X.—Superannuation pensions etc.

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Part XII.—Clerk of the peace deputy clerk of the peace and staff.

Part XIII.—Miscellaneous.

Part XIV.—Supply of heat by Dagenham Corporation.

Part XV.—Protective provisions.

Part XVI.—General.

Incorporation of Lands Clauses Acts. 3. The Lands Clauses Acts except sections 127 to 132 of the Lands Clauses Consolidation Act 1845 (so far as such Acts are applicable for the purposes of and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act:

Provided that 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 sections 90 110 220 and 343 of the Act of 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

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—cont.

Interpretation.

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

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

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

“ Act of 1947 ” means the Town and Country Planning Act 1947 ;

“ Act of 1950 ” means the Public Utilities Street Works Act 1950 ;

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

“ claimed road ” means a county road in respect of which a local authority have claimed or may hereafter claim under section 32 of the Local Government Act 1929 to exercise and are exercising the functions of maintenance and repair ;

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

“ contravention ” includes a failure to comply and “ contravene ” shall be construed accordingly ;

“ Council ” means the county council of Essex ;

“ county ” means the administrative county of Essex ;

“ county fund ” means the county fund of the Council ;

“ county road ” has the same meaning as in Part III of the Local Government Act 1929 ;

“ daily penalty ” means a penalty for each day on which an offence is continued after conviction thereof ;

“ district ” means a borough or an urban or rural district in the county ;

“ enactment ” includes this Act and any general or local Act order byelaw or regulation for the time being in force within the county or within a district ;

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“ financial year ” means the period of twelve months commencing on the first day of April in any year and ending on the thirty-first day of March in the next following year ;

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

“ general rate fund ” and “ general rate ” mean respectively the general rate fund and the general rate of a district ;

“ highway authority ” means—

(a) in the case of a trunk road the Minister of Transport or with his consent the authority who are for the time being acting as his agent under the Trunk Roads Acts 1936 and 1946 with respect to that trunk road ;

(b) in the case of a county road other than a claimed road and in the case of any other road for the time being maintained by the Council the Council ; and

(c) in the case of any other highway (not being a highway repairable by the commission) the local authority for the district in which the highway is situate ;

“ houseboat ” means any boat or barge or any vessel or structure or any part remains or wreckage thereof whether or not the same shall be floating at any stage of the tide and whether or not the same shall be used or intended to be used for human habitation but does not include—

(a) any boat or vessel bona fide used for navigation ; or

(b) any boat barge or vessel used by the Eastern Gas Board or the North Thames Gas Board for the purposes of their undertakings ; or

(c) any boat barge or vessel licensed by the Secretary of State under the Explosives Act 1875 and used as a floating explosive magazine ; or

(d) any craft or any part thereof which is on the protected lands as defined by section 109 (Definitions for Part VII) of this Act for a period not exceeding except with the written consent of the controlling authority six months for the purpose of being broken up or disposed of by a person in whose favour the port authority have given a consent under section 28 (Recovery of expenses under section 431 of Act of 1920) of the Port of London Act 1950 ;

- “Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part V of the Act of 1947 by the Lands Tribunal Act 1949 and by this Act;
- “local Act of 1933” means the Essex County Council Act 1933;
- “local authority” means the council of a district;
- “Minister” means the Minister of Housing and Local Government except in Part XIV (Supply of heat by Dagenham Corporation) where “Minister” means the Minister of Fuel and Power;
- “parish council” means the parish council of a rural parish in the county or where there is no parish council the parish meeting of such parish;
- “port authority” means Port of London Authority;
- “port of London” means the port within the limits described in the First Schedule to the Port of London (Consolidation) Act 1920 as amended by section 32 of the Port of London (Various Powers) Act 1932 and section 23 of the Port of London Act 1950;
- “rural district” means a rural district in the county;
- “rural district council” means the council of a rural district;
- “Southend Corporation” means the mayor aldermen and burgesses of the county borough of Southend on Sea;
- “standing joint committee” means the standing joint committee of the Essex quarter sessions and the Council appointed under section 30 of the Local Government Act 1888;
- “statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any enactment or sanction of any government department made or given or to be made or given by authority of any enactment but does not include the power to borrow by way of temporary loan or overdraft which is conferred by paragraph (a) of subsection (1) of section 215 of the Act of 1933;
- “statutory security” means any security in which trustees are for the time being authorised by law to invest trust moneys and any mortgage bond debenture debenture

PART I
—cont.

stock stock or other security created by the council of any county or county district or by any authority being a local authority as defined by section 34 of the Local Loans Act 1875 but does not include any annuities rentcharges or securities transferable by delivery ;

“ statutory undertakers ” means any company body or person authorised by any Act of Parliament or order having the force of an Act to supply electricity gas or water ;

“ street ” and “ road ” have the meanings assigned to the word “ street ” in the Act of 1936 ;

“ trading undertaking ” means a passenger road transport water or district heating undertaking ;

“ urban district ” means a borough or an urban district in the county ;

“ urban district council ” means the council of an urban district ;

“ verge ” includes land situate between two carriageways and any part of a street which is not a carriageway footway or cycle track.

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

The appointed day.

5.—(1) For the purposes of this Act the expression “ the appointed day ” means such day as may be fixed by resolution of a local authority subject to and in accordance with the provisions of this section.

(2) Different days may be fixed under this section for the purpose of different provisions of this Act.

(3) The local authority shall cause to be published in a local newspaper circulating in the district notice—

(a) of the passing of any such resolution and of the date fixed thereby ; and

(b) of the general effect of the provisions of this Act coming into operation as from that date ;

and the date so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.

(4) Either—

(a) a copy of any such newspaper containing any such notice ; or

(b) a photostatic or other reproduction certified by the clerk to the local authority to be a true reproduction

of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice ;

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shall be evidence of the publication of the notice and of the date of publication.

(5) Where any provision of this Act coming into operation on a day fixed by resolution under this section requires the licensing or registration of a person carrying on any business or of premises used for any purpose it shall be lawful for any person who—

- (a) immediately before that day was carrying on that business or using any premises for that purpose ; and
- (b) had before that day duly applied for the licence or registration required by that provision ;

to continue to carry on that business and to use those premises for that purpose until he is informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (2) of section 228 (Appeals) of this Act.

6.—(1) Subject to the provisions of this section the sections of this Act of which the numbers and marginal notes are set out in the First Schedule to this Act (in this section referred to as “the scheduled sections”) shall come into operation in urban districts on the first day of April nineteen hundred and fifty-three except that in the case of the scheduled sections to which section 5 (The appointed day) of this Act applies those sections shall come into operation on such later date as may be fixed under the said section 5.

Application
of certain
provisions
in urban
districts.

(2) At any time before the first day of January nineteen hundred and fifty-three a poll may be demanded with respect to the question whether any of the scheduled sections shall not come into operation in any urban district by the council thereof or by a requisition in writing signed by not less than one hundred persons registered in accordance with the provisions of the Representation of the People Acts as local government electors in the district and delivered to the mayor in the case of a borough or the chairman of the urban district council in the case of an urban district.

(3) If a poll is demanded in any district in pursuance of this section the mayor in the case of a borough or the chairman of the urban district council in the case of an urban district shall proceed by poll to take the opinion of the electors upon the question upon which the poll is demanded unless the demand is withdrawn not later than the third day before the day fixed for the poll.

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(4) The provisions contained in paragraphs 12 to 19 of the Ninth Schedule to the Act of 1933 and the regulations made and the forms prescribed under those provisions shall apply to the taking of a poll under this section as if polls under this section were polls of local government electors in connection with the promotion of Bills by borough and urban district councils:

Provided that the failure to comply with any requirements so made applicable shall not invalidate the poll if the said requirements have been substantially complied with and the failure has not affected the result of the proceedings thereunder.

(5) If the result of a poll taken in any district under this section is against any of the scheduled sections coming into operation in the district those sections shall not come into operation therein except as provided in the next succeeding subsection.

(6) If the result of any poll taken in any district under this section is against any of the scheduled sections coming into operation in the district the council thereof may at any time after the expiration of three years from the date on which the last poll was taken determine that the question shall again be submitted to the local government electors and in that case a poll shall again be taken in accordance with the provisions of this section.

(7) If the result of any poll taken under subsection (6) of this section is in favour of the coming into operation of any of the sections referred to therein any such sections shall (notwithstanding anything therein providing for any such section to have effect as from the appointed day fixed for the district in which the poll was taken) come into operation on the expiration of a period of three months after the declaration of the result of the poll.

(8) If in pursuance of this section a poll is taken in any district the clerk shall immediately after the result has been declared give notice of such result to the Secretary of State the Minister the Minister of Transport the Minister of Food and the Council.

(9) A certificate purporting to be signed by the clerk stating—

- (a) the result of a poll demanded under this section in respect of his district;
- (b) that no such poll has been demanded; or
- (c) that no such poll has been demanded except in reference to the sections mentioned in the certificate;

shall be evidence of the statement contained therein.

(10) In this section "clerk" means the town clerk of a borough or the clerk of an urban district council.

7. The sections of this Act of which the numbers and marginal notes are set out in the Second and Third Schedules to this Act shall not be exercisable by or apply to a rural district council unless and until in the case of the sections set out in the said Second Schedule they have adopted those sections in accordance with section 8 (Adoption by rural district councils of certain provisions of Act) of this Act or in the case of the sections set out in the said Third Schedule the sections have been applied to them pursuant to section 9 (Application of certain provisions of Act to rural district councils) of this Act.

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—cont.

Certain provisions of Act not to operate in rural districts until adopted or applied.

8.—(1) A rural district council may adopt in respect of their district or a part thereof all or any of the sections of this Act of which the numbers and marginal notes are set out in Part I of the Second Schedule to this Act.

Adoption by rural district councils of certain provisions of Act.

(2) The adoption by a rural district council of all or any of the said sections of this Act shall be by a resolution of that council passed in accordance with the provisions contained in Part II of the said Second Schedule and upon a resolution of adoption coming into operation the provisions of this Act to which it extends shall apply to the district of that council or to the part thereof to which the said resolution relates.

9.—(1) On the application of a rural district council the Secretary of State in respect of the sections of this Act referred to in Part I of the Third Schedule to this Act and the Minister in respect of the sections of this Act referred to in Part II of that schedule may by order to be published in the London Gazette or in such other manner as the Secretary of State or the Minister (as the case may be) may direct apply to the district of that council or to any part thereof any of the said sections and upon such order coming into force the sections of this Act to which it relates shall be in force within the district or within such part thereof from such date as may be specified in that behalf in the order.

Application of certain provisions of Act to rural district councils.

(2) Before any application is made to the Secretary of State or the Minister for an order under this section notice of the intended application specifying the sections of this Act in respect of which an order is desired shall be published by the rural district council intending to apply for the order once at least in each of two successive weeks in one or more newspapers circulating in their district.

PART II

LAND

Extension of
power to
acquire land by
agreement.

10.—(1) The Council may by agreement acquire (whether by purchase lease or exchange) and hold any land in the county which in their opinion it is desirable that they should acquire for or in connection with the purposes of any of their powers or duties notwithstanding that the land may not be immediately required.

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

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

For removal of
doubts as to
powers of
appropriation.

11.—(1) For the removal of doubts it is hereby declared that notwithstanding the provisions of section 10 (Retention and disposal of lands) of the local Act of 1933 the Council shall have and shall be deemed always to have had power to appropriate land under section 163 of the Act of 1933 and any appropriation of land made by the Council pursuant to the said section 10 shall be deemed to have been made with the consent of the appropriate Minister pursuant to the said section 163.

(2) Section 10 (Retention and disposal of lands) of the local Act of 1933 shall be read and have effect as if the word "appropriation" had been omitted from proviso (b) to subsection (1) thereof.

Provision of
buildings and
equipment on
land.

12. Where the Council in pursuance of the provisions of section 10 (Retention and disposal of lands) of the local Act of 1933 lawfully retain hold use or permit the use of any land for the time being belonging to them they may erect and maintain buildings and provide equipment for the purposes for which the land is used or is intended to be used:

Provided that nothing in this section shall apply to land acquired by the Council under section 38 or section 40 of the Act of 1947 or to land appropriated by them for the purposes for which land can be acquired under those sections.

Undertakings
and agreements
binding
successive
owners.

13.—(1) Every undertaking given by or to the Council to or by the owner of any legal estate in land and every agreement made between the Council and any such owner being an undertaking or agreement—

(a) given or made under seal on the passing of plans or otherwise in connection with the land; and

(b) expressed to be given or made in pursuance of this section ;

PART II
—cont.

shall be binding not only upon the Council and any owner joining in the undertaking or agreement but also upon the successors in title of any owner so joining and any person claiming through or under them.

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

(3) Any person upon whom any such undertaking or agreement is binding shall be entitled to require from the Council a copy thereof.

14.—(1) For the purpose of any enactment empowering the acquisition by the Council of land by agreement for a purpose for which they are for the time being or could under any enactment for the time being in force be authorised to acquire the land compulsorily the Lands Clauses Acts (except the provisions relating to access to the special Act and except sections 127 to 132 of the Lands Clauses Consolidation Act 1845) shall so far as concerns any such acquisition be deemed to be incorporated with such enactment and in construing those Acts for the purposes of this section such enactment shall be deemed to be the special Act and the Council shall be deemed to be promoters of the undertaking.

Application of
Lands Clauses
Acts to
purchases by
agreement.

(2) The powers exercisable under this section shall be in addition to the powers exercisable under any other enactment.

15.—(1) The Council may (with the consent of the Minister) lay out and develop any land in the county for the time being belonging to them and not required for the purpose for which it was acquired and may on any such land erect and maintain houses shops offices warehouses and any other buildings and construct sewer drain pave channel and kerb streets.

Development
of land.

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

(3) Nothing in this section shall apply to land acquired by the Council under section 38 or section 40 of the Act of 1947 or to land appropriated by them for the purposes for which land can be acquired under those sections.

16.—(1) In any district to which this section applies the council of the district may sell the land in that district described in the Fourth Schedule to this Act (in this section referred to as "the specified plots") in manner provided by the Law of Property Act 1925 as if they were a mortgagee under a mortgage

Power for
certain councils
to sell specified
plots of land.

PART II
—cont.

made by deed and the specified plots were the mortgaged property under such deed and the events and conditions which under the said Act of 1925 would entitle such mortgagee to exercise the power of sale conferred by that Act with respect to such mortgaged property had occurred and been fulfilled and all provisions of that Act with respect to sale of mortgaged property by the mortgagee thereof shall so far as applicable and with any necessary modifications extend and apply to a sale by any of the said councils of the specified plots in pursuance of this section.

(2) For the purposes of the application of the said Act of 1925 the expression "the mortgage money interest and costs and other money if any due under the mortgage" contained in section 105 of that Act relating to the application of proceeds of sale shall be construed to mean with respect to—

(a) each of the specified plots in the urban district of Rayleigh the sum apportioned to that plot in the final apportionment made on the date or dates mentioned in the description of that plot in pursuance of the Private Street Works Act 1892 in respect of certain private street works ;

(b) each of the remaining specified plots the sum apportioned to that plot in the final apportionment so made in respect of certain private street works completed on the date or dates mentioned in the description of that plot ;

together in each case with interest on the said sum for a period of six years at the rate of five per centum per annum or at such other rate as may have been fixed by order of the Minister under section 77 of the Public Health Act 1925.

(3) The residue referred to in the said section 105 after payment and discharge of the items first and secondly in that section mentioned instead of being forthwith paid to the persons entitled to the specified plots respectively or authorised to give receipts for the proceeds of the sale thereof shall be paid into a deposit account at a bank in the name of the council of the district concerned and accumulated in such account at interest pending receipt by that council of any claim by any person lawfully entitled thereto.

(4) If no claim shall be received by the council of the district concerned within five years after the date of the sale and verified to their satisfaction in respect of the whole or any part of the amount accumulated in such deposit account that council after giving such public notice (if any) as the Minister may require shall apply the sum for which no claim shall be so received and verified to such purposes and in such manner as the Minister may permit or direct.

(5) This section applies to the urban districts of Benfleet Billericay Canvey Island Clacton Hornchurch and Rayleigh and the rural district of Rochford.

PART II
—cont.

17.—(1) The provisions of this Part of this Act hereinafter mentioned shall apply to a local authority and those provisions shall accordingly have effect with any necessary modifications including the substitution of—

Application of certain provisions of Part II to local authorities.

- (a) “ local authority ” for “ Council ” ;
- (b) “ district ” for “ county ” ; and
- (c) “ general rate fund ” for “ county fund ” .

(2) The provisions hereinbefore referred to are the following:—

- Section 10 (Extension of power to acquire land by agreement) ;
- Section 13 (Undertakings and agreements binding successive owners) ;
- Section 14 (Application of Lands Clauses Acts to purchases by agreement) ;
- Section 15 (Development of land).

(3) In its application to a local authority section 10 (Extension of power to acquire land by agreement) of this Act shall have effect as if the words “ undertakings powers or duties or for the benefit improvement or development of their district ” had been inserted therein in lieu of the words “ powers or duties ” .

PART III

HIGHWAYS AND STREETS

18.—(1) In this Part of this Act unless the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:—

- “ classified road ” has the same meaning as in the Local Government Act 1929 ;
- “ private street ” means a street within the meaning of the Private Street Works Act 1892 or a street to which section 150 of the Public Health Act 1875 applies or land which is deemed to be a private street by virtue of subsection (2) of section 48 of the Act of 1947 ;
- “ private street works ” means works executed under the Private Street Works Act 1892 or section 150 of the Public Health Act 1875 or in relation to land which is deemed to be a private street as aforesaid works executed under either of those Acts as applied by subsection (3) of the said section 48 or by this Act ;

PART III
—cont.

“street byelaws” means any byelaws for the time being in force in any district with respect to the construction and laying out of new streets ;

“structure” means a wall fence hoarding or similar erection but for the purpose of this definition the expression “wall” does not include a wall forming part of a permanent building ;

“transfer” includes any disposal of land whether by way of sale lease exchange gift or otherwise and “transfers” shall be construed accordingly ;

“urban authority” has the same meaning as in the Private Street Works Act 1892.

(2) For the purposes of this Part of this Act the erection of a building shall be deemed to have begun at the time when the clearing of the site or the excavation for the foundations thereof began.

New streets

Prohibition of building until street formed and sewered.

19.—(1) Where a plan and sections of a new street deposited with a local authority in pursuance of street byelaws are approved by them they may by notice prohibit the erection of any building on land abutting on the street until the carriageway of the street has been constructed and the street has been sewered in accordance with the said byelaws :

Provided that where the plan shows that the street will exceed one hundred yards in length the local authority shall divide the street for the purpose of the notice into lengths not exceeding one hundred yards and each such length shall for that purpose be treated as a separate street.

(2) Any such notice—

(a) shall be given to the person by whom or on whose behalf the plan and sections were deposited ; and

(b) shall be binding on successive owners of the land to which it relates.

(3) If any person contravenes the provisions of any such notice he shall be liable to a penalty not exceeding twenty pounds and the local authority may construct the carriageway and works of sewerage which should have been constructed and recover the expenses of so doing from that person :

Provided that this subsection shall have effect subject to the provisions of the Land Charges Act 1925 with respect to the avoidance of any such notice for want of registration as a local land charge.

(4) The execution of any works under the provisions of this section shall not relieve any person from any liability under section 150 of the Public Health Act 1875 or under the Private

Street Works Act 1892 or any local Act relating to private street works for the time being in force in the district of the local authority.

PART III
—cont.

20.—(1) Where a plan and sections of a new street deposited with a local authority in pursuance of street byelaws are approved by them they may for the purpose of securing adequate means of communication between the new street and any other street (whether existing or intended) by notice prohibit the erection or retention of any structure at either end of the new street on land belonging at the time of the deposit to the owner of the land upon which the new street is proposed to be constructed or laid out:

Termination of
new streets.

Provided that no such notice shall affect any structure existing at the time of the deposit until both the new street and that other street have become highways repairable by the inhabitants at large.

(2) Any such notice—

- (a) shall be given to the person by whom or on whose behalf the plan and sections were deposited ; and
- (b) shall be binding on successive owners of the land to which it relates.

(3) If any person contravenes any notice under this section he shall be liable to a penalty not exceeding twenty pounds and the local authority may remove the structure and recover the expenses of so doing from that person :

Provided that this subsection shall have effect subject to the provisions of the Land Charges Act 1925 with respect to the avoidance of any such notice for want of registration as a local land charge.

21.—(1) Where a plan and sections of a new street deposited with a local authority in pursuance of street byelaws are approved by them they may for the purposes of safety by notice require that the corners formed at the junction of the new street with another street (whether existing or intended but not being a trunk road) shall be rounded or splayed off in such manner as may be specified in the notice.

Rounding or
splaying off
corners at
street
junctions.

(2) Any such notice—

- (a) shall be given to the person by whom or on whose behalf the plan and sections were deposited ; and
- (b) shall be binding on successive owners of the land to which it relates ; and
- (c) shall be treated for the purposes of section 15 of the Land Charges Act 1925 as if the said requirement were a restriction on the user of land imposed thereby and shall be registered accordingly under the said section as a local land charge.

PART III
—cont.

(3) The local authority shall pay compensation to any person injuriously affected by the exercise of powers conferred by this section and in default of agreement the amount thereof shall be determined by arbitration in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919.

(4) If any person lays out or constructs a new street otherwise than in compliance with a notice in respect of the street under this section he shall be liable to a penalty not exceeding twenty pounds and the local authority may do such work as may be necessary to comply with the notice and recover the expenses of so doing from that person:

Provided that this subsection shall have effect subject to the provisions of the Land Charges Act 1925 with respect to the avoidance of any such notice for want of registration as a local land charge.

(5) Where a junction is formed by a new street with a county road (not being a claimed road) the local authority shall send a copy of the plan and sections to the Council and the Council in lieu of the local authority may require that the corners shall be rounded or splayed off and any compensation payable in respect of such requirements shall be borne by the Council.

(6) This section shall not apply to a new street laid out by the Council or to a county road (not being a claimed road) except with the consent of the Council.

Adjustment of
boundaries of
estates in
connection
with streets.

22.—(1) Where a plan and sections of a new street deposited with a local authority in pursuance of street byelaws are approved by them they may for the purpose of securing the proper laying out or development of any estate through which the street is to run by notice require that such provision shall be made—

(a) for adjusting and altering the boundaries of the estate and any other estate adjacent or near thereto and for effecting exchanges of land in connection therewith; and

(b) for the removal modification or imposition of covenants restrictions and conditions attaching to the land comprised in the estate or any such other estate;

as may be necessary or desirable having regard to the line and layout of the new street.

(2) Any such notice shall be given to the owners of all the estates affected thereby.

(3) The powers conferred by subsection (1) of this section may also be exercised on the approval of a plan for the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street.

(4) The provision so to be made and the terms and conditions upon which it is to be made shall failing agreement between the local authority and the persons interested in the respective estates be determined by arbitration.

(5) An agreement or award made under this section may provide for the payment of money by the local authority but no such award shall provide for the payment of money by any other person without his consent.

(6) Any award made under this section shall operate to effect any adjustment or alteration of boundaries or exchange of land or the removal modification or imposition of covenants restrictions and conditions attaching to any land which may be provided for by the award and shall be duly stamped accordingly.

(7) The costs and expenses of any arbitration under this section shall unless and except in so far as the award may otherwise provide be paid by the local authority.

(8) Any land or money received by any person in respect of any adjustment or alteration of boundaries or exchange of land under this section shall be held by him subject to the same trusts (if any) as the land exchanged therefor.

(9) Any land received by any person as aforesaid shall also be held subject to the same covenants restrictions and conditions (if any) so far as the same are applicable as the land exchanged therefor and any such covenants restrictions or conditions shall be deemed to be applicable unless otherwise provided in an agreement or award made under this section.

(10) Upon the completion of any exchange of land under this section all public rights over any part of any existing street so exchanged shall be extinguished.

(11) For the purposes of this section a local authority may themselves purchase any land by agreement and—

(a) may sell or lease the whole or part of any land so purchased at such time and at such price and on such conditions as they think fit ; or

(b) may exchange the whole or part of any such land for other land at such time and on such conditions as they think fit and pay or receive money for equality of exchange ; or

(c) may appropriate any such land for any purpose approved by the Minister ;

and until any such sale lease exchange or appropriation may occupy manage or let the land or any part thereof in such manner as they think reasonable :

Provided that a local authority shall not without the consent of the Minister sell or lease any such land at a price or rent or for a consideration of a value less than the current market

PART III
—cont.

value of the land but a purchaser or lessee shall not be concerned to inquire whether such consent is necessary or has been obtained.

(12) In this section the expression "estate" includes any parcel of land.

*Improvement of streets*Trees grass
verges and
gardens.

23.—(1) Subject to the provisions of this section the Council or a local authority with the consent of the highway authority shall have power—

- (a) to plant or permit trees or shrubs to be planted in any street or in tubs placed for the purpose in a street ;
- (b) to lay out to permit grass verges or gardens to be laid out in a street ;
- (c) to erect and maintain or permit the erection and maintenance of guards or fences and otherwise do or permit to be done anything expedient for the maintenance or protection of such trees shrubs tubs grass verges or gardens ;
- (d) to cut down any such tree or shrub to remove any such tub and to abolish any such grass verge or garden or enlarge or diminish the area thereof.

(2) The Council or a local authority with the consent of the highway authority may by notice prohibit persons from entering upon or causing or permitting horses cattle or vehicles to enter upon—

- (a) any grass verge which is maintained in an ornamental condition or mown and which has been laid out or is deemed to have been laid out under this section ; or
- (b) any garden which has been so laid out or deemed to have been laid out ; or
- (c) any grass margin caused to be laid out by the Minister of Transport under section 1 of the Roads Improvement Act 1925 which is maintained in an ornamental condition or mown.

(3) Any such notice as is referred to in the last foregoing subsection shall be conspicuously posted on or in proximity to the grass verge or garden to which it relates and if any person contravenes a notice so posted he shall be liable to a penalty not exceeding twenty shillings.

(4) Subject to the provisions of this subsection the powers conferred by this section shall not be exercisable except in a street maintainable by and vested in a highway authority or upon land so vested which forms part of a street :

Provided that when carrying out in any street or any part thereof any private street works the authority carrying out

such works may exercise any power conferred by this section in the street or that part thereof with the consent of the majority in number and rateable value of the owners of land abutting on the street or that part thereof and treat any expenses incurred in so doing as part of the expenses of carrying out the said works.

(5) The powers conferred by this section shall not be exercised so as to hinder the reasonable use of the street by any person entitled to the use thereof or so as to be a nuisance or injurious to the owner or occupier of any land or premises abutting on the street.

(6) Section 1 of the Roads Improvement Act 1925 shall cease to apply to the Council or a local authority and anything done by the Council or a local authority under that section before the passing of this Act shall be deemed to have been done under this section.

(7) Where a local authority incur expenses under this section in connection with a claimed road the expenses shall not be treated as part of the cost towards which the Council are required to make an annual payment except where and so far as the Council consent to their being so treated.

(8) Nothing in this section shall affect the duty of a highway authority to provide footpaths or grass or other margins under section 58 of the Road Traffic Act 1930.

24. If any tree fence wall or structure or any part thereof shall fall on or across any highway so that obstruction is caused or is likely to be caused to persons or vehicles using such highway the highway authority may remove the same and recover the reasonable cost of so doing from the owner thereof or if such owner was not in beneficial occupation of the land upon which such tree fence wall or structure or any part thereof was situate from the occupier thereof.

Removal of trees etc. from highways.

25.—(1) Subject to the provisions of this section the highway authority may vary the relative widths of the carriageway and footway or footways in any street repairable by them.

Variation of width of carriageways and footways.

(2) At least twenty-one days before commencing any work under this section which will materially reduce the width of the carriageway or any footway of a classified road the highway authority shall send notice of the proposed work to the Minister of Transport.

(3) The highway authority shall not exercise the powers of this section in relation to so much of any street as is situate upon a bridge over any railway canal or inland navigation or upon the

PART III
—cont.

approaches to any such bridge without the consent in writing of the railway canal or inland navigation undertakers concerned:

Provided that such consent shall not be unreasonably withheld and any question whether or not it is unreasonably withheld shall be determined by the Minister of Transport.

Adjustment of
boundaries
of streets.

26.—(1) Subject to the provisions of this section the highway authority may enter into and carry into effect agreements with persons having a legal interest in land adjoining any street in the county maintained by the highway authority for the adjustment of the boundary of the street.

(2) For the purposes of this section the highway authority—

(a) may exchange land including land forming the site of the street for other land and pay or receive money for equality of exchange; and

(b) shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey any such land in accordance with the agreement.

(3) As from the date of any such exchange as aforesaid all public rights over the part of any such street so exchanged shall be extinguished.

(4) No such agreement shall be entered into until the expiration of one month from the date on which notice giving particulars of the proposed agreement has been published in some local newspaper circulating in the district in which such land is situate.

(5) During the said period of one month any four ratepayers of the district may appeal to a court of summary jurisdiction against the proposal to enter into the agreement.

(6) Where the street is a claimed road the highway authority shall serve a copy of the notice referred to in subsection (4) of this section on the Council and the Council shall have the same right of appeal as any four ratepayers of the district have under the last foregoing subsection.

(7) 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 land of the highway authority in any case in which the consent of that department would have been required if this Act had not been passed.

(8) In this section the expression "ratepayers" has the same meaning as in the Rating and Valuation Act 1925.

Enforcement of
improvement
lines in
borough of
Dagenham and
urban district
of Benfleet.

27.—(1) At any time after an improvement line of any street in the borough of Dagenham or the urban district of Benfleet has been prescribed under section 33 of the Public Health Act 1925 the highway authority may by notice require the owner of any building which or any part of which was beyond or in

front of the improvement line when it was prescribed to demolish set back or alter the said building within such reasonable period as may be prescribed in the notice not being less than twelve months from the service of the notice so that it shall not project beyond or in front of the improvement line.

PART III
—cont.

(2) For the purpose of complying with any such notice the owner may notwithstanding anything in any lease or other agreement enter upon any land or building affected by any requirement of the notice and carry out the work required by the notice.

(3) Where any building is demolished set back or altered in compliance with a notice under this section the highway authority shall pay compensation to any owner or tenant thereof for any damage or loss sustained by him in consequence of the compliance and the amount of such compensation shall in default of agreement be determined by arbitration in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919.

(4) In determining the amount of the compensation payable under this section to the owner or tenant of a building in a case where—

- (a) he has an interest in land abutting on so much of the improvement line as immediately before the service of the said notice intersected or abutted on the building or land occupied in connection therewith ; and
- (b) the value of his said interest is enhanced by reason of the widening or improvement of the street ;

the amount of the enhancement in value shall be set off against the compensation :

Provided that any such enhancement in value shall be estimated on the assumption that planning permission in respect of the land would be granted under the Act of 1947 for the operations or uses specified in the Third Schedule to that Act but for no other development.

(5) If any person fails to comply with a notice under this section he shall be liable to a penalty not exceeding twenty pounds and the highway authority may do all such things as may be necessary to comply with the notice and recover the cost of so doing from that person.

(6) In this section the expression " building " includes a structure.

28.—(1) Where in the opinion of the highway authority the retention of any improvement line or part thereof which has been prescribed in pursuance of section 33 or of section 34 of the Public Health Act 1925 is no longer necessary or desirable and should be revoked the highway authority may by resolution

Revocation of
improvement
line.

PART III
—cont.

revoke such line or any part thereof and such revocation shall be indicated on the improvement plan on which the improvement line is marked.

(2) Notice of such revocation shall be given to every occupier and owner of land interested in like manner as notice is required to be given under subsection (3) of the said section 33.

Revocation of
building line.

29.—(1) Where in the opinion of the highway authority the retention of any building line or part thereof which has been prescribed in pursuance of section 5 of the Roads Improvement Act 1925 or section 119 (Power to prescribe building lines on county roads) of the local Act of 1933 is no longer necessary or desirable and should be revoked the highway authority may by resolution revoke such line or any part thereof and such revocation shall be indicated on the deposited plan showing the building line.

(2) Notice of such revocation shall be served upon every owner occupier and lessee of land affected in like manner as notice is required to be served under subsection (2) of the said section 5.

As to dis-
continuance
of main
thoroughfares
under
section 120 of
local Act of
1933.

30. The Council or the council of an urban district may by resolution determine that any main thoroughfare or part thereof which has been established for the purposes of section 120 (For prevention of ribbon development) of the local Act of 1933 shall as from the date specified in such resolution cease to be a main thoroughfare for those purposes.

Erection of
shelters in
streets.

31.—(1) Any body or person may with the consent of the highway authority erect and maintain in any street in the county shelters and other accommodation for persons intending to travel by road.

(2) The consent of the highway authority may be given subject to such terms and conditions as the highway authority may think fit including a condition as to the period during which the shelter or other accommodation may remain in the street.

(3) The highway authority shall not give their consent to the exercise of the powers of this section in such manner as to obstruct an existing access to any land or premises abutting on any street without the consent of the owner of such land or premises.

(4) Before giving their consent to the erection of a shelter or other accommodation under the powers of this section in the metropolitan police district the highway authority shall consult with the Commissioner of Police of the Metropolis with regard to the intended position thereof.

(5) The powers of this section shall not without the consent of the undertakers concerned be exercised—

(a) in or upon any bridge carrying a street over any railway canal or inland navigation or the approaches thereto or under a bridge carrying a railway canal or inland navigation over any street ; or

(b) in any street belonging to and repairable by any transport undertakers and forming the approach to any station dock wharf or depot of such undertakers ; or

(c) so as to obstruct or interfere with the access to or exit from any station dock wharf or depot of any transport undertakers.

(6) Any consent required by this section shall not be unreasonably withheld but may be given subject to any reasonable conditions including a condition that any shelter or other accommodation shall be removed either at any time or at or after the expiration of a period if reasonably required so to do by the transport undertakers giving the consent.

(7) Any question arising as to whether any consent required by this section has been unreasonably withheld or has been given subject to unreasonable conditions or whether the removal of any shelter or other accommodation has been unreasonably required shall be referred to and determined by the Minister of Transport.

(8) In this section “ transport undertakers ” means any railway dock canal inland navigation or passenger road transport undertakers.

32.—(1) In any street in a district the local authority may subject to the provisions of this section erect and maintain or permit the erection and maintenance at stopping places on the routes of public service vehicles of barriers for the regulation of queues of persons intending to travel by such vehicles. **Barriers for the regulation of queues.**

(2) The local authority shall not exercise the powers of this section without the consent of the highway authority.

(3) Any consent required by subsection (2) of this section shall not be unreasonably withheld but may be given subject to any reasonable conditions including a condition that the local authority shall remove any barriers either at any time or at or after the expiration of a period if reasonably required so to do by the person giving the consent.

(4) Any question arising as to whether any consent required by subsection (2) of this section has been unreasonably withheld

PART III
—cont.

or has been given subject to unreasonable conditions or whether the removal of any barriers has been unreasonably required shall be referred to and determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers.

(5) A local authority may enter into and carry into effect agreements with any person in relation to the erection maintenance and use of any such barriers and as to the contributions to be made by any such person towards the cost of the erection and maintenance thereof.

(6) Before erecting barriers for the regulation of queues under the powers of this section in the metropolitan police district the local authority shall consult with the Commissioner of Police of the Metropolis with regard to the intended position thereof.

(7) The local authority shall not exercise the powers of this section without the consent of the undertakers concerned—

(a) in or upon any bridge carrying a street over any railway canal or inland navigation or the approaches thereto or under a bridge carrying a railway canal or inland navigation over any street; or

(b) in any street belonging to and repairable by any transport undertakers and forming the approach to any station dock wharf or depot of such undertakers; or

(c) so as to obstruct or interfere with the access to or exit from any station dock wharf or depot of any transport undertakers.

(8) Any consent required by subsection (7) of this section shall not be unreasonably withheld but may be given subject to any reasonable conditions including a condition that any barriers shall be removed either at any time or at or after the expiration of a period if reasonably required so to do by the transport undertakers giving the consent.

(9) Any question arising as to whether any consent required by subsection (7) of this section has been unreasonably withheld or has been given subject to unreasonable conditions or whether the removal of any barriers has been unreasonably required shall be referred to and determined by the Minister of Transport.

(10) In this section—

“public service vehicle” has the same meaning as in the Road Traffic Acts 1930 to 1947; and

“transport undertakers” means any railway dock canal inland navigation or passenger road transport undertakers.

33.—(1) So much of section 149 of the Public Health Act 1875 as relates to fences and posts for the safety of foot-passengers in streets repairable by the inhabitants at large shall extend to streets in the county which are not so repairable.

PART III
—cont.—

Guard rails
in private
streets.

(2) A local authority shall not without the consent of the undertakers concerned exercise the powers of this section—

(a) in any street belonging to or repairable by any transport undertakers and forming the approach to any station dock wharf or depot of those undertakers; or

(b) so as to obstruct or interfere with the access to or exit from any station dock wharf or depot of any transport undertakers:

Provided that such consent shall not be unreasonably withheld and any question whether or not it is unreasonably withheld shall be determined by the Minister of Transport.

(3) In this section the expression "transport undertakers" means any railway dock canal inland navigation or passenger road transport undertakers.

34.—(1) A local authority may on a conspicuous part of any building structure or land in their district at or near the corner of any street cause to be put up or painted signs indicating the classified road number of the street and the direction and distance to towns railway stations public buildings and other places of a public character.

(2) At least one month before exercising their powers under this section the local authority shall give to the owner of the building structure or land notice of their decision so to do together with particulars of the size design and position of the sign proposed and any person aggrieved by the decision of the local authority may appeal to a court of summary jurisdiction.

(3) If any person wilfully and without the consent of the local authority removes obliterates alters defaces or obscures any such sign otherwise than in the course of demolishing or altering the building or structure or executing work on the land he shall be liable to a penalty not exceeding forty shillings and the local authority may recover from him the expenses of replacing or making good the sign.

(4) The exercise of the powers conferred by this section shall be subject to the provisions of the Road Traffic Acts 1930 to 1947 and to any regulations made or any general or other directions given by the Minister of Transport in pursuance of the said provisions.

PART III
—cont.
Attachment
of street lamps
brackets etc.

35.—(1) Subject to the provisions of this section a local authority may affix to any building in their district such lamps brackets pipes electric lines and apparatus (in this section called “attachments”) as may be required for the purposes of street lighting.

(2) A local authority shall not affix attachments to a building under this section without the consent of the owner of the building:

Provided that where in the opinion of the local authority any consent required under this subsection is unreasonably withheld they may apply to the appropriate authority who may either allow the attachments subject to such conditions (if any) as to rent or otherwise as the appropriate authority thinks fit or disallow the attachments.

(3) Where any attachments have been affixed to a building under this section and the person who gave the consent or who was the owner of the building when the attachments were allowed by the appropriate authority ceases to be the owner thereof the subsequent owner may give to the local authority notice requiring them to remove the attachments and subject to the provisions of this subsection the local authority shall comply with the requirement within three months after the service of the notice:

Provided that where in the opinion of the local authority any such requirement is unreasonable they may apply to the appropriate authority who may either annul the notice subject to such conditions (if any) as to rent or otherwise as the appropriate authority thinks fit or confirm the notice subject to such extension (if any) of the said three months as the appropriate authority thinks fit.

(4) Where any attachments have been affixed to a building under this section the owner of the building may require the local authority at their own expense temporarily to remove the attachments where necessary during any reconstruction or repair of the building.

(5) If the owner of any building suffers damage by or in consequence of the affixing to the building of any attachments under the powers of this section he shall be entitled to be paid by the local authority compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919.

(6) In this section the following expressions have the meanings hereby assigned to them:—

“appropriate authority” means a court of summary jurisdiction except that in relation to a building mentioned

in the first column of the following table it means the Minister specified in relation thereto in the second column of that table:—

<p>Building forming part of an aerodrome licensed pursuant to an order made under the Civil Aviation Act 1949 or any enactment repealed by that Act.</p>	<p>The Minister of Civil Aviation.</p>
<p>Building which— (i) is subject to a building preservation order made under section 29 of the Act of 1947; or (ii) is included in a list of buildings of special architectural or historic interest compiled or approved by the Minister under section 30 of the Act of 1947; or (iii) is alleged by the owner thereof to be a building of special architectural or historic interest; or (iv) is owned by statutory water undertakers.</p>	<p>The Minister.</p>
<p>Building owned by a highway authority or railway canal dock or inland navigation undertakers.</p>	<p>The Minister of Transport.</p>
<p>Building owned by electricity or gas undertakers.</p>	<p>The Minister of Fuel and Power.</p>

“ building ” includes a structure and a bridge or aqueduct over a street ;

“ owner ” means—

(a) in relation to a building occupied under a tenancy for a term of years whereof five years or more remain unexpired and not forming part of such an aerodrome as aforesaid the occupier of the building ;

(b) in relation to a building forming part of such an aerodrome as aforesaid the person having control of the aerodrome ;

(c) in relation to any other building the person who is receiving the rack-rent or who would receive the rack-rent if the building were let at a rack-rent ; and the expression “ owned ” shall be construed accordingly.

(7) The provisions of this section may be exercised by any parish council or other body which has adopted the Lighting and Watching Act 1833 and the provisions of this section shall accordingly have effect with any necessary modifications.

PART III

—cont.

Crossings over
footways.*Protection and repair of streets*

36.—(1) Where the owner or occupier of any premises in the county which abut on any street repairable by the inhabitants at large habitually uses or permits to be used any grass verge or kerbed or paved footway in the street as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor-cycle) in passing to and from those premises the highway authority may by notice to the owner or occupier (as the case may be) either—

- (a) require the construction across the grass verge or footway of a carriage-crossing constructed of such materials and in such manner as may be specified in the notice ; or
- (b) in the case of a footway require it to be strengthened or adapted in such manner as may be so specified ; or
- (c) impose such other reasonable conditions on the use of the grass verge or footway as a crossing as aforesaid as may be so specified :

Provided that this subsection shall not apply to any premises used exclusively for agricultural purposes within the meaning of the Act of 1947.

(2) Any person aggrieved by a requirement of or a condition imposed by the highway authority under the preceding subsection may appeal to a court of summary jurisdiction.

(3) If the highway authority make any requirement under paragraph (a) or paragraph (b) of subsection (1) of this section they may also require that such works as may be necessary to secure compliance with that requirement shall be executed by the highway authority and not by any other person and the highway authority may recover the expenses of executing the works from the owner or occupier.

(4) If the highway authority impose any condition under paragraph (c) of subsection (1) of this section any person who knowingly uses the grass verge or footway as a crossing as aforesaid or permits it to be so used in contravention of that condition shall be liable to a penalty not exceeding five pounds.

(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 made under this section.

(6) Section 18 of the Public Health Acts Amendment Act 1907 if in force in a district shall cease to be in force therein and if not in force in a district shall not be declared to be in force therein and the following provisions of this subsection shall have

effect in lieu thereof as respects streets in the county which are repairable by the inhabitants at large:—

PART III
—cont.

- (a) Any person desiring to form a carriage-crossing across a grass verge or footway in any such street or to strengthen or adapt a part of any such footway as a carriage-crossing shall apply in writing to the highway authority giving particulars of the work proposed;
- (b) The highway authority may approve the work proposed either with or without modifications or propose alternative work or reject the application;
- (c) The highway authority shall give the applicant notice of their decision under the last foregoing paragraph and if they approve the work proposed or propose alternative work shall furnish him with an estimate of the cost of the work as approved or proposed by them;
- (d) The applicant may deposit with the highway authority the amount of the said estimate and require them to execute the work as approved or proposed by them but shall not himself execute any such work;
- (e) As soon as practicable after such a deposit has been made the highway authority shall execute the work as approved or proposed by them and any difference between the sum deposited and the actual cost of the work shall be paid to or by the highway authority by or to the applicant as the case may require.

37.—(1) In this section the expression “retaining wall” means a wall which— Retaining walls.

- (a) serves or is intended to serve as a support for earth or other material on one side only; and
- (b) does not form part of a permanent building;

and this section applies to any length of a retaining wall being a length—

- (i) any cross-section whereof is wholly or partly within twelve feet of a street in a district; and
- (ii) which is at any point of a greater height than six feet above the level of the ground at the boundary of the street nearest that point.

(2) After the passing of this Act no length of a retaining wall to which this section applies shall be erected otherwise than in accordance with plans sections and specifications approved by the local authority and if any person erects any such length of a wall in contravention of this subsection he shall be liable to a penalty not exceeding five pounds.

PART III
—cont.

(3) If any length of a retaining wall to which this section applies—

- (a) is in such disrepair as to be liable to endanger persons using the street ; or
- (b) having been erected before the passing of this Act or erected in contravention of the last foregoing subsection is so constructed as to be liable as aforesaid ;

the local authority may by notice to the owner or occupier require him to execute such work as may be necessary to prevent it being liable as aforesaid and the provisions of section 290 of the Act of 1936 shall apply in relation to such a notice as they apply in relation to the notices mentioned in subsection (1) of that section.

(4) The provisions of this section shall not apply to a retaining wall on a street erected on land belonging to any railway dock canal or inland navigation undertakers so long as that land is used by those undertakers primarily for the purpose of their railway dock canal or inland navigation undertaking.

(5) The provisions of this section shall not apply to a retaining wall erected by the highway authority.

Fencing of
forecourts.

38.—(1) Where the forecourt of any premises abutting on a street in a district or any steps or projection or goods (whether for sale or not) placed in any such forecourt is or are a source of danger obstruction or inconvenience to the public the local authority may by notice require the owner or occupier of the premises to fence the forecourt from the street.

(2) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

Forecourts
injurious to
amenities of
street.

39.—(1) If a local authority by resolution determine that any stall or other erection on any forecourt in their district is by reason of its character injurious to the amenities of the street on which the forecourt abuts the local authority may by notice require the owner or occupier of the forecourt either to make such alterations in the stall or erection as may be necessary to prevent it from being injurious to the amenities of the street or if he so elects to remove it.

(2) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

(3) In this section the expression “ erection ” does not include an advertisement to which regulations made under section 31 of the Act of 1947 for the time being apply.

40.—(1) No part of any awning over the footway of a street in a district being a highway repairable by the inhabitants at large shall be less than eight feet above the surface of the footway or shall project over any part of the footway which is less than one foot six inches from the outer edge of the footway or shall be placed in such a position that it obscures any traffic sign or traffic lights from the view of persons using the highway. Awnings over footways.

(2) If any person places or causes or permits to be placed over any such footway an awning which contravenes the foregoing subsection he shall be liable to a penalty not exceeding forty shillings.

(3) If an awning over any such footway is so constructed or maintained as to be prejudicial to the safety or convenience of the public the local authority may by notice require the owner or occupier of the premises to which the awning is appurtenant to carry out such work as may be necessary to prevent the awning being so prejudicial.

(4) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under the last foregoing subsection as they apply in relation to the notices mentioned in subsection (1) of that section.

(5) So much of section 28 of the Town Police Clauses Act 1847 as relates to the placing of any blind shade covering or awning over or along any footway if applied to a district shall cease to apply thereto and if not applied to a district shall not be applied thereto.

(6) In this section the expression "awning" includes a blind shade or other covering but does not include a shelter erected for the accommodation of persons waiting to board public service vehicles or trolley vehicles.

Private streets

41.—(1) A local authority may in any street in their district not being a highway repairable by the inhabitants at large execute such repairs as are in their opinion urgently required to prevent or remove danger to persons or vehicles in the street and may themselves pay the cost of the repairs out of the general rate fund: Urgent repairs of private streets.

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

(2) The exercise by a local authority of their powers under this section shall not prejudice their powers or the powers of the highway authority under any statutory provision for the time being in force in the district of the local authority relating to

PART III
—cont.—

private street works or private street improvement expenses or under section 19 of the Public Health Acts Amendment Act 1907.

Evasion by
owners of
private street
works
expenses.

42. If—

- (a) any owner of land fronting adjoining or abutting on a private street in the county transfers the part or any portion of the part of that land which fronts adjoins or abuts on that street ; and
- (b) any expenses of private street works in or in relation to that street are apportioned on that part or portion of that land ; and
- (c) the urban authority are unable to recover those expenses in whole or in part from the person to whom that part or portion of the land was transferred or by the sale thereof ; and
- (d) a court of summary jurisdiction is satisfied that the transfer was intended for the purpose of evading the payment of any expenses of private street works ;

then the expenses so apportioned or so much thereof as has not been recovered by the urban authority may to such extent as the court may determine be recovered from the owner in the same manner as expenses of private street works may be recovered as though he had not made the transfer.

Recovery of
private street
works charges
where owner
unknown.

43.—(1) Where any private street works have been completed but the urban authority are unable to recover the amount due from the owner of any premises or otherwise under the Private Street Works Act 1892 or the Public Health Act 1875 whichever shall be the appropriate enactment by reason of the fact that such owner is unknown and cannot after diligent inquiry made when the said amount became due and at reasonable intervals thereafter be found the urban authority may at any time after the expiration of twelve years from the date when the said amount became due apply to the county court and that court may on the receipt of such application and on being satisfied that the provisions of this subsection have been complied with make an order vesting the said premises in the urban authority absolutely and thereupon the urban authority may appropriate the said premises subject to and in accordance with the provisions of section 163 of the Act of 1933 as if the said premises were land which was not required for the purpose for which it was acquired.

(2) Where the county court make an order under subsection (1) of this section the court shall nominate a surveyor for determining the value of the said premises and such surveyor shall determine the same accordingly and shall annex to his valuation a declaration in writing subscribed by him of the correctness

thereof and the urban authority shall thereupon deposit a sum equal to the amount of such valuation after deduction of the amount of the final apportionment in respect of the said premises with interest thereon for a period of six years at the rate of five per centum per annum or at such other rate as may have been fixed by order of the Minister under section 77 of the Public Health Act 1925 together with all costs and expenses reasonably incurred by the urban authority.

(3) Any sum to be deposited under subsection (2) of this section shall be deposited in accordance with section 76 of the Lands Clauses Consolidation Act 1845 as if it was a sum awarded to be paid to an owner who cannot be found and as if the urban authority were the promoters of an undertaking and such sum shall be applied in accordance with section 78 of the said Act.

(4) The powers conferred by subsection (1) of this section shall be exercisable by an urban authority in addition to any existing rights powers and remedies for the recovery of expenses and shall be exercisable by the urban authority in respect of all private street works whether completed before or after the passing of this Act.

44. The power of an urban authority to contribute the whole or a portion of the expenses incurred by them in executing private street works with respect to any street or part of a street shall be extended so as to cover also the contribution of the whole or any portion of the amount which would otherwise be apportioned and charged under any statutory provision for the time being in force in the district relating to private street works in respect of the said expenses against any premises of which only a flank fronts adjoins or abuts on such street or part of a street and the amount which would otherwise so be apportioned and charged against any such premises shall be reduced by the amount of the contribution made by the urban authority under this section in respect of such premises.

Extension of power to contribute to expenses of private street works.

Miscellaneous

45.—(1) Subject to the provisions of this section a court of summary jurisdiction—

Stopping up and diversion of highways.

(a) if satisfied on the application of the highway authority that a highway within the county is unnecessary may by order authorise the stopping up thereof; and

(b) if so satisfied that such a highway can be diverted so as to make it nearer or more commodious to the public may by order authorise it to be so diverted.

PART III
—cont.

(2) An application or order under this section—

- (a) may provide for the stopping up or diversion of a highway for the purposes of all traffic or subject to the reservation of a bridle-way or footway ;
- (b) may be made with respect to any part of a highway ;
- (c) may be made with respect to two or more highways or parts of highways which are connected with each other ;

and in relation to any application or order in respect of a part of a highway or two or more highways or parts of highways any reference in the subsequent provisions of this section to a highway shall be construed as a reference to that part or those highways or parts of highways (as the case may be).

(3) No application or order shall be made under this section with respect to a trunk road or to a public path within the meaning of Part IV of the National Parks and Access to the Countryside Act 1949.

(4) No order shall be made under this section unless the court is satisfied that notice of the intention to apply for the order specifying the time and place at which the application is to be made and the terms of the order applied for (embodying a plan showing the effect of the order)—

- (a) has at least twenty-eight days before the date on which the application is made been served on the local planning authority and on the local authority and parish council concerned and on the owners or reputed owners and the occupiers of all land abutting on the highway and also when the application relates to a classified road on the Minister of Transport ; and
- (b) has during at least twenty-eight days been exhibited in such manner and in such positions on or near the highway as may be reasonably sufficient for notifying persons using the highway of the application ;

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

(5) No order under this section authorising the diversion of a highway—

- (a) shall be made unless the written consent of the local planning authority and of every person having a legal interest in the land over which the highway is to be diverted is produced to and deposited with the court ;

(b) shall authorise the stopping up of any part of the highway until the new part to be substituted for the part stopped up has been completed to the satisfaction of two justices of the peace and a certificate to that effect signed by them has been transmitted by their clerk to the clerk of the peace.

(6) On the hearing of the application the highway authority the local planning authority and the local authority and parish council concerned and any person who is interested in land abutting on or served by the highway or uses the highway or is otherwise aggrieved shall have a right to be heard.

(7) An appeal against a decision of a court of summary jurisdiction under this section may be brought to quarter sessions by any person (including any authority or council) who was entitled under the last foregoing subsection to be and was or claimed to be heard on the application and for the purposes of the provisions of the Summary Jurisdiction Act 1879 with respect to appeals to quarter sessions—

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

(b) where more than two persons were heard or claimed to be heard in opposition to the application it shall be sufficient if a notice of appeal against a refusal to make an order upon that application is served upon any two of those persons in addition to the clerk of the court but without prejudice to the right of any of those persons to appear as respondents to the appeal ;

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

(8) Where by reason of the diversion of a highway under this section any person is relieved from liability to repair the highway he shall be liable to pay to the highway authority such sum as may be agreed between him and the highway authority or in default of agreement as may be determined by arbitration to represent the value to him of the relief and any such sum shall be payable either—

(a) as a lump sum ; or

(b) by annual payments of such amount and continuing for such number of years as may be agreed or determined as aforesaid.

(9) Every order made under this section—

(a) shall have annexed thereto a plan signed by the chairman of the court ; and

PART. III
cont.

(b) shall be transmitted by the clerk of the court to the clerk of the peace together with any written consents produced to the court under subsection (5) of this section ;

and the clerk of the peace shall enrol any documents so transmitted to him and any certificates transmitted to him under subsection (5) of this section among the records of quarter sessions.

(10) Every order made under this section shall be binding on all persons whatsoever.

(11) The exercise by the highway authority of their powers under this section shall not prejudice their powers under any statutory provision relating to the stopping up and diversion of highways.

Decorations
in streets.

46.—(1) A local authority may on the occasion of any public festivity cause flag-poles and pylons to be erected in any street in their district for the purpose of displaying decorations and may for that purpose provide sockets or slots in or under the surface of any such street.

(2) If any person wilfully removes or damages any flag-pole or pylon erected under this section he shall be liable to a penalty not exceeding five pounds.

(3) A local authority shall not exercise the powers of this section without the consent of the highway authority which consent may be given subject to such terms and conditions as the highway authority think fit to attach.

Means of
access to
buildings.

47.—(1) Where the plans of any new building in a district intended or adapted for use as a house have been deposited with the local authority of that district in pursuance of building byelaws they may by notice prohibit either the erection of the building or the sale letting or occupation thereof (as may be specified in the notice) until sufficient means of communication are provided between the building and a street which either is a highway repairable by the inhabitants at large or has been laid out and constructed in accordance with street byelaws.

(2) Any such notice shall be given to the person by whom or on whose behalf the plans were deposited—

(a) before or together with the notice required to be given under subsection (2) of section 64 of the Act of 1936 ;
or

(b) where the plans have been passed but the erection of the building has not begun before the passing of this Act at any time before the erection thereof has begun ;

and the prohibition imposed by any such notice shall be binding on successive owners of the building.

(3) If it appears to the local authority to be necessary any such notice may require that the provision of the means of communication shall include the carrying out of constructional work not exceeding that required for a new street by street byelaws.

(4) If any person contravenes any notice under this section he shall be liable to a penalty not exceeding twenty pounds and the local authority may themselves provide the means of communication to which the notice refers and recover the expenses of so doing from that person :

Provided that this subsection shall have effect subject to the provisions of the Land Charges Act 1925 with respect to the avoidance of any such notice for want of registration as a local land charge.

(5) The local authority may if they think fit contribute towards the cost of the provision of means of communication or of the work required under this section and in the case of such cost being incurred in a rural district the Council may also contribute towards such cost.

48.—(1) Any person with the consent of the highway authority and subject to such conditions as they may impose may in proper and convenient situations in any road or roadside waste thereof provide stands for milk churns and containers:

Provided that the consent of the highway authority shall not be given to the provision of any stand in any road or roadside waste thereof in such a situation as to obstruct an existing access to any land or premises abutting on such road.

(2) Any person who without the consent of the highway authority provides stands for milk churns and containers in any road or roadside waste thereof shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds and the highway authority may themselves remove the said stands in respect of which the offence has been committed and recover the expense of so going from the person guilty of the offence.

49.—(1) No person (other than a person selling offering or exposing for sale or depositing for sale any food goods provisions articles or things at any market or fair for which he has paid a toll stallage or rent) shall in the county—

- (a) sell or offer or expose for sale ; or
- (b) deposit for sale ;

on the verge of or on any lay-by in any trunk road or a road classified by the Minister of Transport under the Ministry of Transport Act 1919 in Class I or Class II or on any roadside waste adjacent thereto any food goods provisions articles or things in such a manner that any danger or obstruction is caused

PART III.
—cont.

or is likely to be caused to persons or vehicles using such road or the footpath adjacent to such verge or roadside waste by—

- (i) such sale or offer or exposure for sale or deposit for sale ;
or
- (ii) a person buying or examining such food goods provisions articles or things ; or
- (iii) a vehicle which had been used by such last-mentioned person.

(2) If any person contravenes the provisions of this section he shall be liable to a penalty not exceeding forty shillings.

PART IV

PARKS AND PLEASURE GROUNDS ETC.

Power to let
parks etc. for
games.

50. When any part of a park or pleasure ground provided by or under the management and control of the local authority is set apart by them under paragraph (b) of subsection (1) of section 76 of the Public Health Acts Amendment Act 1907 for the purpose of cricket football or any other game or recreation the local authority may permit the exclusive use by any club or other body of persons of—

- (a) any portion of the part set apart as aforesaid ; and
- (b) the whole or any part of any pavilion convenience refreshment room or other building provided under that section ;

subject to such charges and conditions as the local authority think fit:

Provided that nothing in this section shall empower the local authority to permit at one and the same time the exclusive use of—

- (i) more than one-third of the area of any park or pleasure ground ; or
- (ii) more than one-quarter of the total area of all the parks and pleasure grounds provided by them or under their management and control.

Parking places
in parks etc.

51.—(1) For the purpose of providing a parking place under section 68 of the Public Health Act 1925 the local authority may with the consent of the Minister utilise any part of a park pleasure ground or open space provided by them or under their management and control:

Provided that the part of any park pleasure ground or open space utilised under this section shall not exceed one-eighth of the total area thereof or one acre whichever is the less.

(2) In this section the expression "open space" has the same meaning as in the Open Spaces Act 1906 but does not include a consecrated burial ground in which interments have taken place.

PART IV
—cont.

52. Section 44 of the Public Health Acts (Amendment) Act 1890 shall in its application to any district have effect as if— As to closing of parks etc.

(a) the urban authority had been empowered to close to the public any park or pleasure ground on six consecutive days (excluding Sunday) on any one occasion and in computing any period of six days Saturday and Monday shall be deemed to be consecutive days ;

(b) in the proviso to subsection (1) of that section the words "or public holiday" had been omitted and there were substituted the words "and on any public holiday on which the urban authority think fit to close to the public any such park or pleasure ground not more than one-quarter of the total area of all the parks or pleasure grounds provided by them shall be so closed at one and the same time".

53.—(1) A local authority may in any park pleasure ground or open space provided by them or under their management and control provide a boating pool. Boating pools.

(2) A local authority may provide such buildings and execute such works as may be necessary or expedient in connection with the provision of any boating pool under this section and references in the following provisions of this section to a boating pool so provided shall include references to any buildings provided or works executed under this subsection and to anything with which any such building or boating pool is equipped by virtue of section 271 of the Act of 1936 as applied by this Act.

(3) A local authority may either—

(a) themselves manage any boating pool provided under this section making such reasonable charges for the use thereof or admission thereto as they think fit ; or

(b) let it or any part thereof for such consideration and on such terms and conditions as they think fit.

(4) The local authority may either themselves provide and let for hire or may license any person to let for hire any pleasure boats on a boating pool provided under this section and may make byelaws for regulating the numbering and naming of such boats the number of persons to be carried therein the boathouses and mooring places for the same and for fixing rates of hire and the qualifications of boatmen and for securing the good and orderly conduct of persons using any boat.

PART IV
—cont.

(5) In this section the expression "open space" has the same meaning as in the Open Spaces Act 1906 but does not include a consecrated burial ground.

Saving for river and drainage boards in relation to boating pools.

54. Where the existence of a boating pool provided under the powers of section 53 (Boating pools) of this Act is likely to interfere with any watercourse flowing directly or indirectly into any stream which is vested in or controlled by a river board or drainage board the local authority shall before commencing to provide the boating pool consult with such river board or drainage board.

Sale of refreshments in open spaces etc.

55.—(1) The Council or a local authority may in any open space park or pleasure ground or refreshment room in any open space park or pleasure ground for the time being belonging to them or under their control or in any civic or other public building for the time being belonging to them or under their control provide and sell refreshments of any kind (other than intoxicating liquor) subject to the provisions of all enactments relating thereto.

(2) Refreshments shall not be provided under this section in connection with the giving of any entertainment or the holding of any dance pursuant to section 132 of the Local Government Act 1948.

PART V

PUBLIC ORDER AND PUBLIC SAFETY

Barriers in streets.

56.—(1) For the purpose of securing public order or public safety or preventing congestion of traffic a local authority may in any case of emergency or on any occasion on which it is likely by reason of some special attraction that any street in their district will be thronged or obstructed cause barriers to be erected in any street in the district and kept in position for so long as may be necessary for that purpose:

Provided that the local authority shall not exercise the powers of this subsection—

(a) as respects any trunk road without the consent of the Minister of Transport; or

(b) as respects any county road other than a claimed road without the consent of the Council; or

(c) as respects any street belonging to or repairable by any railway dock canal inland navigation or passenger road transport undertakers and forming the approach to any station dock wharf or depot of those undertakers or so as to obstruct or interfere with the access to or exit from any station dock wharf or depot of those undertakers without their consent; or

(d) as respects any street in the metropolitan police district without the approval of the Commissioner of Police of the Metropolis ; or

(e) as respects any road forming part of the airport of the Southend Corporation or so as to interfere with the access to or exit from the said airport without the consent of the Southend Corporation ; or

(f) so as to deprive foot-passengers bona fide going to or from any building or land abutting on the street of reasonable access to the building or land.

(2) (a) The consent of any undertakers under proviso (c) to the preceding subsection shall not be unreasonably withheld and any question whether or not it is unreasonably withheld shall be determined by the Minister of Transport.

(b) The consent of the Southend Corporation under proviso (e) to the preceding subsection shall not be unreasonably withheld and any question whether or not it is unreasonably withheld shall be determined by the Minister of Civil Aviation.

(3) For the purpose of erecting barriers in a street under this section the local authority may provide slots or sockets in or under the surface of the street.

(4) If any person wilfully removes or damages any barrier erected under this section he shall be liable to a penalty not exceeding five pounds.

57.—(1) As from the appointed day fixed for any district no person shall commence to erect in that district a stand capable of affording seating or standing accommodation for twenty or more persons at any one time unless he has given notice to the local authority of his intention so to do accompanied by a plan and section of the stand and such further particulars as the local authority may reasonably require and the local authority have approved the erection of the stand under this section. Safety of stands.

(2) Within five weeks from the receipt of such a notice from any person the local authority may give him notice that they approve the erection of the stand but only subject to—

(a) such modifications of the plan section and particulars submitted to them ; and

(b) compliance with such requirements as to maintenance and otherwise ;

as may be specified in the notice being modifications and requirements which appear to the local authority to be necessary for securing the stability of the stand and protection against fire and generally for securing the safety of persons to be accommodated thereon.

PART V
—cont.

(3) If a notice given under subsection (1) of this section states the period for which it is proposed that the stand will remain erected the local authority shall have regard to that statement in considering what modifications and requirements shall be prescribed by a notice under subsection (2) of this section but may by the last-mentioned notice require that the stand shall be pulled down and removed within such time from the expiration of that period as may be specified in the notice or such further time as the local authority may allow.

(4) The local authority may at any time within the said five weeks give notice that they approve the erection of the stand in accordance with the plan section and particulars submitted to them and if within the said five weeks the local authority have not given notice under subsection (2) of this section they shall be deemed for the purposes of this section to have so approved the erection of the stand.

(5) Any person aggrieved by a requirement or other decision of the local authority under this section may appeal to a court of summary jurisdiction.

(6) If any person—

(a) commences to erect in contravention of subsection (1) of this section a stand capable of affording seating or standing accommodation for twenty or more persons at any one time ; or

(b) erects such a stand otherwise than in accordance with a plan section and particulars submitted to the local authority under the said subsection (1) or if notice has been given of any modifications under subsection (2) of this section otherwise than in accordance with the said plan section and particulars as modified by the notice ; or

(c) being the owner or occupier of such a stand erected otherwise than as aforesaid allows twenty or more persons to be on the stand at any one time ; or

(d) being the owner or occupier of such a stand fails to comply with any requirement imposed by a notice under subsection (2) or subsection (3) of this section ;

he shall be liable to a penalty not exceeding fifty pounds and in the case of any such failure to a daily penalty not exceeding forty shillings :

Provided that nothing in this subsection shall apply to a stand the erection whereof was commenced before the appointed day.

(7) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936 as applied by this Act the provisions of this section shall be provisions which it is the duty of the local authority to enforce.

(8) The provisions of this section shall not apply to any stand erected—

PART V
—cont.

(a) by the proprietor of a travelling circus roundabout or amusement fair for the purposes of his business as such ;
or

(b) on the airport of the Southend Corporation.

(9) In this section the expression “ stand ” includes a structure but does not include a building or extension of a building to which building byelaws are applicable or a stand erected by the commission for the accommodation of their passengers or servants.

58.—(1) Where in any district any tree is of such a nature or in such a condition that it endangers or is likely to endanger the life health or property including any building or other structure of any person or of persons generally not being the owner or occupier of the premises on which such tree is growing or situated the local authority may serve notice on such owner or occupier requiring him within twenty-one days to remove cut or fell the tree or execute such other works as the local authority consider necessary to obviate the danger and in default of compliance the local authority may themselves carry out the requirements of their notice doing no unnecessary damage and may recover summarily as a civil debt from the owner or occupier upon whom the notice was served the expenses incurred.

Power to
require the
removal etc.
of dangerous
trees.

(2) The provisions of section 276 of the Act of 1936 relating to the sale of certain materials as applied by this Act shall have effect as if the expression “ materials ” included “ timber ”.

(3) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

59.—(1) A local authority may make byelaws—

Byelaws as to
pleasure fairs.

(a) for regulating the hours during which pleasure fairs may be open to the public ;

(b) for securing safe and adequate means of ingress to and egress from any pleasure fair ;

(c) for the prevention and suppression of nuisances and preserving sanitary conditions cleanliness order and public safety at any pleasure fair.

(2) In this section the expression “ pleasure fair ” means any place—

(a) which is for the time being used wholly or mainly for providing (whether or not in combination with any other entertainment) any entertainment to which this section applies ; and

(b) for admission to which or for the use of the contrivances in which a charge is made.

PART V
—cont.

(3) Subject to the provisions of the next following subsection the entertainments to which this section applies are the following:—

- (a) circuses ;
- (b) exhibitions of human beings or of performing animals ;
- (c) merry-go-rounds roundabouts swings switchback railways ;
- (d) coconut shies hoop-las shooting galleries ;
- (e) dodgems or other mechanical riding or driving contrivances ;
- (f) automatic or other machines intended for entertainment or amusement ;
- (g) anything similar to any of the foregoing.

(4) Nothing in this section or the byelaws made thereunder shall apply to—

- (a) any fair held by statute royal charter royal licence letters patent or ancient custom ; or
- (b) any place owned by or under the management and control of an authority having power to make byelaws with respect to entertainments provided at that place ; or
- (c) any entertainment which is not run for profit and is not carried on for more than seven consecutive days ; or
- (d) any entertainment the profits whereof are devoted to a religious or charitable purpose ; or
- (e) any entertainment in any permanent premises in respect of which a licence under the Cinematograph Act 1909 is for the time being in force.

(5) A local authority shall—

- (a) not less than one month before making byelaws under this section furnish the Amusement Caterers' Association the Association of Amusement Park Proprietors of Great Britain and the Showmen's Guild of Great Britain with a draft of the proposed byelaws ; and
- (b) on submitting the byelaws to the Secretary of State for confirmation furnish him with a copy of any representations made to the local authority in writing by any of the said bodies and a statement showing the effect if any given to any such representation.

(6) Different byelaws may be made under this section for different kinds of pleasure fairs.

60.—(1) As from the appointed day fixed for any district to which this section applies no person shall at any place to which this section applies in that district—

PART V
—cont.

Touting
hawking etc.

(a) importune any person by touting for any hotel lodging house refreshment house or shop or any pier garden theatre or place of amusement or any boat hackney carriage or public service vehicle ; or

(b) without the consent of the local authority which may be given on such terms and conditions as they think fit—

(i) hawk sell or offer for sale any article or commodity ; or

(ii) take any photograph by way of trade or business of any person :

Provided that—

(i) the local authority shall not withhold their consent under paragraph (b) of this subsection to the sale or offering for sale by any person of newspapers and periodicals except on the ground that their consent to such sale or offering for sale has already been given to a reasonably sufficient number of other persons ;

(ii) for the purpose of the said paragraph (b) the taking of a photograph for press purposes by any duly accredited representative of a newspaper periodical or news agency or by any person systematically selling or supplying photographs to newspapers periodicals or news agencies shall not be deemed to be the taking of a photograph by way of trade or business.

(2) This section applies to any place—

(a) in or on any esplanade parade promenade marine drive or public walk ;

(b) in any park pleasure ground or open space within the meaning of the Open Spaces Act 1906 which is provided by the local authority or under their management and control ;

(c) on the seashore ;

(d) in any street or part of a street to which this section may be applied by byelaws made by the local authority under this section.

(3) Any person aggrieved by the refusal of the local authority to give their consent under paragraph (b) of subsection (1) of this section or by any terms or conditions attached to such consent may appeal to a court of summary jurisdiction.

PART V
—cont.

(4) If any person contravenes any of the foregoing provisions of this section he shall be liable to a penalty not exceeding five pounds.

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

(6) This section applies to the following districts:—

Borough of —

Harwich ;

Urban districts of—

Brightlingsea ;

Burnham-on-Crouch ;

Canvey Island ;

Frinton and Walton ;

West Mersea.

Unauthorised
structures on
seashore.

61.—(1) No person shall in any district to which this section applies without the consent of the local authority erect provide place or use any structure or place any chair on any part of the seashore belonging or let to them unless he is authorised to do so by or under an enactment:

Provided that nothing in this section shall prevent a person placing a chair on the seashore for his own personal use or that of his family.

(2) Any person aggrieved by the refusal of the local authority to give their consent under the preceding subsection may appeal to a court of summary jurisdiction.

(3) If any person erects provides or places any structure or chair in contravention of subsection (1) of this section he shall be liable to a penalty not exceeding forty shillings and if after conviction thereof the structure or chair remains on any such part of the seashore he shall be liable to a penalty not exceeding twenty shillings for each day on which it so remains.

(4) If any person uses any structure in contravention of subsection (1) of this section he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(5) In this section the expression "structure" means any shed hut shelter tent booth stall stand shop or other erection or obstruction whether on wheels or not.

(6) This section applies to the following districts:—

PART V
—cont.

Boroughs of—

Harwich;

Maldon;

Urban districts of—

Brightlingsea;

Burnham-on-Crouch;

Canvey Island;

Frinton and Walton;

West Mersea.

62.—(1) For the prevention of noise or of danger obstruction Further powers
or annoyance to persons boating or bathing or using the sea- to make
shore in any district to which this section applies the local byelaws as to
authority may make byelaws— boats.

(a) requiring ~~the fitting of effectual silencers~~ on boats
propelled by internal combustion engines;

(b) prohibiting regulating or controlling the keeping or
landing of boats on such parts of the seashore as may
be specified in the byelaws.

(2) The said byelaws may also provide for charging such fee
as may be prescribed by the byelaws for any licence or permission
to keep a boat on any part of the seashore owned by or let to
the local authority.

(3) Byelaws made under this section may contain different
provisions for different classes or descriptions of boats.

(4) No byelaw made under this section shall—

(a) affect any right or privilege of owners of boats engaged
in the fishing industry which may exist at the time of
the making of the byelaw; or

(b) prevent the owner of any part of the seashore or any
person with his consent exercising any rights which he
could have exercised if the byelaw had not been made;
or

(c) in the case of a byelaw made under paragraph (a) of
subsection (1) of this section apply to any boat which is
ordinarily kept outside the district and is not required
to be licensed by the local authority.

(5) This section applies to the following districts:—

Boroughs of—

Harwich;

Maldon;

PART V
—cont.

Urban districts of—

Brightlingsea ;
Burnham-on-Crouch ;
Canvey Island ;
Frinton and Walton ;
West Mersea.

Local extent of
byelaws as to
boats.

63.—(1) The power of a local authority to make byelaws as to boats whether under this Act or under any other enactment shall include power to provide that any such byelaw shall operate not only within their district but also within a distance seaward from that district of three miles from low-water mark of ordinary spring tides.

(2) Any offence committed within the said distance against any byelaw so operating may be inquired into and dealt with as if it had been committed within that district.

(3) This section applies to the following districts:—

~~Boroughs of—~~

Harwich ;
Maldon ;

Urban districts of—

Brightlingsea ;
Burnham-on-Crouch ;
Canvey Island ;
Frinton and Walton ;
West Mersea.

Licensing of
boatmen and
pleasure boats.

64.—(1) As from the appointed day fixed for any district to which this section applies section 94 of the Public Health Acts Amendment Act 1907 shall in its application to that district have effect as if the following subsection were substituted for subsection (3) thereof:—

“(3) No person shall—

(a) let for hire any pleasure boat or pleasure vessel not so licensed or at any time during the suspension of the licence for the boat or vessel ; or

(b) carry or permit to be carried passengers for hire in any pleasure boat or pleasure vessel unless the boat or vessel and the boatman in charge thereof and the navigator are so licensed or at any time during the suspension of the licence for the boat or vessel or the boatman or navigator :

Provided that this subsection shall not be taken to require a person to be licensed as a boatman who takes on hire a pleasure boat or pleasure vessel for purposes other than for profit.”

(2) This section applies to the following districts:—

PART V
—cont.

Boroughs of—

Harwich;

Maldon;

Urban districts of—

Brightlingsea;

Burnham-on-Crouch;

Canvey Island;

Frinton and Walton;

West Mersea.

PART VI

PUBLIC HEALTH

65. In this Part of this Act the following expressions have the meanings hereby assigned to them:—

Interpretation
of Part VI.

“child” has the meaning assigned thereto by the Education Act 1944;

“clerk” means the town clerk of a borough or the clerk of an urban district council or of a rural district council;

“flat” has the meaning assigned thereto by section 188 of the Housing Act 1936;

“medical officer” “surveyor” and “sanitary inspector” mean respectively the medical officer of health the surveyor and any sanitary inspector of a district;

“notifiable disease” means—

(a) any notifiable disease as defined by section 343 of the Act of 1936; and

(b) any infectious disease to which section 144 of that Act for the time being applies in a district by virtue of regulations made under section 143 thereof;

“tenement house” means a house which is let in lodgings or is occupied by members of more than one family.

Sewers drains and sanitary conveniences

66.—(1) Where the local authority—

Recovery of
expenses of
sewering public
highway.

(a) resolve to construct a sewer in a street or part of a street in their district being a street or part which is repairable by the inhabitants at large and has not been previously sewerred; and

PART VI
—cont.—

- (b) include in the resolution a declaration that the construction of the sewer will in their opinion increase the value of premises fronting adjoining or abutting on the street or that part thereof ;

then the provisions of the Fifth Schedule to this Act shall have effect as respects the apportionment and recovery by the local authority of the expenses incurred in constructing the sewer :

Provided that all liabilities under the said schedule in respect of the sewer shall cease at the expiration of two years from the date when the resolution becomes operative if the construction of the sewer is not then complete.

(2) Notice of any such resolution shall be published by the local authority in a local newspaper circulating in their district and the resolution shall become operative for the purposes of this section and the said schedule on the date of such publication.

(3) Either—

(a) a copy of any such newspaper containing any such notice ; or

(b) a photostatic or other reproduction certified by the clerk to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice ;

shall be evidence of the publication of the notice and of the date of publication.

Recovery of expenses of sewerage prospective street.

67. Where land in a district in which a length of sewer has been constructed after the coming into operation of this section at the expense of the local authority becomes a street (whether repairable by the inhabitants at large or not) then the provisions of the Fifth Schedule to this Act shall have effect as respects the apportionment and recovery by the local authority of the expenses incurred in constructing the length of sewer :

Provided that where compensation due to the owner of any land in respect of damage sustained by reason of the construction therein of the length of sewer has been diminished by setting off any sum on account of the enhancement in value of the land by reason aforesaid this section shall not apply to so much of the length of sewer as has been constructed in that land.

Prevention of evasion of liabilities under last two preceding sections.

68.—(1) If on a complaint by a local authority to a court of summary jurisdiction it is proved to the satisfaction of the court—

(a) that by reason of any transfer of land any part of any premises in their district (hereinafter in this section referred to as “ the severed part ”)—

(i) has ceased to be included in premises fronting adjoining or abutting on a street or part of a street

to which the last but one preceding section of this Act applies ; or

PART VI
—cont.

(ii) has been excluded from premises which have subsequently become premises fronting adjoining or abutting on a street to which the last preceding section of this Act applies or has ceased to be included in premises fronting adjoining or abutting on such a street ; and

(b) that the transfer was intended for the purpose of evading liability under the Fifth Schedule to this Act imposed by the last but one preceding or the last preceding section (as the case may be) ;

then the court may make such order under the following provisions of this section as it thinks just for the purpose of ensuring that the said liability is not evaded by reason of the transfer.

(2) Any such order may direct—

(a) that for the purposes of paragraph 2 of the said schedule the severed part shall be deemed to be premises fronting adjoining or abutting on the street or part of the street in question and shall be deemed to have had at the relevant date within the meaning of the said schedule such frontage on the street as may be specified in the order ;

(b) that for the purposes of sub-paragraph (a) of paragraph 6 of the said schedule the site of a new building erected on the severed part and the land occupied therewith shall be deemed to have such frontage on the street or part of the street as may be specified in the order ;

(c) that any such amendment shall be made of any entry in the register of local land charges as may be specified in the order including an amendment taking effect as from a past date.

(3) Any order made under paragraph (a) of subsection (2) of this section may also direct that any premises from which the severed part has been excluded or in which it has ceased to be included shall not be deemed to be premises fronting adjoining or abutting on the street or part of the street or shall be deemed to have such frontage as may be specified in the order.

(4) Orders made under any provision of subsection (2) of this section may be made on separate complaints made by the local authority at different times.

(5) For the purposes of this section the expression “ transfer ” includes any disposal of land whether by way of sale lease exchange gift or otherwise.

PART VI
—cont.

Recovery of
cost of main-
taining public
sewers.

69. Section 24 of the Act of 1936 shall have effect in its application to a district as if the following were substituted for the proviso to subsection (1) of that section:—

“ Provided that unless in the opinion of the medical officer of health or the sanitary inspector immediate action is necessary notice of the work proposed to be undertaken shall not less than seven days before the work is commenced be given to the owners of any premises known by the local authority to be served by the length of sewer in question and the local authority shall consider any representations as to the need for and the reasonableness of the proposed work which may be made to them by any of those owners within seven days of the service of the notice.”

Separate sewers
for foul water
and surface
water.

70. For the purpose of facilitating the disposal of sewage the powers of a local authority under section 157 of the Public Health Act 1875 shall extend to the making of byelaws requiring any person constructing a new street in their district to provide separate sewers for foul water drainage and surface water drainage respectively.

Delegation of
power to
examine and
test drains etc.

71.—(1) In lieu of section 48 of the Act of 1936 the following provisions of this section shall if a local authority by resolution so determine have effect in a district for such period as may be specified in the resolution either as respects the whole of the district or as respects such part or parts thereof as may be so specified.

(2) Where it appears to the medical officer or the sanitary inspector that there are reasonable grounds for believing—

- (a) that a sanitary convenience drain private sewer or cess-pool is in such a condition as to be prejudicial to health or a nuisance; or
- (b) that a drain or private sewer communicating directly or indirectly with a public sewer is so defective as to admit subsoil water;

he may examine its condition and for that purpose may apply any test other than a test by water under pressure and if he deems it necessary open the ground.

(3) If on examination the convenience drain sewer or cess-pool is found to be in proper condition the local authority shall as soon as possible reinstate any ground which has been opened by the medical officer or the sanitary inspector and make good any damage done by him.

Summary
power to
remedy
stopped-up
drains etc.

72.—(1) If it appears to the medical officer or the sanitary inspector that on any premises in a district a drain private sewer water-closet or soil pipe is stopped up he may by notice require the owner or occupier of the premises to remedy the defect within forty-eight hours from the service of the notice.

(2) If the notice is not complied with the local authority may themselves carry out the work necessary to remedy the defect and may subject to the next following subsection recover the expenses of so doing from the person on whom the notice was served:

Provided that where the said expenses do not exceed two pounds the local authority may if they think fit remit the payment thereof.

(3) In any proceedings under this section the court may inquire—

(a) whether any requirement contained in a notice served under this section or any work done by the local authority was reasonable; and

(b) whether the expenses incurred by the local authority in doing the work or any part thereof ought to be borne wholly or partly by the person on whom the notice was served or wholly or partly by some other person;

and the court may make such order concerning the expenses or their apportionment as appears to the court to be just in the circumstances of the case:

Provided that the court shall not order the expenses or any part thereof to be borne by any person other than the defendant in the proceedings unless the court is satisfied that that other person has had due notice of the proceedings and an opportunity of being heard.

73.—(1) If any drain or private sewer in a district—

(a) is not sufficiently maintained and kept in good repair to the satisfaction of the local authority; and

(b) can in the opinion of the local authority be sufficiently repaired at a cost not exceeding fifty pounds;

the local authority may after giving not less than seven days' notice to the owner or owners cause the drain or sewer to be repaired and subject to the next following subsection recover the expenses of so doing so far as they do not exceed fifty pounds from the owner or owners of the drain or sewer in such proportions (if there is more than one owner) as the surveyor or sanitary inspector may determine:

Provided that where the said expenses do not exceed two pounds the local authority may if they think fit remit the payment thereof.

Power to
repair drains
and private
sewers.

PART VI
—cont.

(2) In any proceedings under this section the court may inquire—

- (a) whether the drain or sewer in question required repair and whether the work done by the local authority was reasonable ; and
- (b) whether any apportionment made by the surveyor or sanitary inspector was fair ;

and the court may make such an order concerning the expenses or their apportionment as appears to the court to be just :

Provided that the court shall not revise any apportionment unless it is satisfied that all persons affected thereby have had due notice of the proceedings and an opportunity of being heard.

Penalty for
damage to
surface water
drains etc.

74.—(1) Any person who stops up damages injures or removes any surface water drain or land drain by means of which water is conveyed from land which does not belong to that person shall unless—

- (a) before stopping up damaging injuring or removing such drain he shall have provided a proper substitute to the satisfaction of the local authority ; or
- (b) he shows to the satisfaction of a court of summary jurisdiction ~~that no material detriment is caused to~~ such land by stopping up damaging injuring or removing such drain ;

be liable to a penalty not exceeding five pounds.

(2) The local authority may in addition to or in lieu of instituting proceedings under subsection (1) of this section give notice to such person if he is the owner or occupier of the land on which the drain stopped up damaged injured or removed is or was situate requiring him to restore the drain to its former condition.

(3) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

Extension of
section 17 of
Act of 1936 to
certain drains.

75. Where it appears to a local authority that it would be advantageous for the drainage from any building in their district to be received into a drain the local authority may make such declaration with respect to the said drain as they would be entitled to make under section 17 of the Act of 1936 with respect to a sewer situate within their district and the provisions of that section (other than subsection (2) thereof) and of section 20 of that Act shall extend and apply to that drain accordingly whether such drain was constructed before or after the passing of the Act of 1936.

76. A local authority may at the request in writing of the owner or occupier of any premises in their district undertake the cleansing of any drains water-closets sinks or gullies in or connected with the premises and may make such charge if any for so doing as they think fit.

PART VI
—cont.

Power to
cleanse drains
etc.

77.—(1) If a watercloset drain or soil pipe in a district is so constructed or repaired as to be prejudicial to health or a nuisance the person who undertook or executed the construction or repair thereof shall unless he shows that the prejudice to health or nuisance could not have been avoided by the exercise of reasonable care be liable to a penalty not exceeding twenty pounds.

Penalty for
improper
construction
or repair of
water-closet
etc.

(2) A person charged with an offence under this section (hereinafter in this section referred to as "the original defendant") shall upon information duly laid by him and on giving to the prosecutor not less than three clear days' notice of his intention be entitled to have any other person being his agent servant or workman to whose act or default he alleges the offence was due brought before the court at the time appointed for the hearing of the charge and—

(a) if after the commission of the offence has been proved the original defendant proves that the offence was due to the act or default of that other person that other person may be convicted of the offence; and

(b) if the original defendant further proves that he used all due diligence to secure that the water-closet drain or soil pipe in question was so constructed or repaired as not to be prejudicial to health or a nuisance he shall be acquitted of the offence.

(3) Where the original defendant seeks to avail himself of the provisions of subsection (2) of this section—

(a) the prosecutor as well as the person whom the original defendant charges with the offence shall have the right to cross-examine the original defendant if he gives evidence and any witness called by him in support of his pleas and to call rebutting evidence; and

(b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

78.—(1) A local authority may by notice require a contractor engaged in or upon any building operations or the construction or reconstruction of any works in their district within such time as may be specified in the notice—

Sanitary
conveniences
for persons
employed on
construction
work.

(a) to provide in connection therewith sufficient and satisfactory accommodation in the way of sanitary

PART VI
—cont.

conveniences for the accommodation of the workpeople employed thereon ; and

- (b) where persons of both sexes are employed in or in connection with the operations or works to provide separate accommodation as aforesaid for persons of each sex ;

if it is reasonably practicable so to do :

Provided that this section shall not apply to building operations or works to which section 107 or section 108 of the Factories Act 1937 applies.

(2) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

Buildings and structures

Fire appliances
at camping
grounds.

79.—(1) The Council may make byelaws for securing the provision of first-aid fire appliances and of means of summoning fire brigades and for the taking of other safety measures by the owner of any camping ground which is provided or habitually used for the placing of movable dwellings as defined by section 105 (Definitions for Part IX) of the local Act of 1933 :

Provided that nothing in any byelaws made under this section shall apply to any camping ground—

- (a) during such temporary period as the camping ground is being used for the purpose of any entertainment specified in subsection (3) of section 59 (Byelaws as to pleasure fairs) of this Act ; or
- (b) on which no movable dwellings are situated other than those belonging to travelling showmen (not being pedlars hawkers or costermongers) and regularly used by them in the course of travel for the purpose of their business.

(2) Different byelaws may be made under this section for different types of movable dwellings and for camping grounds used for different purposes or of different capacities.

Precautions
against fire in
certain
buildings.

80.—(1) Where plans for the erection of a building are in accordance with building byelaws deposited with a local authority and the plans show that the building will not be provided with such means of access for fire brigade appliances and personnel as the local authority may after consultation with the fire authority consider necessary to enable effective action to be taken by the fire authority in case of fire at such building the local authority shall reject the plans.

(2) If the local authority reject the plans under the authority of this section the notice given in pursuance of subsection (2) of section 64 of the Act of 1936 shall specify that the plans have been so rejected.

PART VI
—cont.

81.—(1) Paragraphs (b) and (ii) of subsection (1) of section 58 of the Act of 1936 and so much of subsection (2) of that section as relates to those paragraphs shall cease to have effect in a district in which this section is in operation and the following provisions of this section shall have effect in lieu thereof.

Ruinous and dilapidated buildings and neglected sites.

(2) Where a building or part of a building in a district is by reason of its ruinous or dilapidated condition seriously detrimental to the amenities of the neighbourhood the local authority may by notice require the owner thereof within a reasonable time specified in the notice—

(a) to execute such works of repair or restoration ; or

(b) if he so elects to take such steps for demolishing the building or any part thereof and removing any rubbish or other material resulting from or exposed by the demolition ;

as may be necessary for remedying the cause of complaint.

(3) Where rubbish or other material resulting from or exposed by the demolition or collapse of a building or part of a building in a district is lying on the site of the building or that part thereof or on any land occupied with the building and by reason thereof the site or land is in such a condition as to be seriously detrimental to the amenities of the neighbourhood the local authority may by notice require the owner of the site or land within a reasonable time specified in the notice to take such steps for removing the rubbish or material as may be necessary for remedying the cause of complaint.

(4) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section.

(5) Notwithstanding anything in subsection (3) of section 276 of the Act of 1936 as applied by this Act that section shall apply to all rubbish or other material removed by the local authority under this section.

(6) In this section the expression “ building ” includes any structure.

PART VI
—cont.

Recovery of
expenses of
watching
dangerous and
dilapidated
buildings.

82.—(1) Where it appears to a local authority of an urban district that any building in their district or any part of such building is in such a condition as to be dangerous to persons in such building or any adjoining premises or using any street upon which such building abuts the local authority may until either—

(a) the building shall have been taken down secured or repaired in pursuance of section 75 of the Towns Improvement Clauses Act 1847 as incorporated in the Public Health Act 1875; or

(b) any order made by a court of summary jurisdiction under section 58 of the Act of 1936 in respect of such building shall have been complied with or executed; employ and pay watchmen and do all such other acts as may be necessary to watch such building and may recover the expenses reasonably incurred by them in so doing from the owner of the building:

Provided that the local authority shall forthwith give to the owner of any building notice that they propose to employ and pay watchmen or to do any other act in the exercise of the powers of this section to watch such building.

(2) In this section the expression “building” includes any structure.

New building
overreaching
adjoining
chimneys.

83.—(1) Where after the coming into operation of this section in a district—

(a) any person erects or raises a building in that district (in this section referred to as “the taller building”) to a greater height than an adjoining building; and

(b) any chimneys or flues of the adjoining building are in the party wall or in an external wall of the adjoining building;

the local authority may by notice—

(i) require that person within such time as may be specified in the notice to build up those chimneys and flues (if it is reasonably practicable so to do) so that the top thereof will be of the same height as the top of the chimneys of the taller building or the top of the taller building whichever is the higher; and

(ii) require the owner or occupier of the adjoining building to allow the first-mentioned person to enter on that building and carry out such work as may be necessary to comply with the notice served on him.

(2) Any person aggrieved by a requirement of the local authority under this section may appeal to a court of summary jurisdiction.

(3) If any person fails to comply with a notice under this section he shall be liable to a penalty not exceeding twenty pounds and in the case of a notice served under sub-paragraph (i) of subsection (1) of this section the local authority may themselves execute such work as may be necessary to comply with the notice and recover the expenses of so doing from the person on whom the notice was served.

PART VI
—cont.

to be used
within the
county for the
purpose of

84.—(1) Where plans for the extension or erection of a building used or to be used for manufacturing or other purposes are in accordance with building byelaws deposited with a local authority and the plans show that it is proposed to construct a chimney for carrying smoke or steam or noisome or deleterious gases or effluvia from the building the local authority shall reject the plans unless they are satisfied that the height of the chimney as shown on the plans will be sufficient to prevent it being prejudicial to health or a nuisance having regard to—

Height of new
chimneys.

- (a) the purpose of the chimney ;
- (b) the position and description of buildings near thereto ;
- (c) the levels of the neighbouring ground ; and
- (d) any other matters requiring consideration in the circumstances.

(2) If the local authority reject the plans under the authority of this section the notice given in pursuance of subsection (2) of section 64 of the Act of 1936 shall specify that the plans have been so rejected.

(3) This section shall not apply to a chimney of a generating station consent to the construction of which has been given in accordance with the provisions of the Electricity (Supply) Acts 1882 to 1936 by the Minister of Fuel and Power.

85.—(1) If a court of summary jurisdiction is satisfied upon a complaint by a local authority that any smoke gas or vapour from any chimney flue or pipe of a building or structure forming part of or within the curtilage of a house in their district is prejudicial to the health of any of the inhabitants of the district or a nuisance the court may make an order requiring the owner of the chimney flue or pipe within such time as may be specified in the order—

Power to order
alteration of
domestic
chimneys.

- (a) to cause it to be raised to a height so specified ; or
- (b) to cause such other means for remedying the cause of complaint to be adopted as the court thinks fit :

Provided that the court shall not make an order under this section unless it is satisfied that the work to be done in pursuance of the order will not involve an expenditure exceeding fifty pounds.

PART VI
—cont.Cellars and
rooms below
subsoil water
level.

(2) If any person fails to comply with an order made under this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

86.—(1) No person shall in or in connection with any house shop or office in a district construct without the consent of the local authority any cellar or room the floor level of which is lower than the ordinary level of the subsoil water on under or adjacent to the site of the house shop or office.

(2) Any consent under this section may be given subject to such conditions as to the construction or use of the premises as may be specified therein and any such conditions shall be binding on successive owners of the house shop or office.

(3) Any person aggrieved by the refusal of the local authority to give their consent under this section or by any conditions attached to such consent may appeal to a court of summary jurisdiction.

(4) If any person constructs a cellar or room in contravention of subsection (1) of this section or any conditions attached to any consent under this section—

(a) he shall be liable to a penalty not exceeding twenty pounds; and

(b) the local authority may by notice require him within such reasonable time as may be specified in the notice either to alter the cellar or room so that its construction will no longer contravene the said subsection or conditions or if he so elects to fill it in or otherwise make it unusable and if he fails to comply with any such notice the local authority may themselves fill in the cellar or room or otherwise make it unusable and recover from him the expenses of so doing.

(5) If any person uses a cellar or room in contravention of any such conditions he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(6) The provisions of the last two foregoing subsections shall have effect subject to the provisions of the Land Charges Act 1925 as to the avoidance for want of registration as a local land charge of any prohibition or restriction imposed by virtue of any such conditions.

(7) Nothing in this section shall apply to the construction of any cellar or room in connection with any shop or office which forms part of a railway station.

Food storage
accommo-
dation.

87.—(1) Every house erected in a district after the coming into operation therein of this section shall be provided with sufficient and suitable accommodation for the storage of food

and any other house in the district not so provided shall if reasonably practicable be so provided within one month from the service by the local authority on the owner thereof of a notice requiring it to be so provided.

PART VI
—cont.

(2) Any person aggrieved by a requirement imposed by a notice under the preceding subsection may appeal to a court of summary jurisdiction.

(3) If any house required to be provided as aforesaid is occupied when not so provided the owner thereof shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(4) The owner of any house on whom a notice is served under subsection (1) of this section shall have power notwithstanding any lease or other agreement to enter the house and carry out such work as may be necessary to comply with the notice.

(5) For the purposes of this section—

(a) the expression “house” includes any part of a building which is occupied or intended to be occupied as a separate dwelling;

(b) the conversion of a building into two or more dwellings shall be deemed to be the erection of each of those dwellings; and

(c) a house the erection whereof was commenced before the coming into operation of this section shall not be deemed to have been erected after the coming into operation of this section:

Provided that where any part of a building has been let for occupation as a separate dwelling without the consent of the owner of the building the person so letting that part of the building shall be deemed to be the owner.

88.—(1) The powers of a local authority under section 6 of the Housing Act 1936 shall include power to make byelaws for requiring in the case of tenement houses a separate approach to each room or tenement separately occupied without passing through any other room or tenement.

Separate approach for separate tenements.

(2) No byelaw made in pursuance of the powers conferred by this section shall impose any requirement on the owner of a house which without his express consent is let in lodgings or for occupation by more than one family.

89.—(1) A house in a district which is occupied or is of a type suitable for occupation by persons of the working classes shall be deemed for the purposes of section 9 of the Housing Act 1936 to be not in all respects fit for human habitation—

Extension of powers under section 9 of Housing Act 1936.

(a) if it is not kept repaired and painted sufficiently to prevent the dilapidation thereof and to secure reasonable amenities for the occupiers thereof; or

PART VI
—cont.

(b) if the interior surface of the walls thereof is not papered or painted with oil-bound water paint or distempered with washable distemper sufficiently as aforesaid.

(2) On an appeal to the county court under section 15 of the said Act by a person aggrieved by a notice requiring the execution of works to remedy the defects referred to in subsection (1) of this section the court shall take into consideration—

- (a) in the case where the person aggrieved is a lessee or agent for a lessee the length of the unexpired period of the lease ;
- (b) the period for which the house is likely to continue occupied ;
- (c) the expenditure incurred on the house during the preceding three years by the person having control of the house or the owner thereof ;
- (d) in the case of any house the rent of which is subject to control in pursuance of the Rent and Mortgage Interest (Restrictions) Acts 1920 to 1939 the financial return accruing to the owner in respect of his ownership of the house ; and
- (e) whether the condition of the house is or is not due to the wilful default or neglect of the occupier.

(3) In this section the expressions “house” “owner” and “person having the control of the house” have the same meanings as in the Housing Act 1936.

Filthy or verminous premises or articles

Cleansing
of filthy or
verminous
premises.

90. Section 83 of the Act of 1936 shall in its application to a district have effect as if the following were substituted for subsection (1) thereof:—

“(1) Where the local authority upon consideration of a report from any of their officers or other information in their possession are satisfied that any premises other than a factory within the meaning of the Factories Act 1937—

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

(b) are verminous ;

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

(i) distempering or whitewashing the interior surface thereof ; or

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

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

PART VI
—cont.

91.—(1) If a local authority serve notice under subsection (3) of section 83 of the Act of 1936 on the owner and occupier of any premises in their district requiring that they shall be allowed to employ gas for the purpose of destroying vermin on the premises—

Power to require vacation of premises during fumigation.

(a) the notice to the occupier may also require that the premises shall as from such date as may be specified in the notice be vacated until the local authority gives the occupier further notice that the premises can safely be re-occupied ; and

(b) the local authority may also serve notice on the occupiers of any other premises having any floor wall or ceiling contiguous with the first-mentioned premises or into which there is reason to apprehend that the gas may penetrate requiring that those other premises shall be vacated as aforesaid.

(2) No person shall be required to vacate any premises under this section for any period unless shelter or other accommodation has been provided for him by the local authority free of charge for that period and any notice given under this section shall specify the shelter or accommodation so provided.

(3) Any person aggrieved by a requirement of the local authority under this section may appeal to a court of summary jurisdiction.

(4) If any person fails to comply with a notice requiring the vacation of any premises under this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding ten shillings.

(5) The local authority may pay to any person vacating premises in pursuance of a notice under this section such reasonable allowance as they think fit towards his expenses in removing from and returning to the premises.

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

PART VI
—cont.Prohibition
of sale of
verminous
articles.

92.—(1) No dealer shall in a district—

- (a) prepare for sale ;
- (b) sell or offer or expose for sale ; or
- (c) deposit for sale or preparation for sale ;

any household article if it is to his knowledge verminous or if by taking reasonable precautions he could have known it to be verminous.

(2) If any household article which is verminous is on any premises in a district—

- (a) being prepared or offered by a dealer for sale ; or
- (b) exposed by a dealer for sale or deposited by a dealer for sale or preparation for sale ;

the medical officer or the sanitary inspector may cause the article to be disinfested or destroyed as the case may require and if necessary for that purpose to be removed from the premises and the local authority may recover from the dealer the expenses incurred by the medical officer or the sanitary inspector in taking any action under this subsection.

(3) If any person contravenes the provisions of subsection (1) of this section he shall be liable to a penalty not exceeding twenty pounds.

(4) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936 as applied by this Act the provisions of this section shall be provisions which it is the duty of the local authority to enforce.

(5) For the purposes of this section—

- (a) the expression “dealer” means a person who trades or deals in any household article ;
- (b) the expression “household article” means an article of furniture bedding or clothing or any similar article ;
- (c) the expression “preparation for sale” shall not include disinfestation.

*Nuisances*Silencers for
internal
combustion
engines.

93.—(1) A stationary internal combustion engine shall not be used in a district unless an effectual silencer is provided and used on the exhaust of the engine :

Provided that this subsection shall not apply to such an engine used for instructional purposes by a local education authority.

(2) If any person uses any such engine in contravention of the foregoing subsection or causes or permits any such engine to be so used the local authority may give him notice that the

engine is being or has been so used and if after the lapse of such time from the service of the notice as may be reasonably sufficient for remedying the cause of complaint he uses the engine as aforesaid or causes or permits it to be so used he shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

(3) An authorised officer of the local authority shall on producing if so required some duly authenticated document showing his authority have the right—

(a) to enter at all reasonable hours any premises on which there is reason to believe that any such engine is being or has been used in contravention of subsection (1) of this section ; and

(b) to take off remove test inspect and replace any silencer on the exhaust of any such engine found on the premises ;

and any expenses incurred under this subsection by any such officer may be recovered by the local authority from the occupier of the premises if there is found on the premises any such engine which is not provided with an effectual silencer on the exhaust thereof:

Provided that this subsection shall not apply to any premises belonging to railway undertakers and used by them for the purpose of their railway undertaking.

94.—(1) Any excessive or unreasonable or unnecessary noise **Noise nuisance.** which is prejudicial to health or a nuisance shall be a statutory nuisance for the purposes of Part III of the Act of 1936:

Provided that—

(a) in any proceedings brought by virtue of this section under the said Part III in respect of a noise occasioned in the course of any trade or business it shall be a defence for the defendant to prove that he has used the best practicable means for preventing or mitigating the noise having regard to the cost and to other relevant circumstances ;

(b) a justice shall not entertain a complaint under section 99 of the said Act with respect to a noise unless the complaint is made by not less than three occupiers of premises within hearing of the noise.

(2) Nothing in this section shall apply to a noise occasioned by the exercise by railway undertakers of statutory powers conferred in relation to their railway undertaking.

(3) Nothing in this section shall affect the powers of the Council or the council of a borough in the county to make bye-laws under section 249 of the Act of 1933.

PART VI
—cont.Smoke from
industrial
furnaces.

95.—(1) As from the appointed day fixed for any district no person shall instal in any premises in that district any furnace for steam raising or for any manufacturing or trade purpose unless the furnace is so far as practicable capable of being operated continuously without emitting smoke.

(2) If any person contravenes the provisions of the foregoing subsection he shall be liable to a penalty not exceeding ten pounds and if after conviction of the contravention he uses the furnace he shall be liable to a daily penalty not exceeding five pounds for each day on which he uses it unless and until it is altered so that it is so far as practicable capable of being operated as aforesaid.

(3) If a person before installing in any premises a furnace to which this section applies submits to the local authority for that district a plan and specification of the proposed furnace and furnishes them with such other information in regard thereto as they may reasonably require the local authority may within six weeks from the receipt of the plan specification and information serve notice upon him stating whether or not they are satisfied that the furnace is so far as practicable capable of being operated as aforesaid and—

(a) if the notice states that they are so satisfied ; or

(b) if they do not serve any notice under this subsection before the expiration of the said six weeks ;

no proceedings shall be taken against that person under this section ~~in respect of the~~ installation of the furnace in accordance with the plan specification and information so submitted and furnished.

(4) Before serving a notice under this section stating that they are not satisfied that a furnace is so far as practicable capable of being operated as aforesaid the local authority shall consult the Minister of Fuel and Power.

(5) In determining for the purposes of this section whether a furnace is so far as practicable capable of being operated as aforesaid—

(a) a court in any proceedings under this section ; and

(b) the local authority on considering a plan and specification and other information received under subsection (3) of this section ;

shall have regard to cost and to local conditions and circumstances.

Infectious diseases

Information to be furnished by occupier in case of notifiable disease.

96.—(1) On the application of the medical officer the occupier of any building which is used for human habitation in a district and in which there is or has been any person suffering from a notifiable disease shall furnish such information

within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

PART VI
—cont.

(2) If any person required to furnish information under this section fails to furnish it or knowingly furnishes false information he shall be liable to a penalty not exceeding forty shillings.

(3) In this section—

(a) the expression “ occupier ” includes—

(i) a person having the charge management or control of the building or of the part of the building in which the person suffering from a notifiable disease is or has been ; and

(ii) in the case of a building the whole of which is ordinarily let out in separate tenements or in the case of a lodging-house the whole of which is ordinarily let to lodgers the person receiving the rent payable by the tenants or lodgers either on his own account or as the agent of another person ;

(b) the expression “ notifiable disease ” includes food poisoning.

97. Section 148 of the Act of 1936 in its application to a district shall have effect as if the following paragraph were substituted for paragraph (b) thereof:—

Restriction on attendance at public places etc.

“ (b) having the care of a person—

(i) whom he knows to be suffering from a notifiable disease ; or

(ii) whom he cannot permit to attend school without contravening section 150 of this Act ;

causes or permits that person to expose other persons to the risk of infection by his presence or conduct in any such place as aforesaid ; or ”.

98.—(1) With a view to preventing the spread of a notifiable disease a local authority on the advice of the medical officer may by notice published in such manner as they think best for bringing it to the notice of persons concerned prohibit the admission of persons under the prescribed age to places of entertainment or assembly in a district for a time specified in the notice.

Exclusion of children from places of entertainment or assembly.

(2) If the person responsible for the management of any place of entertainment or assembly having been served by a local authority with a copy of a notice published under the preceding subsection admits any person under the prescribed age to that place in contravention of the notice he shall be liable to a penalty not exceeding five pounds:

Provided that in any proceedings under this subsection it shall be a defence to prove that there were reasonable grounds for

PART VI
—cont.

believing that the person admitted had attained the prescribed age.

(3) In this section the expression "prescribed age" in relation to any notice means such age not exceeding sixteen as may be prescribed by the notice.

Compensation for stopping employment to prevent spread of disease.

99. If with a view to preventing the spread of—

- (a) a notifiable disease ; or
- (b) a milkborne disease as defined in section 37 of the Food and Drugs Act 1938 ; or
- (c) food poisoning ;

the medical officer requests in writing any person to discontinue his employment a local authority may if they think fit compensate him for any loss occasioned by his compliance with the request.

Entry into premises in case of notifiable disease.

100.—(1) If it is shown to the satisfaction of a justice of the peace on sworn information by the medical officer in writing—

- (a) that in any premises in a district there is a person who is or has been suffering from a notifiable disease ; and
- (b) that admission to the premises or examination of that person has been refused or that refusal is apprehended or that the case is one of urgency or that an application for admission would defeat the object of the entry ;

the justice may by warrant under his hand authorise the medical officer to enter the premises if need be by force and examine any person found thereon :

Provided that no such warrant shall authorise the medical officer—

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

(2) On entering any premises by virtue of a warrant issued under this section the medical officer may take with him such other persons as may be necessary.

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

Prohibition of tuberculous persons from handling food.

101.—(1) If the medical officer certifies—

- (a) that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state ; and
- (b) that he is occupied in the cooking preparation or handling of food in a district intended for consumption by persons other than himself or members of his household ; and

(c) that his continuance in that occupation would in the judgment of the medical officer be a danger to the health of other persons :

the medical officer or any other person authorised in that behalf by the local authority may request him in writing to discontinue his occupation as aforesaid.

(2) If any person requested as aforesaid complies with the request the local authority may if they think fit compensate him for any loss occasioned by his compliance with the request.

(3) If any person requested as aforesaid fails to comply with the request a court of summary jurisdiction may on the application of the local authority order him to comply with the request and may by any such order if it thinks fit direct that such compensation (if any) as it thinks equitable shall be paid to him by the local authority.

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

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

Food

102. If any person takes or causes to be taken any fat unfit for food into any premises in a district in which any food of which fat is an ingredient is manufactured or prepared for sale he shall be liable to a penalty not exceeding ten pounds or in the case of a second or subsequent offence to a penalty not exceeding fifty pounds: Inedible fat.

Provided that in any proceedings under this section it shall be a defence to prove that the fat was not taken into the premises for the purpose of being used and has not been used as an ingredient in the manufacture or preparation of food.

103.—(1) As from the appointed day fixed for any district the following provisions shall have effect in that district:— Registration of hawkers of food and their premises.

(a) No person shall sell or offer or expose for sale any food from or upon a vehicle or from or upon a basket pail tray table or other portable receptacle or stand unless he is registered by the local authority ;

(b) No premises shall be used as storage accommodation for food intended for sale from or upon a vehicle or from or upon a basket pail tray table or other portable receptacle or stand unless the premises are registered by the local authority :

PART VI
cont.

Provided that nothing in this subsection shall apply—

- (i) to the sale or offer or exposure for sale of food by a person keeping open shop for the sale of food or by a person employed and in the course of his employment by such a person or to the use by a person so keeping open shop or by a person employed and in the course of his employment by such a person of any premises as storage accommodation for food intended for sale by him or his employer (as the case may be);
- (ii) to the sale or offer or exposure for sale of food by a dairyman registered under regulations for the time being in force under Part I of the Food and Drugs (Milk Dairies and Artificial Cream) Act 1950 or having effect by virtue of subsection (2) of section 36 of that Act as if they had been made under the said Part I or by a person employed and in the course of his employment by such a dairyman or to the use by any person as storage accommodation for food of a dairy so registered;
- (iii) to the use by any person as storage accommodation for food of premises registered under section 14 of the Food and Drugs Act 1938 or under section 158 of the local Act of 1933;
- (iv) to the sale or offer or exposure for sale of food by any person on premises owned or occupied by him or his employer or to the use by any person of any premises owned or occupied by him or his employer as storage accommodation for food intended for sale by him or his employer on those or any other such premises;
- (v) to the sale or offer or exposure for sale of food by any person or to the use of any premises as storage accommodation for food intended for sale if the profits of the sale are devoted to a religious or charitable purpose;
- (vi) to the sale or offer or exposure for sale of food by any person at any market owned by a local authority or the chartered market in the urban district of Epping where such person shall be entitled to trade by virtue of the payment by himself or by his employer of a toll stallage or rent or to the use of any premises in any such market as storage accommodation for food intended for sale by a person at such market.

(2) If any person contravenes the provisions of the foregoing subsection he shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

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

(4) If it appears to the local authority—

(a) that the public health is or is likely to be endangered by any act or default of a person who has applied to be or is registered under this section being an act or default in relation to the quality storage or distribution of food ; or

(b) that any premises in respect of which an application has been made for registration under this section or which are registered under this section do not satisfy the requirements of subsection (1) of section 13 of the Food and Drugs Act 1938 or are otherwise unsuitable for use as storage accommodation for food intended for sale as aforesaid ;

the local authority shall serve on that person or on the person applying for the registration of the premises or in the case of premises which are registered the occupier of the premises a notice—

(i) stating the place and time (not being less than seven days after the date of the service of the notice) at which it is proposed that a committee of the local authority shall take the matter into consideration ; and

(ii) informing him that he may attend before the said committee with any witnesses whom he desires to call at the place and time mentioned to show cause why the local authority should not for reasons specified in the notice refuse to register him or the premises or revoke his or their registration as the case may be.

(5) If a person on whom a notice is served under the last preceding subsection fails to show cause to the satisfaction of the said committee the local authority may refuse to register him or the premises or revoke his or their registration as the case may be and shall forthwith give notice to him of their decision in the matter and shall if so required by him within fourteen days of their decision give to him within forty-eight hours a statement of the grounds on which it was based.

(6) Any person aggrieved by a decision of the local authority under the last preceding subsection may appeal to a court of summary jurisdiction.

(7) For the purposes of paragraph (a) of subsection (1) of section 287 of the Act of 1936 as applied by this Act the provisions of this section shall be provisions which it is the duty of the local authority to enforce.

PART VI
—cont.

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

Provisions as to
houseboats
where food is
prepared etc.

104.—(1) Subject to the provisions of this section the following provisions shall have effect in a district in relation to every room in a houseboat in which any food intended for human consumption other than milk is prepared for sale or sold or offered or exposed for sale or deposited for the purpose of sale or preparation for sale (that is to say):—

- (a) No sanitary convenience shall be within or communicate directly with the room ;
- (b) The walls ceiling floor windows and doors of the room shall be kept in a proper state of repair ;
- (c) The sides roof and doors of the room shall be painted whitewashed cleansed or purified as often as may be necessary to keep them clean and the windows of the room shall be kept clean ;
- (d) The room shall not be used as a sleeping place and so far as may be necessary to prevent risk of infection or contamination of food in the room no sleeping place adjoining the room shall communicate therewith except through the open air or through an intervening ventilated space ;
- (e) Suitable and sufficient means of ventilation shall be provided and maintained ;
- (f) No refuse or filth whether solid or liquid shall be deposited or allowed to accumulate in the room except so far as may be necessary for the proper carrying on of the trade or business for which the room is used and the floor of the room shall be cleansed as often as may be necessary to keep it clean ;
- (g) Cleanliness shall be observed by persons employed in the room both in regard to the room and all articles apparatus and utensils therein and in regard to themselves and their clothing ; and
- (h) There shall be provided in or within reasonable distance of the room suitable washing basins and a sufficient supply of soap clean towels and clean water both hot and cold for the use of persons employed in the room :

Provided that paragraph (h) of this subsection shall not apply in relation to a room which is used for the sale or storage or for the sale and storage of food contained in containers of such materials and so closed as to exclude all risk of contamination but is not otherwise used for any purpose in connection with the preparation storage or sale of food.

(2) If in the case of a room to which the preceding subsection applies—

PART VI
—cont.

- (a) any of the requirements of that subsection are not complied with ; or
- (b) any person does or permits any act or thing in contravention of that subsection or fails to take all such steps as may be reasonably necessary to prevent risk of contamination of food in the room ;

then in any such case as is mentioned in paragraph (a) of this subsection the occupier of the room and in any such case as is mentioned in paragraph (b) of this subsection the person in question whether he be the occupier or not shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

(3) If in the case of a room to which subsection (1) of this section applies any of the requirements specified in paragraphs (a) (b) or (e) of that subsection is not complied with then in so far as that requirement is of a structural character the owner of the room shall if he let it for the purpose of being used for the preparation sale or storage of food or if not having so let it he permits it to be so used after receiving notice from the local authority be liable to the penalty mentioned in the last preceding subsection but without prejudice to the liability of the occupier under that subsection.

105.—(1) As from the appointed day fixed for any district any person intending to use any premises which were not used immediately before the appointed day—

Notification of
premises for
sale etc. of
food.

- (a) for the sale or offer or exposure for sale ; or
- (b) for the storage for purposes of sale ; or
- (c) for the preparation for sale ;

of any food (other than milk) intended for human consumption shall give not less than fourteen days' notice to the local authority of that district of his intention so to do.

(2) Any person who shall use any premises for any of the purposes mentioned in subsection (1) of this section shall—

- (a) unless those premises were used for such purpose immediately before the appointed day ; or
- (b) unless he has given notice to the local authority of the district in accordance with subsection (1) of this section ;

be liable to a penalty not exceeding ten pounds.

(3) In this section the expression "premises" includes houseboats.

PART VI
—cont.

(4) Nothing in this section shall apply to—

- (a) the sale or offer or exposure for sale or the storage for the purposes of sale in any premises used as a theatre music-hall or cinematograph theatre of ice-cream or sugar confectionery ; or
- (b) premises in respect of which there is a justices' licence for the sale of intoxicating liquor for consumption on the premises.

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

106.—(1) If a local authority are satisfied that the public health is or is likely to be endangered by any act or default of any person who is registered with them or who seeks to be registered as a manufacturer or vendor of or merchant or dealer in ice-cream or other similar commodity under section 158 (Registration of vendors of ice-cream and premises used by them) of the local Act of 1933 in relation to the quality storage or distribution of the ice-cream or other commodity they may serve upon him a notice to appear before them not less than seven days after the date of the notice to show cause why the local authority should not for reasons to be specified in the notice remove him from the register or refuse to register him as the case may be either absolutely or in respect of any specified premises and if he fails to show cause to their satisfaction accordingly they may remove him from the register or may refuse to register him.

(2) Any person aggrieved by a decision of a local authority under this section may appeal to a court of summary jurisdiction.

Slaughter of
animals
otherwise than
for human
consumption.

107.—(1) As from the appointed day fixed for any district the following provisions shall have effect in that district with respect to the slaughter therein of any of the following animals namely horses cattle sheep goats or pigs where the animal owing to emaciation or disease is slaughtered otherwise than for sale for human consumption within the meaning of the Public Health (Meat) Regulations.

(2) The owner of any such animal shall comply with the following provisions:—

- (a) He shall not less than twelve hours before slaughtering the animal or causing it to be slaughtered give notice to an authorised officer of the intention to slaughter it unless by reason of accidental injury illness or exposure to infection it is necessary to slaughter it before the expiration of twelve hours from the giving of such notice or before such notice is given ;
- (b) Where it is necessary by reason aforesaid to slaughter the animal before the expiration of the said twelve

hours he shall retain the carcase intact until the expiration of twelve hours from the time of slaughter or until its disposal is approved by an authorised officer whichever first occurs ;

(c) Where it is necessary by reason aforesaid to slaughter the animal before such notice is given he shall give notice of the slaughter to an authorised officer as soon as practicable thereafter and shall retain the carcase intact until the expiration of twelve hours from the time when notice is given under this paragraph or until its disposal is approved by an authorised officer whichever first occurs ;

(d) He shall on the application of an authorised officer made within two weeks from the date of the slaughter of the animal furnish such information within his knowledge as that officer may reasonably require for the purpose of enabling him to trace the disposition of the carcase or any part thereof.

(3) If any person—

(a) fails to comply with any of the provisions of subsection (2) of this section ; or

(b) furnishes in response to an application under paragraph (d) of that subsection information which he knows to be false ;

he shall be liable to a penalty not exceeding ten pounds.

(4) Nothing in paragraphs (b) and (c) of subsection (2) of this section shall prevent a veterinary surgeon or veterinary practitioner as from the time of slaughter from sending with the consent of the owner the whole carcase part of the carcase or any organs from the carcase of the animal to a pathological chemical or other laboratory for examination or from retaining in his possession specimens from the carcase or organs :

Provided that the veterinary surgeon or veterinary practitioner shall before the expiration of twelve hours from such dispatch or retention notify an authorised officer of the action he has taken and the provisions of paragraph (d) of subsection (2) of this section shall apply as if the veterinary surgeon or veterinary practitioner were the owner of the animal.

(5) Nothing in this section shall affect the operation of the Diseases of Animals Act 1950 or 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.

(6) In the computation of the period of twelve hours referred to in this section there shall be excluded any period between ten at night and nine in the morning.

PART VI
—cont.

(7) in this section—

- (a) the expression “authorised officer” means any officer of a local authority who is by virtue of the Food and Drugs Act 1938 an authorised officer for the purpose of the examination and seizure of meat under the provisions of that Act relating to unsound food;
- (b) the expression “Public Health (Meat) Regulations” means regulations for the time being in force under section 8 of the Food and Drugs Act 1938 or having effect by virtue of subsection (3) of section 101 of that Act as if they had been made under the said section 8.

Miscellaneous

Amendment of section 138 of the Act of 1936 in its application to a district.

108. The proviso to subsection (3) of section 138 of the Act of 1936 which empowers local authorities to require any occupied house to be provided with sufficient water supply shall in its application to a district have effect as if in that proviso the word “forty” was substituted for the word “twenty”.

PART VII

HOUSEBOATS

Definitions for Part VII.

109.—(1) In this Part of this Act unless expressly enacted or unless the subject or context otherwise requires—

“the protected lands” means any foreshore and the bed of any ooze saltings marshes creeks rays guts or water-courses situated within any of the following districts:—

Boroughs of—

Barking;
Harwich;
Maldon;

Urban districts of—

Benfleet;
Billericay;
Brightlingsea;
Burnham-on-Crouch;
Canvey Island;
Clacton;
Frinton and Walton;
Rayleigh;
Thurrock;
West Mersea;
Wivenhoe;

Rural districts of—

Chelmsford ;
Lexden and Winstree ;
Maldon ;
Rochford ;
Tendring ;

PART VII
—cont.

or any part of such lands whether or not the same are covered with water ;

“ the controlling authority ” means the council of the district in which the protected lands are situated ;

“ jetty ” includes any pier pile post gangway or other building or structure ;

“ moor ” “ place ” and “ erect ” include keep or maintain and “ mooring ” “ placing ” and “ erecting ” and “ moored ” “ placed ” and “ erected ” shall be construed accordingly.

(2) The person having control of any houseboat or jetty shall unless the contrary be proved be deemed to be the owner thereof but nothing contained in this Part of this Act shall prejudice any rights which have arisen or may arise between the person having control of any houseboat or jetty and the owner thereof.

110.—(1) As from the appointed day fixed for any district in which the protected lands are situate it shall not be lawful without the written consent of the controlling authority in that district—

(a) to moor or place any houseboat ; or

(b) to place or erect any jetty ;

upon or in the protected lands whether or not the same shall have been so moored placed or erected before that day :

Provided that this section shall not apply to any jetty situate upon or in the protected lands which is not used or intended for use for the purpose of mooring or placing or obtaining access to any houseboat or otherwise in connection with any houseboat.

(2) Any such consent may be given subject to such terms and conditions as the controlling authority may determine.

111.—(1) (a) If any houseboat shall be moored or placed contrary to the provisions of this Part of this Act the controlling authority may by notice in writing require the owner or occupier of the houseboat to remove or demolish it and to clear and restore the surface of the ground. Notices of removal etc. under Part VII.

(b) If any jetty shall be erected or placed contrary to the provisions of this Part of this Act the controlling authority may by notice in writing require the owner or occupier of the jetty

PART VII
—cont.

to remove or demolish it and to clear and restore the surface of the ground.

(2) Any notice under this section shall be given by leaving it or sending it in a prepaid letter addressed to the owner or occupier of such houseboat or jetty at his usual or last-known residence or (if it is not practicable after reasonable inquiry to ascertain the name and address of such person) by posting the same in a conspicuous position on such houseboat or on the land or foreshore near to such houseboat or on or near such jetty as the case may be to which the notice relates and shall specify the period within which such removal or demolition and clearance and restoration shall be completed:

Provided that where any houseboat shall have been moored or placed upon or in the protected lands before the appointed day or any jetty shall have been erected or placed upon or in the protected lands before the appointed day such period shall not be less than three months from the date of the posting of such notice.

(3) The provisions of section 290 of the Act of 1936 shall apply in relation to any notice given under this section as if a notice requiring the removal or demolition of a houseboat or jetty and the clearance and restoration of the surface of the ground were a notice requiring the execution of works.

Sale or disposal
of houseboat
jetty etc.

112.—(1) Where any houseboat or jetty shall have been removed or demolished by the controlling authority under this Part of this Act the controlling authority may retain the same or the materials thereof and may and shall if so required by the owner of such houseboat or jetty sell or dispose of the same or of such materials and retain the proceeds of such sale or disposal.

(2) For the purposes of ascertaining the amount recoverable by the controlling authority in respect of the costs and expenses incurred by them in or in connection with the removal or demolition of any such houseboat or jetty and the clearance and restoration of the surface of the ground credit shall be given for the net amount (if any) received by the controlling authority of the proceeds of the sale or disposal (after deduction of any costs and expenses incurred by the controlling authority in effecting the same) of such houseboat or jetty or the materials thereof. If such net amount shall exceed the amount of the costs and expenses incurred by the controlling authority in or in connection with the removal or demolition or clearance and restoration as aforesaid they shall pay the amount of such excess to the owner and if the owner is unknown and cannot after reasonable inquiry be ascertained they may pay the amount of such excess into court under section 63 of the Trustee Act 1925 as if it belonged to a trust of which they were the trustees.

113.—(1) Within two months after the appointed day fixed for any district in which the protected lands are situate the controlling authority for that district shall publish a notice in a local newspaper circulating in their district stating the effect of this section.

(2) Either—

(a) a copy of any such newspaper containing any such notice ; or

(b) a photostatic or other reproduction certified by the clerk to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice ;

shall be evidence of the publication of the notice and of the date of publication.

(3) Any person being entitled to any interest in the protected lands shall upon proof of his interest and subject as hereinafter provided be entitled to receive and shall be paid by the controlling authority compensation for any loss which may have been or may be sustained by him by the restriction or extinguishment under this Part of this Act of any rights which he might have lawfully exercised or enjoyed by virtue of his interest if this Act had not been passed provided that within twelve months after the publication of the notice referred to in subsection (1) of this section or such longer period as the controlling authority may in any case allow he delivers to the controlling authority notice in writing of his claim for compensation containing—

(i) such particulars as are required by subsection (2) of section 5 of the Acquisition of Land (Assessment of Compensation) Act 1919 to be given in such notices of claim as are referred to in that section ; and

(ii) a description of the protected lands in which he claims to be entitled to an interest.

(4) Any compensation payable under this section shall be of such amount as may be agreed between the controlling authority and the person claiming the same or in default of such agreement as shall be determined between the parties by the Lands Tribunal under the Acquisition of Land (Assessment of Compensation) Act 1919 and such determination shall be made in accordance (so far as applicable) with the provisions of the said Act.

(5) Any such compensation shall be paid to the person entitled thereto as soon as practicable after the amount thereof has been agreed or determined together with interest thereon at the rate of four per centum per annum which except where otherwise agreed or determined shall be calculated from the appointed day to the date of payment.

PART VII
—cont.Entry into
possession.

114. In any case in which under this Part of this Act the controlling authority are authorised to remove or demolish any houseboat or jetty but the owner or the occupier thereof refuses to give up the possession thereof or hinders or obstructs them from entering upon and taking possession of the same the controlling authority may take the same proceedings as are authorised by section 91 of the Lands Clauses Consolidation Act 1845 in the case of refusal to deliver possession of lands and the said section shall apply in all respects as if any such houseboat or jetty were "lands" within the meaning of the said section the controlling authority were "promoters of the undertaking" and the removal or demolition of any houseboat or jetty were "the purposes of the undertaking".

Right of appeal
under Part VII.

115. Any person aggrieved by the refusal of the controlling authority to give their consent under section 110 (Restriction on houseboats and jetties) of this Part of this Act or by any terms or conditions attached to any consent given by the controlling authority under that section may appeal to a court of summary jurisdiction.

Special
provision as
to existing
houseboats and
jetties in West
Mersea.

116. The following provisions of this Part of this Act namely:—

- Section 110 (Restriction on houseboats and jetties);
- Section 111 (Notices of removal etc. under Part VII);
- Section 112 (Sale or disposal of houseboat jetty etc.);
- Section 114 (Entry into possession);

shall not apply to any houseboat or jetty which on the first day of January nineteen hundred and fifty-two was moored or placed or erected upon or in the protected lands in the urban district of West Mersea (hereinafter referred to as "an existing houseboat" or "an existing jetty" as the case may be) but the following provisions shall apply in lieu of the said sections:—

(1) If at any time after the appointed day the controlling authority are satisfied that an existing houseboat or an existing jetty—

(a) is in such a condition as to be seriously injurious to the amenity (as existing at such time) of that part of the protected lands upon or in which it is moored placed or erected as the case may be; or

(b) is in such a condition as to be prejudicial to health or that its use has resulted in or materially contributed to conditions prejudicial to health;

the controlling authority may by notice in writing require the owner thereof within such time as may be specified in the notice to take such steps as may be necessary to abate the injury to amenity or to remedy such condition as the case may be:

(2) Any notice under this section shall be given by leaving it or sending it in a prepaid letter addressed to the owner of such houseboat or jetty at his usual or last known residence or (if it is not practicable after reasonable inquiry to ascertain the name and address of such person) by posting the same in a conspicuous position on such houseboat or on the land or foreshore near to such houseboat or on or near such jetty as the case may be to which the notice relates:

PART VII
—cont.

(3) Any person aggrieved by a requirement of the controlling authority under this section may appeal to a court of summary jurisdiction:

(4) In the event of failure to comply with the requirements of a notice served under this section or in the case of an appeal with the requirements of any order of the court the controlling authority may themselves take all such steps as may be necessary to carry out such requirements:

(5) The reasonable expenses incurred by the controlling authority in carrying out such requirements shall be repaid to the controlling authority by the person in default.

PART VIII

CONTROL OF PUBLIC ENTERTAINMENTS

Music and dancing entertainments

117.—(1) The Home Counties (Music and Dancing) Licensing Act 1926 shall extend to and apply within that part of the county where the said Act is not in force. As to music and dancing licences.

(2) Part IV of the Public Health Acts Amendment Act 1890 which relates to music and dancing licences shall cease to be in force in any district where that Part was in force immediately before the coming into force of this section.

(3) This section shall come into force on the first day of October nineteen hundred and fifty-three or such other date not being earlier than the first day of January nineteen hundred and fifty-three as the Council may by resolution passed within four months after the passing of this Act prescribe.

(4) The Council shall prior to the date on which this section shall come into force give the like public notice as they were required to give by section 98 (Notice of Part VII) of the local Act of 1933.

PART VIII

—cont.

*Boxing entertainments*Modification of
requirements
as to licensing
of boxing
entertainments.

118. Boxing entertainments which are provided in premises licensed under the Home Counties (Music and Dancing) Licensing Act 1926 or under the Theatres Act 1843 shall be excluded from the definition of "boxing entertainments" contained in section 89 (Definition for Part VII) of the local Act of 1933:

Provided that any boxing entertainments so excluded shall not take place otherwise than on the days and between the hours prescribed by the Council.

*Wrestling entertainments*Control of
wrestling
entertainments.

119.—(1) The provisions of Part VII (Control of public entertainments) of the local Act of 1933 as amended by section 118 (Modification of requirements as to licensing of boxing entertainments) of this Act shall extend and apply to any public contest exhibition or display of wrestling (in this section referred to as "wrestling entertainment") in like manner as the said provisions apply to a boxing entertainment.

(2) This section shall come into force on the first day of October nineteen hundred and fifty-three or such other date not being earlier than the first day of January nineteen hundred and fifty-three as the Council may by resolution passed within four months after the passing of this Act prescribe.

(3) The date on which this section shall come into force shall in relation to a wrestling entertainment be deemed to be the prescribed date for the purposes of section 97 (Penalties under Part VII) of the local Act of 1933.

(4) The Council shall prior to the date on which this section shall come into force give the like public notice in relation to wrestling entertainments as they were required by section 98 (Notice of Part VII) of the local Act of 1933 to give in relation to boxing entertainments.

*General*Devolution of
certain enter-
tainment
licences in case
of death of
licensee.

120. Upon the death of the holder of a licence granted in respect of premises in the county under any of the under-mentioned enactments:—

(a) Cinematograph Act 1909;

(b) Theatres Act 1843;

(c) Home Counties (Music and Dancing) Licensing Act 1926;

(d) Part VII (Control of public entertainments) of the local Act of 1933 as extended by this Act;

the person acting or purporting to act as the actual and responsible manager of the premises in respect of which the licence was granted shall be deemed to be the holder of the licence until such time as a new licence has been granted to some other person.

PART IX

WEIGHTS AND MEASURES

Sale of fuel

121. The under-mentioned provisions of this Part of this Act (namely):—

Application of certain provisions of Part IX.

Section 122 (Application to sale of coke and wood fuel of Weights and Measures Act 1889);

Section 123 (Byelaws relating to wood fuel);

Section 124 (Penalty on fraudulent sale of coke or wood fuel);

Section 125 (Amendment of section 27 of Weights and Measures Act 1889 in its application to the county);

Section 127 (Personal weighing machines);

Section 128 (Offences by weighing machine keepers and others);

shall apply in that part of the county in which the Council are the local authority for the purposes of the Weights and Measures Act 1878.

122.—(1) The provisions of section 4 of the Weights and Measures Act 1889 under which penalties may be imposed in case of fraud shall apply to the sale of coke and wood fuel.

Application to sale of coke and wood fuel of Weights and Measures Act, 1889.

(2) The provisions of sections 20 21 22 24 25 27 and 29 of the said Act of 1889 which relate to the sale of coal shall apply to the sale of wood fuel in quantities of fourteen pounds or over.

123. The Council may make byelaws—

Byelaws relating to wood fuel.

(a) regulating for the purposes of this Part of this Act and the Weights and Measures Act 1889 the sale of wood fuel in quantities of fourteen pounds or over but not exceeding two hundredweight; and

(b) requiring either generally or in specified classes of cases a weighing instrument of a form approved by the Council to be carried with any vehicle in which wood fuel is carried for sale or delivery to a purchaser.

124. If any person wilfully makes any false statement as to the weight of any coke or wood fuel which is being or has been sold delivered or offered or exposed or carried on a vehicle for sale or as to the tare weight of a vehicle used for the delivery of coke or wood fuel or wilfully increases the weight of any such coke or wood fuel by damping the same or wilfully does any other act by which the seller or the purchaser or prospective purchaser of coke or wood fuel is or may be defrauded he shall

Penalty on fraudulent sale of coke or wood fuel.

PART IX
—cont.

be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds.

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

125. Proviso (a) to section 27 of the Weights and Measures Act 1889 relating to the weighing of coal and vehicles as extended to the sale of coke in its application to the county by section 99 (Application to sale of coke of Weights and Measures Act 1889) of the local Act of 1933 and further extended to the sale of wood fuel by section 122 (Application to sale of coke and wood fuel of Weights and Measures Act 1889) of this Act shall be read and have effect as if in that proviso the words "two miles" were substituted for the words "half a mile".

Notice of Part IX.

126.—(1) The foregoing provisions of this Part of this Act shall come into operation on but not until the first day of January nineteen hundred and fifty-three.

(2) (a) The Council shall forthwith after the passing of this Act cause public notice to be given of the effect of the foregoing provisions of this Part of this Act by advertisement in two or more newspapers circulating in the county and otherwise in such manner as the Council think fit.

(b) No evidence shall be required in any proceedings that the provisions of this subsection have been complied with.

Weighing machines

Personal weighing machines.

127.—(1) In this section the expression "personal weighing machine" means any weighing machine which is used or exposed for use or proposed to be used or exposed for use for the purpose of ascertaining the weight of any person and—

(a) for the use of which a charge is made or is proposed to be made; or

(b) which is kept or is proposed to be kept in any premises or place to which the public have access.

(2) The Council may make byelaws—

(a) generally with respect to the examination on verification and to the inspection of personal weighing machines and the distinguishing marks to be affixed to personal weighing machines under this section and the circumstances and conditions in and under which such marks may be affixed or cancelled;

(b) with respect to the tests to be applied for the purpose of ascertaining the accuracy and efficiency of personal weighing machines;

(c) for fixing the limits of error to be allowed on verification and inspection of any personal weighing machine;

(d) for fixing the fees to be paid to the Council for the examination and marking of personal weighing machines submitted for verification or for the examination of such personal weighing machines as are found to be incorrect or defective.

(3) On and after the expiration of a period of twelve months from the coming into force of any byelaws made under subsection (2) of this section the owner or the person having in his possession or in charge of any personal weighing machine which is used or exposed for use and which is false or unjust beyond the limits allowed by any such byelaws as aforesaid shall be liable to a penalty not exceeding forty shillings or in the case of a second or any subsequent offence five pounds and the machine shall be liable to be forfeited.

(4) On and after the expiration of the said period a personal weighing machine shall not be used or exposed for use unless such machine has been examined and approved by an inspector of weights and measures of the Council and has been marked with a distinguishing mark by such inspector or unless it has been stamped by an inspector of weights and measures in pursuance of the Weights and Measures Acts 1878 to 1936 and on or after the expiration of the said period the owner or the person having in his possession or in charge of any personal weighing machine which is used or exposed for use and which is not so stamped or marked shall be liable to a penalty not exceeding forty shillings or in the case of a second or any subsequent offence five pounds and the machine shall be liable to be forfeited.

(5) If any person forges counterfeits or (not being an inspector of weights and measures of the Council) removes any such stamp or distinguishing mark as is referred to in the last preceding subsection or unlawfully stamps or marks a machine with any such stamp or distinguishing mark or knowingly exposes for use any personal weighing machine on which there is any such forged or counterfeit stamp or mark he shall be liable to a penalty not exceeding five pounds and the machine shall be liable to be forfeited.

(6) (a) Any inspector of weights and measures of the Council may at all reasonable times examine inspect and test any personal weighing machine and may seize and detain any personal weighing machine which there is reasonable cause to believe may be liable to be forfeited under the provisions of this section and may for such purposes enter any premises or place where there is reason to believe that there is a personal weighing machine which he is authorised to examine and inspect.

(b) Any person who neglects or refuses to produce for such examination inspection and testing any such personal weighing machine in his possession or custody or on his premises or refuses

PART IX
—cont.—

to permit any such inspector of weights and measures to examine inspect or test the same or obstructs the entry of such inspector or otherwise obstructs or hinders him from acting under this section shall be liable to a penalty not exceeding five pounds or in the case of a second or any subsequent offence ten pounds.

(7) For the purpose of this section a personal weighing machine shall not be deemed to be stamped or marked with a distinguishing mark by reason of its bearing a cancelled stamp or distinguishing mark.

(8) A personal weighing machine which is liable to be forfeited under any of the foregoing provisions of this section shall not be forfeited if in the opinion of the court it is reasonably practicable having regard to cost or other relevant circumstances to restore such machine to a condition in which it may lawfully be used or exposed for use under this section.

(9) (a) The provisions of subsections (5) (6) and (7) of this section shall come into operation on but not until the date on which any byelaws made under subsection (2) of this section shall come into force and the Council shall forthwith after the confirmation of any such byelaws give public notice of the provisions of this section by advertisement in a local newspaper circulating in the county.

(b) No evidence shall be required in any proceedings that the provisions of this subsection as to public notice have been complied with.

Offences by
weighing
machine
keepers and
others.

128. Any person keeping or who purports to act on behalf of a keeper of a weighing machine for the purpose of ascertaining the weight of any vehicle or the loading thereof who shall—

- (a) during ordinary business hours (which expression for the purposes of this section means from eight o'clock in the morning till six o'clock in the afternoon on weekdays other than Saturdays and from eight o'clock in the morning till half-past twelve in the afternoon on Saturdays) wilfully neglect on application duly to weigh any vehicle with or without loading that shall come to the machine kept by him to be weighed ;
- (b) not fairly weigh any such vehicle with or without loading ;
- (c) not deliver to the purchaser of any such loading or any person interested therein on application a ticket or account containing the true weight of such loading ;
- (d) give to any person a false ticket or account of the weight of such vehicle or the loading thereof ;
- (e) weigh any vehicle knowing that anything has been added to the loading thereof so as to increase the weight of the same or that the wheels thereof have been changed

between the time of the same being weighed with its loading and the time of its coming back to be again weighed without its loading and shall not give immediate notice thereof to the person interested therein ;

- (f) knowingly assist in or connive at any fraud committed or attempted concerning the weighing of any such vehicle or the loading thereof or shall make or connive at making any false representation of the weight of the same respectively ;
- (g) fail to make immediately after the weight of any vehicle with or without loading has been ascertained a true record of the weight thereof and retain such record for a period of six months ; or
- (h) issue particulars of any vehicle with or without loading which he has not personally ascertained ;

shall be liable to a penalty not exceeding ten pounds and in respect of any subsequent offence to a penalty not exceeding fifty pounds and in respect of any such subsequent offence the court may in lieu of or in addition to inflicting a penalty impose any term of imprisonment not exceeding six months :

Provided that paragraphs (a) and (b) of this section shall not impose an obligation to weigh any vehicle or loading upon any railway canal gas or inland navigation undertakers or upon the Council or a local authority so far as the said paragraphs relate to a weighing machine not available for the public or upon the keeper of any such weighing machine.

General

129. The council of any borough in the county being a local authority for the purposes of the Weights and Measures Act 1878 may adopt any of the provisions of this Part of this Act and upon such adoption those provisions shall have effect with any necessary modifications including the substitution of " corporation " for " Council " and the provisions of section 5 of the Public Health Act 1925 shall apply mutatis mutandis with respect to such adoption.

Adoption by councils of boroughs of provisions of Part IX.

PART X

SUPERANNUATION PENSIONS ETC.

130. In this Part of this Act unless the subject or context otherwise requires—

Interpretation of Part X.

" Act of 1937 " means the Local Government Superannuation Act 1937 ;

" regulations " means the National Health Service (Superannuation) Regulations 1950 ;

PART X
—cont.

“superannuation fund” means the superannuation fund of the Council;

words and expressions to which meanings are assigned in the Act of 1937 and to which meanings are not assigned by this Part of this Act have the same respective meanings.

Extension and
modification of
Act of 1937.

131.—(1) The provisions of this section and of the next succeeding section which provisions are in this Part of this Act referred to as “the extended provisions” shall come into operation on the first day of April nineteen hundred and fifty-three and shall apply to every employee of the Council or the standing joint committee and to any employee or any person who is or becomes deemed to be an employee of the court of quarter sessions who is or becomes a contributory employee in relation to the superannuation fund and in respect of employment for which they are remunerated by the Council to any justices’ clerk or assistant to a justices’ clerk who by virtue of section 22 of the Justices of the Peace Act 1949 is or becomes a contributory employee of the magistrates courts committee and to any person who by virtue of an order under section 1 of the Probation Officers (Superannuation) Act 1947 is or becomes a contributor to the superannuation fund except—

(a) any employee of the Council who by virtue of Part III (Officers of local health authorities) or Part IV (Officers of local education authorities) of the regulations may become entitled to superannuation benefits under the Act of 1937 as modified by the regulations or would have become so entitled had he not exercised the option under the regulations or under any regulations thereby revoked to retain former superannuation benefits;

(b) any person who on the first day of April nineteen hundred and fifty-three is a contributory employee and who before the first day of July nineteen hundred and fifty-three gives notice to the Council that he desires that the extended provisions shall not apply to him:

Provided that such notice shall remain effective only so long as the person remains a contributory employee without a disqualifying break of service.

(2) The Act of 1937 shall extend and apply in relation to any person to whom the extended provisions apply as if in consideration of the contributions required thereby there were substituted for any title accruing in respect of service reckonable under the Act of 1937 to a superannuation allowance a title to such benefits as are conferred by regulations 7 to 9 inclusive and regulation 12 of the regulations and there were conferred by the Act of 1937 in addition to or in substitution for any similar

benefits to which such person might become entitled thereunder in respect of service reckonable under the Act of 1937 the benefits conferred by regulations 10 11 and 13 of the regulations and the Act of 1937 shall have effect accordingly with any necessary modifications:

PART X
—cont.

Provided that—

(a) the said regulation 7 shall have effect as if the following words were substituted for paragraph (a):—

“ (a) an annual pension if either—

(i) he has completed ten years' service and is incapable of discharging efficiently the duties of his employment by reason of permanent ill-health or infirmity of mind or body; or

(ii) he has attained the age of sixty years and completed forty years' service; or

(iii) he has attained the age of sixty-five years and completed ten years' service; and ”

and as if all the words in paragraph (b) after the word “satisfies” were omitted and the words “paragraph (a) of this regulation” inserted in lieu thereof;

(b) in the application of any regulation in Part I of the regulations for the purposes of this subsection references to pensionable age shall be construed as a reference to the age of compulsory retirement references in regulations 6 (1) (a) and 19 (1) to such an age as is hereinafter mentioned shall be construed as references to the age of compulsory retirement and references to forty-five years or forty-five-eighths respectively shall be construed as references to forty years and forty-eighths respectively;

(c) the amount of any retiring allowance to which any person to whom the extended provisions apply may become entitled shall be increased as nearly as may be in accordance with the provisions of regulation 29 (3) of the regulations.

(3) The Act of 1937 in its application to any person to whom the extended provisions apply shall be further modified to provide that the Council the standing joint committee the magistrates courts committee the court of quarter sessions or the probation committee concerned may on any annual pension lump sum retiring allowance or death gratuity becoming payable to or in respect of such person in their employment or deemed to be in their employment resolve that in respect of every year of non-contributing service there shall be substituted for the fraction of his average remuneration a larger fraction thereof

PART X
—cont.

but not larger than the fraction applicable under the regulations in respect of every year of contributing service:

Provided that subject to the provisions of the next following section any extra charge resulting from any resolution passed by the Council under this subsection shall be repaid to the superannuation fund by the Council.

(4) The Act of 1937 in its application to any such person as aforesaid shall be further modified to confer a right on him by making payments similar to those provided for by the Third Schedule to the regulations to reckon any period of non-contributing service as a period of contributing service and shall have effect as if the provisions of the said Third Schedule were incorporated therein with the modification that the reference therein to the calculation of interest at the rate of two and one-half per centum with yearly rests shall be construed as a reference to the calculation of interest at the rate of three per centum per annum with half-yearly rests and with any other necessary modifications.

Application to
persons not
employed by
Council.

132.—(1) In every case in which under the Act of 1937 or the regulations or the last foregoing section of this Act a discretion is exercisable in relation to a person to whom the extended provisions apply but who is not an employee of the Council and the effect of exercising such discretion in favour of that person would be to increase the amount from time to time payable out of the superannuation fund to or in respect of him the following provisions shall have effect:—

- (a) As regards any civilian employee of the standing joint committee or any justices' clerk or assistant to a justices' clerk the discretionary powers shall be exercisable by that committee or by the magistrates courts committee as the case may be but a copy of every determination of either of such committees in reference thereto shall be sent forthwith to the Council who if dissatisfied therewith may within three months after the receipt thereof appeal to the Secretary of State whose decision shall be final;
- (b) As regards any employee of or any person who is deemed to be an employee of the court of quarter sessions the discretionary powers shall be exercisable by that court but a copy of every determination of that court in reference thereto shall be sent forthwith to the Council who if dissatisfied therewith may within three months after the receipt thereof appeal to the Secretary of State whose decision shall be final;
- (c) As regards persons to whom an order under section 1 of the Probation Officers (Superannuation) Act 1947

- (d) fix the intervals at which all payments on account of principal and interest are to be made being intervals not exceeding half a year ;
- (e) authorise the borrower at any of the usual quarter days after one month's notice and on paying all sums due on account of interest to repay the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the said instrument or as the local authority may be prepared to accept) or a multiple of one hundred pounds (or of such less sum as aforesaid) ;
- (f) where the repayment is to be made by an annuity of principal and interest combined provide for determining the amount by which the annuity is to be reduced when a part of the advance is paid off otherwise than by way of an instalment of the annuity ;
- (g) require the borrower either—
- (i) to keep the building in respect of which the advance is made insured against fire to the satisfaction of the local authority and to produce to the local authority when required the receipts for the premiums paid in respect of the insurance ; or
 - (ii) (if the local authority elect themselves to insure the said building against fire) to repay to the local authority the amounts of any premiums paid by them from time to time in that behalf ;
- (h) require the borrower to keep the said building in good repair.

(3) Any person acting on behalf of the local authority and authorised in writing by the clerk of the local authority shall have power at all reasonable times to enter any building in respect of which an advance has been made under this section for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are being complied with.

(4) The borrower may with the permission of the local authority (which shall not be unreasonably withheld) at any time transfer his interest in the land and building in respect of which the advance was made but any such transfer shall be made subject to the terms of the instrument securing the advance.

(5) In this section the expression "lessee" includes a person to whom the local authority have agreed to grant a lease and the expression "lease" shall be construed accordingly.

151. If a justice is satisfied on complaint by any officer of a local authority duly authorised that any person is quitting or about to quit any premises in the district and has failed to pay on demand any general rate water rate or water charge which

Recovery of rate etc. from persons removing.

PART XI
—cont.

may be due from him and intends to evade payment of the same by departing from the said premises the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the person in default to meet the claim of the local authority and to detain them until the complaint is determined upon the return of the summons.

Recovery of
rates from
certain owners.

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

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

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

(3) This section shall not apply to any hereditaments to which subsection (1) of section 11 of the Rating and Valuation Act 1925 applies by virtue of a resolution of the local authority.

PART XII

CLERK OF THE PEACE DEPUTY CLERK OF THE PEACE AND STAFF

Definition of
"officer" for
Part XII.

153. In this Part of this Act the expression "officer" does not unless expressly stated include the clerk of the peace or the deputy clerk of the peace of the county.

Transfer of
staff of clerk of
the peace to
quarter
sessions.

154. All officers of the Council who were appointed before the twentieth day of November nineteen hundred and forty solely for the purpose of assisting the clerk of the Council in carrying out his duties as clerk of the peace for the county shall be deemed to have been transferred to and become officers of the court of quarter sessions for the county on that date.

Appointment
of staff to
assist clerk of
the peace.

155.—(1) The court of quarter sessions for the county shall be deemed to have had power as from the twentieth day of November nineteen hundred and forty to appoint additional or other officers to be officers of the court during the pleasure of the court to assist in the carrying out of the duties of the clerk of the peace of the county.

(2) Subject to the provisions of section 66 of the Local Government Act 1888 the Council shall be deemed to have had power to pay and shall continue to pay out of the county fund to every officer transferred to or appointed by the court of quarter sessions by or under the provisions of this Part of this Act such salaries as may have been or as from time to time may be determined by the court.

PART XII
—cont.

156.—(1) A person holding or having held the office of clerk of the peace or deputy clerk of the peace of the county and any person employed transferred to or appointed by the court of quarter sessions for the county to assist the clerk of the peace shall be superannuable in accordance with this section.

Super-annuation etc. of clerk and deputy clerk of the peace and staff.

(2) The Local Government Superannuation Act 1937 shall have effect in relation to any person mentioned in subsection (1) of this section as if the court of quarter sessions for the county were a local authority mentioned in Part I of the First Schedule to the said Act and as if he were employed by the court of quarter sessions.

(3) The Seventh Schedule to this Act shall have effect for the purpose of adapting the Local Government Superannuation Act 1937 in relation to any such clerk deputy clerk or person as is mentioned in subsection (1) of this section.

157. The provisions of section 12 of the Local Government (Clerks) Act 1931 shall extend and apply to the powers and duties of the court of quarter sessions for the county under this Part of this Act as if that section were re-enacted in this Part of this Act with any necessary modifications.

Application of section 12 of Local Government (Clerks) Act 1931.

158.—(1) The provisions of this Part of this Act shall continue in force notwithstanding that at any time the person holding the office of clerk of the peace for the county also holds the office of clerk of the Council or the person holding the office of deputy clerk of the peace for the county also holds the office of deputy clerk of the Council.

Continued operation of this Part of Act.

(2) Any provisions of the Local Government (Clerks) Act 1931 and of any other Act which are inconsistent with the provisions of this Part of this Act shall cease to have effect within the county.

PART XIII

MISCELLANEOUS

159.—(1) The powers of a local authority or of a parish council in relation to a burial ground provided by them or a closed or disused burial ground maintainable by them shall include power to put and keep in order any grave or tombstone

Extension of power to maintain burial grounds.

PART XIII
—cont.

and remove the kerbs surrounding a grave therein subject to the following provisions:—

(a) Before exercising the powers of this section the local authority or parish council shall give notice of their intention so to do—

(i) by publishing the notice once in each of two successive weeks in a local newspaper circulating in the district with an interval between each publication of not less than six clear days ; and

(ii) by displaying the notice in a conspicuous position in the burial ground ;

(b) Any such notice shall—

(i) contain a description of the works intended to be executed ; and

(ii) specify the date on which it is intended that those works will be commenced which shall not be earlier than the fourteenth day after the last publication of the notice in a newspaper as aforesaid or the twenty-first day after the notice is first displayed in the burial ground as aforesaid ; and

(iii) state the effect of paragraph (c) of this subsection ;

(c) If notice of objection to the execution of any such works and of the ground thereof is given to the local authority or to a parish council before the date so specified and is not withdrawn before the expiration of fourteen days from that date the works to which the objection relates shall not be executed without the consent of the Minister ;

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

(e) Where any kerbs constitute a memorial the local authority may if requested so to do by any known next of kin at their own expense in substitution therefor erect a memorial stone of a value not exceeding twenty-five pounds ;

(f) The local authority shall cause to be made a record of any kerb surrounding a grave space removed under the powers of this section showing the particulars respecting

(2) For the purposes of this section the expression " authority " means an authority discharging functions within the county of Essex being—

- (a) the council of a county borough or of a district or a joint committee appointed by two or more such councils ;
- (b) any statutory or other body of persons discharging functions in pursuance of any statutory enactment or regulation made thereunder ;
- (c) any independent school or hospital management committee.

163.—(1) Notwithstanding the limitation contained in section 107 (Court may prohibit movable dwellings in certain areas) of the local Act of 1933 or in any declaration made by the Minister under subsection (9) of section 269 of the Act of 1936 the said section 107 shall apply in every district. Provisions as to sections 107 and 109 of local Act of 1933.

(2) For the removal of doubt it is hereby declared that the said section 107 shall for the purposes of subsection (9) of section 269 of the Act of 1936 be deemed not to be a provision enabling a local authority to regulate by means of byelaws or licences or otherwise the use of movable dwellings or camping grounds.

(3) Any approval or consent under section 109 (Prohibition of movable dwellings in certain urban districts) of the local Act of 1933 (in this section referred to as " section 109 ") may ~~be given~~ for a period to be stated in the approval or consent and any person keeping on any land any ~~movable dwelling~~ or letting or permitting the use of any land for occupation by a movable dwelling after the expiration of any period so stated shall be deemed to have offended against the provisions of the said section.

(4) Section 109 shall have effect as if there were inserted after the word " section " in subsection (3) thereof the words " or by the period stated in any approval or consent ".

(5) (i) Upon the application of the local authority of any district (other than the districts mentioned in subsections (6) and (7) of this section) the Minister may revoke any declaration made under subsection (9) of section 269 of the Act of 1936 in respect of that district and declare section 109 as amended by this section to be in force in such district.

(ii) Upon any such revocation the Minister may also declare that any provision of the local Act of 1933 repealed by the declaration so revoked is thereby revived and as from such revival the said provision shall have effect as if the revoked declaration had not been made.

PART XIII
—cont.

(6) Notwithstanding the inclusion in section 209 (Special provisions as to borough of Barking) of the local Act of 1933 of a reference to the section of that Act of which the marginal note is "Prohibition of movable dwellings in certain urban districts" the Minister upon the application of the mayor aldermen and burgesses of the borough of Barking may declare that section 109 as amended by this section shall be in force in that borough and that upon the declaration taking effect such of the provisions of the Barking Corporation Act 1933 specified in the declaration as enable the corporation to regulate by means of byelaws or licences or otherwise the use of movable dwellings or camping grounds shall be repealed.

(7) Notwithstanding the provisions of subsection (7) of section 109 the Minister upon the application of the mayor aldermen and burgesses of the borough of Dagenham or the mayor aldermen and burgesses of the borough of Romford may revoke any declaration made under subsection (9) of section 269 of the Act of 1936 in respect of the borough of Dagenham or the borough of Romford as the case may be and may declare that section 109 as amended by this section shall be in force in that borough:

Provided that such revocation shall not revive any provisions of a local Act in force in either of the said boroughs which have been repealed by the revoked declaration.

Commemora-
tive plaques.

164. A local authority may on a conspicuous external part of any house building or place in their district cause to be put up with the consent of the owner of such house building or place commemorative plaques indicating events of public interest in connection with such house building or place or the site thereof and may thereafter with the like consent maintain any such plaque.

Restriction on
removal of
top soil of
agricultural
land.

165.—(1) Subject to the provisions of this section it shall not be lawful without the written permission of the Council to strip off or take from agricultural land in the county all or any of the top soil thereof.

(2) No permission shall be required under this section—

(a) to strip off or take top soil from any land in respect of which permission has been granted or shall have been deemed to have been granted under the Act of 1947 for the use of that land for any purpose (other than agriculture) or for the erection of buildings or the carrying out of other works thereon or the carrying out of mining operations;

(b) to cut or remove any turf having a thickness of not more than two inches;

(2) For the purposes of this section the expression "secondary school" includes—

PART XIII
—cont.

- (a) a secondary school as defined by section 114 of the Education Act 1944; and
- (b) a school in respect of which grants are paid by the Minister of Education under regulations made in pursuance of paragraph (b) of subsection (1) of section 100 of that Act and in which secondary education as defined by section 8 of the Act is provided.

170.—(1) A committee lawfully authorised by the Council to exercise any powers of the Council under any enactment may subject to any direction of the Council appoint such sub-committees consisting either wholly or partly of members of the committee as the committee think fit and subject as aforesaid may delegate with or without restrictions or conditions any of their functions to a sub-committee so appointed.

Delegation of powers to sub-committees.

(2) Except in pursuance of powers conferred by any enactment a majority of the members of any such sub-committee shall be members of the Council.

(3) The powers of this section shall be in addition to the powers of any committee of the Council to appoint sub-committees under any other enactment.

171.—(1) Whenever it becomes necessary in any district to which this section applies for the local authority or any of their officers servants contractors or workmen to enter examine or lay open any lands (not being lands on which buildings for manufacturing purposes are erected) for the purpose of making plans surveying measuring taking levels or making trial holes and the owner or occupier of such land or premises refuses to permit the same to be entered upon examined or laid open for the purposes aforesaid or any of them the local authority may after written notice to such owner or occupier apply to a court of summary jurisdiction for an order authorising the local authority to enter examine and lay open the said lands for the purposes aforesaid or any of them.

Entry on land for certain purposes.

(2) If sufficient cause is shown for the application the court may make an order accordingly and on such order being made the local authority or any of their officers servants contractors or workmen may at all reasonable times between the hours of nine in the forenoon and six in the afternoon enter examine or lay open the lands mentioned in such order for such of the said purposes as are therein specified without being subject to any action or molestation for so doing:

Provided that except in case of emergency no entry shall be made or works commenced under this section unless at least

PART XIII
—cont.

twenty-four hours' notice of the intended entry and of the object thereof be given to the occupier of the lands intended to be entered.

(3) The local authority shall at their own expense make good and restore to their former condition any lands laid open by them or their officers servants contractors or workmen and shall make good to the reasonable satisfaction of the owner or occupier of the lands entered all damages or loss sustained by him in consequence of such entry examination or laying open and any dispute as to the amount of damage or loss so sustained as aforesaid shall in default of agreement be assessed by a court of summary jurisdiction and the amount so assessed shall be recoverable in such court.

(4) A local authority shall not exercise the powers of this section in respect of any lands belonging to the commission and used for the purpose of their undertaking except with the consent of the commission which consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

(5) This section applies to the following districts:—

Boroughs of—

Dagenham ;

Ilford ;

Urban districts of—

Benfleet ;

Hornchurch ;

Rayleigh.

Evidence of
appointments
authority etc.

172.—(1) In any proceedings—

- (a) a document purporting to be certified by the clerk of the Council as a copy of a resolution order or report passed made or adopted by the Council or by any committee thereof on a specified date shall be evidence that that resolution order or report was duly passed made or adopted by the Council or that committee on the said date ;
- (b) a document purporting to be so certified as a copy of a minute duly drawn up entered and signed in accordance with paragraph 3 of Part V of the Third Schedule to the Act of 1933 of the proceedings of a meeting of the Council or of any committee thereof on a specified date shall be evidence to the same extent as the original minute ;
- (c) a document purporting to be signed by the clerk of the Council certifying the appointment of or any authority given to an officer of the Council or any committee

thereof shall be evidence that that appointment or authority was duly made or given by the Council or that committee.

PART XIII
—cont.

(2) In this section—

the expression “officer” includes a servant solicitor or agent;

the expression “committee” includes the standing joint committee and any sub-committee of any committee.

(3) Section 286 of the Act of 1936 shall cease to apply to the Council.

173. The Council may exercise the powers of section 277 of the Act of 1936 for the purpose of performing their functions under the Destructive Insects Act 1877 as if such functions were functions under the Act of 1936. Additional powers to require information.

174.—(1) The provisions of this Part of this Act hereinafter mentioned shall apply to a local authority and shall have effect with any necessary modifications including the substitution of the expression “local authority” for “Council”. Application of certain provisions of Part XIII to local authorities.

(2) The provisions hereinbefore referred to are the following:—

Section 170 (Delegation of powers to sub-committees);

Section 172 (Evidence of appointments authority etc.).

PART XIV

SUPPLY OF HEAT BY DAGENHAM CORPORATION

175. In this Part of this Act the following expressions have the meanings hereby assigned to them:— Interpretation of Part XIV.

“borough” means the borough of Dagenham;

“corporation” means the mayor aldermen and burgesses of the borough;

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

“electricity authority” means the British Electricity Authority;

“electricity board” means the Eastern Electricity Board and the London Electricity Board or either of them;

“gas board” means the North Thames Gas Board;

“heat” means heat supplied or intended to be supplied by means of hot water or steam;

“heating fittings” includes radiators air heaters water heaters mains pipes meters taps cocks valves ferrules and other works and apparatus used in connection with the supply of heat;

PART XIV
—cont.

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

Supply of heat. 176.—(1) The corporation may supply heat to such premises as they may think fit in the Dagenham north-east ward of the borough upon and subject to the terms and conditions provided by this Part of this Act and such other terms and conditions as may be agreed between the corporation and the owners or occupiers of those premises:

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

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

**Supply of
hot water.**

177. The corporation may in addition to or instead of supplying heat to any premises to which they are authorised by this Part of this Act to supply heat supply hot water to such premises and the provisions of this Part of this Act relating to the provision storage transmission distribution and supply of heat by the corporation shall apply to the provision storage transmission distribution and supply of hot water by the corporation.

**Existing works
to be part of
heating
undertaking.**

178. The station and the buildings plant and equipment and the mains pipes and other works constructed by the corporation with the consent of the Minister of Health or the Minister of Local Government and Planning before the passing of this Act for the purposes of providing storing transmitting distributing and supplying heat and hot water shall be deemed as from the date of construction to have formed part of the heating undertaking and the corporation may extend modify or enlarge such station buildings plant and equipment.

**As to extension
etc. of station
for providing
heat.**

179.—(1) If the corporation shall resolve to extend modify enlarge or construct a station for providing heat under the powers of this Part of this Act the corporation shall forthwith give to the Minister and the electricity authority and the gas board notice of such resolution together with such information with regard to such station as the electricity authority or the gas board may within six weeks after the service of such notice

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

PART XIV
—cont.

(2) Within three months after the service of the said notice or the receipt of such information (whichever is the later) the electricity authority or the gas board may serve upon the corporation a counter-notice offering a supply of heat to them upon such terms and conditions as may be specified in the counter-notice or as may be agreed between the corporation and the electricity authority or the gas board as the case may be.

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

(4) If the Minister determines that a supply of heat shall be afforded to the corporation by the electricity authority or the gas board the electricity authority or the gas board as the case may be shall afford and the corporation may take such a supply in accordance with the terms and conditions approved by the Minister:

Provided that if the Minister makes a substantial alteration in the terms or conditions on which the electricity authority or the gas board offered a supply of heat to the corporation then if within twenty-eight days after the receipt of the determination of the Minister the electricity authority or the gas board give notice in writing to the Minister and the corporation that the said terms or conditions are not acceptable they shall not be required to afford a supply of heat to the corporation and the corporation shall be entitled to proceed with their proposals as

PART XIV
—cont.

if this section had not been enacted unless within twenty-eight days after such last-mentioned notice the corporation serve on the electricity authority or the gas board as the case may be a notice requiring a supply in which case the electricity authority or the gas board as the case may be shall afford and the corporation may take a supply on the terms and conditions specified in the counter-notice referred to in subsection (2) of this section.

Power to lay mains etc. and break open streets.

180.—(1) The following provisions of the Third Schedule to the Water Act 1945 are hereby incorporated with this Part of this Act (namely):—

- Part V (Power to lay mains &c.);
- Section 22 (Power to break open streets);
- Section 25 (Protection for railway companies navigation authorities tramway undertakers &c.);
- Section 27 (Remedies where undertakers fail to comply with foregoing requirements);
- Section 28 (Application of Part VI to verges and streets and highways not maintainable at the public expense); and
- Section 93 (Protection for works of navigation authorities and for catchment boards and railways).

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

- “the undertakers” means the corporation;
- “supplying water” means supplying heat and “supply of water” shall be construed accordingly;
- “service pipe” means a pipe for supplying heat from a main to any premises; and
- “the limits of supply” means the Dagenham north-east ward of the borough.

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

- (a) to lay a main outside the borough;
- (b) to lay down a main outside the Dagenham north-east ward of the borough except for the purpose of giving or facilitating a supply of heat within that ward or of taking a supply of heat from any works or premises outside that ward;
- (c) to supply heat to any premises outside the said ward.

(4) Before the corporation break up or otherwise interfere with any street situate in the metropolitan police district in connection with the execution of any works under this section they shall (except in cases of emergency) give twenty-one days’

notice in writing to the Commissioner of Police of the Metropolis and make such arrangements with the said commissioner as may be reasonably necessary so as to cause as little interference as may be reasonably practicable with the traffic in the street or road during the execution of such works.

PART XIV
—cont.

181. Section 26 of the Act of 1950 in its application to the execution by the corporation of any works in the exercise of the powers of section 180 (Power to lay mains etc. and break open streets) of this Act in relation to any apparatus shall be modified as follows:—

Modified application of Public Utilities Street Works Act 1950.

- (a) The notice to be given under subsection (2) of the said section 26 by the corporation shall be accompanied by plans sections and particulars of the works;
- (b) The said notice shall be given not less than seven days before the works are commenced;
- (c) Any question which may arise under the said section 26 as modified by this section shall be determined by arbitration in accordance with section 31 of the Act of 1950 and the proviso to subsection (2) of such last-mentioned section shall not apply.

182.—(1) Before the corporation—

- (a) resolve to incur any expenditure on capital account in excess of the amount of two thousand pounds for the purpose of constructing laying down or executing any works for providing storing transmitting or distributing heat under the powers of this Part of this Act but not including any expenditure for the purpose of renewals; or
- (b) lay down any main under the provisions of this Part of this Act other than a main extending for a distance of not more than two hundred yards from any main laid down in accordance with proposals previously made under this section;

Consultation with undertakers as to certain works.

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

(2) Without prejudice to the generality of subsection (1) of this section such information shall include particulars of the proposals (if any) of the corporation as to the standards of heat

PART XIV
—cont.

proposed to be maintained the premises supplied with heat under the powers of this Part of this Act and the measures to be taken with respect to—

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

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

(4) If no such representations are made the corporation shall not proceed except in accordance with the proposals sent to the undertakers or any alteration thereof which may be agreed.

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

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

(7) In this section “the undertakers” means the electricity authority and the electricity board and the gas board.

Power to
supply fittings.

183.—(1) In any premises to which the corporation supply or propose to supply heat they may provide (but not manufacture) and may supply by way either of sale or hire any such heating fittings as may be required for or in connection with the supply of or utilisation of the heat so supplied and may instal repair renew or alter any heating fittings whether supplied by them or not and may provide any materials and do any work required in connection with such installation repair renewal or alteration.

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

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

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

(b) shall notwithstanding that they be fixed or fastened to any part of the premises in which they may be situated or to the soil under any such premises at all times continue to be the property of and (subject to the provisions of the Hire Purchase Act 1938) removable by the corporation:

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

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

(5) (a) The corporation shall so adjust the charges to be made by them under this section as will taking one year with another meet any expenditure by them thereunder including interest upon any moneys borrowed for the purposes thereof and any sums carried to a sinking fund for repayment of moneys so borrowed.

(b) The total sums expended and received by the corporation in connection with the purposes of this section in each year including interest and any sums carried to a sinking fund shall be separately shown in the abstract of accounts of the corporation for that year.

(6) If any person wilfully injures or suffers to be injured any heating fittings belonging to the corporation he shall be liable to a penalty not exceeding five pounds and the corporation may do all such work as is necessary for repairing any injury done and may recover the expenses reasonably incurred by them in so doing from the offender and if the amount does not exceed twenty pounds summarily as a civil debt.

184.—(1) The corporation may from time to time prescribe Heating a scale of charges (in this Part of this Act referred to as "heating charges.") for heat supplied to premises under the powers of this Part of this Act and for connecting premises to the heating undertaking and (where premises have been disconnected from the said undertaking) for re-connecting premises thereto and where heat is so supplied to any premises the heating charges in accord-

PART XIV
—cont.

ance with the scale shall be payable by the occupier of those premises except in any case where the owner has agreed with the corporation to pay the same in which case they shall be payable by the owner.

(2) The heating charges payable by any person may after a demand therefor be recovered from him by the corporation either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt and subject as hereinafter provided where a person fails to pay within seven days after a demand therefor any heating charges payable by him in respect of any premises the corporation may cut off the supply of heat to the premises and recover the expenses reasonably incurred by them in so doing in the same manner as the heating charges:

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

Security for
payment of
accounts.

185. The corporation may require any person desiring to take a supply of heat or to be supplied with heating fittings or materials under this Part of this Act to deposit with the corporation such sum as the corporation may reasonably require as security for the payment of any moneys which may become due from him to the corporation in respect of such supply of heat or of any fittings or materials supplied to him in connection therewith.

Power to enter
premises.

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

- (a) inspecting and examining any heating fittings whether belonging to the corporation or not;
- (b) ascertaining whether there is or has been on or in connection with the premises any contravention of the provisions of this Part of this Act or of any byelaws made thereunder;
- (c) ascertaining whether or not circumstances exist which would authorise the corporation to take any action or execute any work under this Part of this Act;

(d) taking any action or executing any work authorised or required by this Part of this Act to be taken or executed by the corporation:

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

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

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

(a) admission to any premises has been refused or that refusal is apprehended or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency or that an application for admission would defeat the object of the entry; and

(b) there is reasonable ground for entry into the premises for any such purpose as aforesaid;

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

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

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

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

(5) If any person who in compliance with the provisions of this section or of a warrant issued thereunder is admitted into a factory or workplace discloses to any person any information obtained by him in the factory or workplace with regard to any

PART XIV
—cont.

manufacturing process or trade secret he shall unless such disclosure was made in the performance of his duty be liable to a penalty not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

Interference
with apparatus
etc.

187.—(1) If any person wilfully and without the consent of the corporation turns on opens closes shuts off or otherwise interferes with any valve cock or other work or apparatus belonging to the corporation and thereby improperly causes the supply of heat to be interfered with he shall be liable to a penalty not exceeding five pounds and (whether proceedings be taken against him in respect of his offence or not) the corporation may recover from him the amount of any damage sustained by them either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt.

(2) If any person wrongfully takes uses or diverts any heat from any apparatus provided for the purposes of this Part of this Act he shall (without prejudice to any other right or remedy of the corporation) be liable to a penalty not exceeding five pounds.

Byelaws for
protection of
heating
undertaking.

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

(2) Byelaws under this section may include provisions—

- (a) prescribing the size nature materials strength and workmanship and the mode of arrangement connection disconnection insulation alteration and repair of the heating fittings to be used ; and
- (b) forbidding the use of any heating fittings which are of such a nature or are so arranged or connected as to cause or permit or be likely to cause or permit—
 - (i) waste misuse undue consumption or contamination of or interference with the circulation of hot water or steam ;
 - (ii) reverberation in pipes ; or
 - (iii) waste misuse or undue consumption of heat.

(3) If any person contravenes the provisions of any byelaw made under this section the corporation may without prejudice to their right to take proceedings for a penalty in respect of such contravention cause any heating fittings belonging to or used by that person which are not in accordance with the requirements of the byelaws to be altered repaired or replaced and may recover the expenses reasonably incurred by them in so doing from the

person in default either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt.

PART XIV
—cont.

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

Discount for prompt payment.

Provided that the corporation shall make the same allowance to all persons under similar conditions.

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

Notice to be given before quitting premises supplied with heat.

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

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

191.—(1) The provisions of section 27 of the Water Act 1945 shall apply to a supply of water required by the corporation to be given to any premises for their use for the purposes of this Part of this Act and to the South Essex Waterworks Company whether or not the water so required to be supplied is used or intended to be used wholly or partly for the purpose of the transmission or distribution of a supply of heat or hot water to the premises:

Supply of water by South Essex Waterworks Company for heating undertaking.

Provided that the corporation may require that any such supply of water required by them as aforesaid shall be of the like quality as if they had required a supply of water for domestic purposes.

(2) Save as expressly provided by the foregoing subsection nothing in this Part of this Act shall affect the powers rights and obligations of the said company in regard to the supply of water under any enactment or their powers rights and obligations incident or relating thereto.

PART XIV
—cont.

(3) Except with the consent of the said company the corporation shall not use for the purposes of the heating undertaking any water other than water supplied by the said company.

Application of
certain Acts to
heating
undertaking.

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

(2) Section 4 of the Special Roads Act 1949 shall apply in relation to the powers conferred on the corporation by this Part of this Act to lay down mains pipes and apparatus in or under any land for the purpose of the heating undertaking as it applies in relation to the powers conferred on statutory undertakers as defined in that Act by or under any enactment to lay down any apparatus in or under any land and the expression "statutory undertakers" in the said section 4 shall be construed accordingly.

Separate
accounts.

193.—(1) The corporation shall keep separate accounts of the heating undertaking so as to include all items which ought to be entered therein in order to show the financial position of the undertaking and so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division on the one side all income in respect of the undertaking and on the other side all expenditure in respect of the undertaking such expenditure being divided so as also to show the amounts expended in respect of each of the following purposes (that is to say):—

- (a) the working and establishment expenses and costs of maintenance of the undertaking;
- (b) the interest on moneys borrowed by the corporation for the purposes of or in connection with the undertaking;
- (c) the requisite appropriations and instalments or sinking fund payments in respect of the repayment of moneys borrowed for the purposes of or in connection with the undertaking;
- (d) all other expenses (if any) of the undertaking properly chargeable to revenue;
- (e) the amount (if any) paid to the reserve fund;
- (f) any money expended on any of the purposes mentioned in section 194 (Application of revenue of heating undertaking) of this Act other than the purpose mentioned in paragraph (e) of this subsection.

(2) The corporation shall apportion between the accounts to be kept by them under this section and any other accounts of the corporation any receipts credits payments and liabilities which from time to time ought to be so apportioned.

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

- (a) in reduction of capital moneys borrowed for the purposes of the heating undertaking;
- (b) in the renewal and the construction extension or improvement of any works and conveniences for the purposes of the heating undertaking or in payment of any expenses in respect of the heating undertaking which might otherwise have been defrayed out of capital moneys;
- (c) in providing a reserve fund in respect of the heating undertaking by setting aside such an amount as they may from time to time think reasonable and (unless the amounts so set aside are used in any other manner authorised by any enactment) investing the same in statutory securities until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the corporation.

(2) The 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 heating undertaking; or
- (b) in meeting any extraordinary claim or demand at any time arising against the corporation in respect of the heating undertaking; or
- (c) in or towards the payment of the cost of renewing improving or extending any works forming part of the heating undertaking or otherwise for the benefit thereof;

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

(3) Resort may be had to the 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.

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—cont.

Reports etc.
with respect to
heating
undertaking
etc.

195.—(1) The corporation shall give to the electricity authority and the electricity board and the gas board such reports and returns and such information with respect to the heating undertaking as the electricity authority or the electricity board or the gas board may reasonably require and the electricity authority and the gas board shall give to the corporation such reports and returns and such information with respect to any supply by them of heat as the corporation may reasonably require.

(2) Any dispute between the corporation on the one hand and the electricity authority or the electricity board or the gas board on the other hand as to whether any reports returns or information are reasonably required by the electricity authority or the electricity board or the gas board or the corporation (as the case may be) shall be determined by the Minister.

Corporation
not to be
exempted from
proceedings for
nuisance.

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

PART XV

PROTECTIVE PROVISIONS

Crown rights.

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

For protection
of Postmaster-
General.

198.—(1) Where pursuant to section 26 (Adjustment of boundaries of streets) of this Act the highway authority enters into an agreement with a person having a legal interest in land adjoining any street for the conveyance to that person of the site of any part of the street and immediately before the date on which the site ceases to be part of the street there was under in upon over along or across such site any telegraphic line belonging to or used by the Postmaster-General the Postmaster-General shall continue to have the same powers in respect of that line as if such site had remained part of the street but nothing in Part I of the Act of 1950 shall have effect in relation to those powers:

Provided that if any person in whom such site is vested desires that such telegraphic line should be altered paragraphs (1)

to (8) of section 7 of the Telegraph Act 1878 shall apply to the alteration and accordingly shall have effect subject to any necessary modifications as if references therein to undertakers included references to the said person desiring the alteration.

PART XV
—cont.

(2) As between the highway authority and the Postmaster-General nothing in the foregoing subsection shall affect the operation of Part II of the Act of 1950 or the rights of the Postmaster-General and the highway authority thereunder.

(3) Where any highway or part of a highway is stopped up in pursuance of an order made under section 45 (Stopping up and diversion of highways) of this Act the following provisions shall unless otherwise agreed in writing between the highway authority and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such highway or part of a highway at the time of such stopping up:—

- (a) The power of the Postmaster-General to remove the line shall be exercisable notwithstanding the stopping up of the highway or part of the highway so however that the said power shall not be exercisable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in subsection (4) of this section unless before the expiration of that period the Postmaster-General has given notice to the highway authority of his intention to remove the line or that part thereof as the case may be;
- (b) The Postmaster-General may by notice to the highway authority in that behalf abandon the said line or any part thereof and shall be deemed as respects the line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;
- (c) The Postmaster-General shall be entitled to recover from the highway authority the expense of providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster-General may require;
- (d) Where under paragraph (b) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the owner of the soil in or over which it is situate and the provisions of the Telegraph Acts 1863 to 1951 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

PART XV
—cont.

(4) As soon as the whole or any part of any highway has been stopped up the highway authority shall send by post to the Postmaster-General a notice informing him of such stopping up and the period of three months mentioned in subsection (3) of this section shall commence to run from the date on which such notice is sent.

(5) In this section the expressions "alter" "alteration" and "telegraphic line" have the same meanings as in the Telegraph Act 1878.

Saving for
London Traffic
Act 1924.

199. Nothing in section 34 (Direction signs) section 56 (Barriers in streets) or Part XIV (Supply of heat by Dagenham Corporation) of this Act shall exempt any person from or shall alter or affect the operation of any of the provisions of the London Traffic Act 1924.

Saving for
development
corporations.

200.—(1) The following provisions of this Act shall not apply to any development carried out or to be carried out in accordance with proposals approved by the Minister under section 3 of the New Towns Act 1946 in relation to any area designated as the site of a new town:—

Section 19 (Prohibition of building until street formed and sewered);

Section 20 (Termination of new streets);

Section 21 (Rounding or splaying off corners at street junctions);

Section 22 (Adjustment of boundaries of estates in connection with streets);

Subsection (2) of section 37 (Retaining walls);

Section 47 (Means of access to buildings);

Section 75 (Extension of section 17 of Act of 1936 to certain drains).

(2) The powers of the following sections of this Act shall not be exercised in relation to any works in or adjacent to any street which has been constructed by or on behalf of a development corporation within any area designated as the site of a new town under the New Towns Act 1946 without the consent of the development corporation for that area:—

Section 31 (Erection of shelters in streets);

Section 32 (Barriers for the regulation of queues);

Section 33 (Guard rails in private streets);

Section 34 (Direction signs);

Section 35 (Attachment of street lamps brackets etc.).

(3) The local authority shall not give any notice under section 39 (Forecourts injurious to amenities of street) of this

Act in respect of any forecourt belonging to a development corporation within any area designated as the site of a new town under the New Towns Act 1946 until they shall have consulted with that development corporation.

PART XV
—cont.

(4) The provisions of section 70 (Separate sewers for foul water and surface water) of this Act and any byelaws made thereunder shall not apply to a development corporation constructing a new street within any area designated as the site of a new town under the New Towns Act 1946.

201.—(1) In this section—

Provisions
applicable
to borough
of Barking.

“ the borough ” means the borough of Barking ;

“ the corporation ” means the mayor aldermen and burgesses of the borough ;

“ the Barking Act of 1933 ” means the Barking Corporation Act 1933.

(2) The following sections of the Barking Act of 1933 are hereby repealed:—

Section 66 (Adjustment of boundaries of estates) ;

Section 67 (Adjustment of boundaries of streets) ;

Section 70 (Power to determine width of carriageways and footways) ;

Section 71 (As to urgent repairs of private streets) ;

Section 72 (Rounding of corners at street junctions) ;

Section 74 (Means of access to buildings) ;

Section 77 (Crossings for horses or vehicles over footways) ;

Section 80 (Power to place fences near school entrances) ;

Section 87 (Direction signs) ;

Section 90 (As to forecourts) ;

Section 92 (Power to provide tubs for trees &c.) ;

Section 102 (Restriction on erection of temporary stands etc.) ;

Section 107 (Powers on inspection) ;

Section 124 (As to evasion by owners of private street works expenses) ;

Section 229 (Recovery of rate from persons removing) ;

Section 248 (Byelaws as to pleasure fairs) ;

Section 253 (As to payments due to deceased employees) :

Provided that any byelaws made by the corporation under the said section 248 of the Barking Act of 1933 shall be deemed

PART XV
—cont.

to have been made under section 59 (Byelaws as to pleasure fairs) of this Act.

(3) If any of the sections of this Act which are mentioned in the first column of the following table shall come into operation in the borough the section of the Barking Act of 1933 shown in the second column of the said table opposite thereto shall be repealed on the day on which such first-mentioned section comes into operation in the borough:—

<i>Sections of this Act</i>	<i>Sections of the Barking Act of 1933</i>
67 (Recovery of expenses of sewerage prospective street).	125 (Apportionment and recovery of expenses of construction of sewer constructed before land became a street).
72 (Summary power to remedy stopped-up drains etc.).	119 (As to defective drains &c.).
73 (Power to repair drains and private sewers).	120 (As to repair of drains).
77 (Penalty for improper construction or repair of water-closet etc.).	117 (Improper construction or repair of water-closet or drain).
78 (Sanitary conveniences for persons employed on construction work).	110 (Sanitary conveniences for workmen engaged on buildings).
81 (Ruinous and dilapidated buildings and neglected sites).	108 (Dilapidated and neglected buildings).
83 (New building overreaching adjoining chimneys).	101 (Erection of buildings to greater height than adjoining building).
84 (Height of new chimneys) ...	99 (Height of chimneys).
85 (Power to order alteration of domestic chimneys).	100 (Power to order alteration of chimneys).
86 (Cellars and rooms below subsoil water level).	122 (Cellars not to be constructed below subsoil water level).
87 (Food storage accommodation)	104 (Food storage accommodation to be provided).
89 (Extension of powers under section 9 of Housing Act 1936).	139 (Further provisions as to working class houses).
94 (Noise nuisance)	246 (Noise nuisance).
96 (Information to be furnished by occupier in case of notifiable disease).	136 (Penalty on withholding information from medical officer).
97 (Restriction on attendance at public places etc.).	131 (Restriction on attendance of children at Sunday schools and places of assembly when infectious disease prevails).
98 (Exclusion of children from places of entertainment or assembly).	130 (Power to close Sunday schools and exclude children from entertainments).
99 (Compensation for stopping employment to prevent spread of disease).	134 (Compensation to persons for ceasing employment to prevent spread of disease).
101 (Prohibition of tuberculous persons from handling food).	158 (Power to prohibit persons suffering from tuberculosis from handling &c. food).

(4) If the corporation establish a fund under any of the sections of this Act which are specified in the first column of the following table the section of the Barking Act of 1933 (hereinafter referred to as "the Barking section") specified in the second column of the said table opposite thereto shall cease to have effect and any moneys standing to the credit of the fund established under the Barking section shall be carried to and form part of the fund established by the corporation under the said first-mentioned section:—

<i>Sections of this Act</i>	<i>Barking sections</i>
145 (Capital funds of local authorities).	230 (Capital fund).
146 (Renewal and repairs funds of local authorities).	232 (Renewal and repairs fund).
147 (Consolidated loans funds of local authorities).	218 (Consolidated loans fund).
148 (General insurance funds of local authorities).	231 (Insurance fund).

202.—(1) In this section—

"the borough" means the borough of Dagenham;

"the corporation" means the mayor aldermen and burgesses of the borough;

"the Act of 1931" means the Dagenham Urban District Council Act 1931.

Provisions
applicable to
borough of
Dagenham.

(2) The following sections of the Act of 1931 are hereby repealed:—

- Section 17 (As to urgent repairs of private streets);
- Section 19 (Adjustment of boundaries of estates);
- Section 20 (Adjustment of boundaries of streets);
- Section 23 (Further powers as to future line of street);
- Section 26 (Rounding of corners at street junctions);
- Section 28 (Crossings for horses or vehicles over footways);
- Section 31 (As to forecourts);
- Section 33 (Direction signs);
- Section 36 (Attachment of lighting brackets and wires to buildings);
- Section 37 (Restriction on erection of temporary stands &c.);
- Section 46 (Powers on inspection);
- Section 139 (Recovery of rate from persons removing);
- Section 148 (Power to grant allowances or gratuities in certain cases).

PART XV
—cont.

(3) If any of the sections of this Act which are mentioned in the first column of the following table shall come into operation in the borough the section of the Act of 1931 shown in the second column of the said table opposite thereto shall be repealed on the day on which such first-mentioned section comes into operation in the borough:—

<i>Sections of this Act</i>	<i>Sections of the Act of 1931</i>
73 (Power to repair drains and private sewers).	65. (As to repair of drains).
77 (Penalty for improper construction or repair of water-closet etc.).	61 (Improper construction or repair of water-closet or drain).
78 (Sanitary conveniences for persons employed on construction work).	56 (Sanitary conveniences for workmen engaged on buildings).
81 (Ruinous and dilapidated buildings and neglected sites).	47 (Dilapidated and neglected buildings).
83 (New building overreaching adjoining chimneys).	50 (Erection of buildings to greater height than adjoining buildings).
85 (Power to order alteration of domestic chimneys).	91 (Power to order alteration of chimneys).
86 (Cellars and rooms below subsoil water level).	55 (Cellars not to be constructed below subsoil water level).
87 (Food storage accommodation)	52 (Food storage accommodation to be provided).
89 (Extension of powers under section 9 of Housing Act 1936).	54 (Further provisions as to working class houses).
94 (Noise nuisance).	151 (Noise nuisance).
96 (Information to be furnished by occupier in case of notifiable disease).	74 (Penalty on withholding information from medical officer).
97 (Restriction on attendance at public places etc.).	70 (Restriction on attendance of children at Sunday schools and places of assembly when infectious disease prevails).
98 (Exclusion of children from places of entertainment or assembly).	69 (Power to close Sunday schools and exclude children from entertainments).
99 (Compensation for stopping employment to prevent spread of disease).	82 (Power to compensate persons for ceasing employment to prevent spread of disease).
101 (Prohibition of tuberculous persons from handling food).	97 (Power to prohibit persons suffering from tuberculosis from handling &c. food).

(4) (a) Section 37 (Retaining walls) of this Act shall not apply within the borough.

(b) Notwithstanding anything contained in section 6 (Application of certain provisions in urban districts) of this Act the following sections of this Act shall not come into operation in the borough:—

Section 72 (Summary power to remedy stopped-up drains etc.);

Section 100 (Entry into premises in case of notifiable disease).

(5) If the corporation establish a fund under any of the sections of this Act which are specified in the first column of the following table the section of the Act of 1931 (hereinafter referred to as "the Dagenham section") specified in the second column of the said table opposite thereto shall cease to have effect and any moneys standing to the credit of the fund established under the Dagenham section shall be carried to and form part of the fund established by the corporation under the said first-mentioned section:—

<i>Sections of this Act</i>	<i>Dagenham sections</i>
146 (Renewal and repairs funds of local authorities).	141 (Renewal and repairs fund).
147 (Consolidated loans funds of local authorities).	133 (Consolidated loans fund).
148 (General insurance funds of local authorities).	140 (Insurance fund).

203.—(1) In this section—

"the Act of 1898" means the Ilford Improvement Act 1898;

"the Act of 1904" means the Ilford Urban District Council Act 1904;

"the Act of 1937" means the Ilford Corporation Act 1937;

"the borough" means the borough of Ilford;

"the corporation" means the mayor aldermen and burgesses of the borough.

Provisions
applicable
to borough
of Ilford.

(2) The following sections of this Act shall not have effect within the borough:—

- Section 34 (Direction signs);
- Section 36 (Crossings over footways);
- Section 37 (Retaining walls);
- Section 38 (Fencing of forecourts);
- Section 39 (Forecourts injurious to amenities of street);
- Section 41 (Urgent repairs of private streets);
- Section 47 (Means of access to buildings);
- Section 50 (Power to let parks etc. for games);
- Section 51 (Parking places in parks etc.);
- Section 66 (Recovery of expenses of sewerage public highway);
- Section 67 (Recovery of expenses of sewerage prospective street);
- Section 68 (Prevention of evasion of liabilities under last two preceding sections);
- Section 70 (Separate sewers for foul water and surface water);

PART XV
—cont.

Section 78	(Sanitary conveniences for persons employed on construction work) ;
Section 83	(New building overreaching adjoining chimneys) ;
Section 93	(Silencers for internal combustion engines) ;
Section 94	(Noise nuisance) ;
Section 98	(Exclusion of children from places of entertainment or assembly) ;
Section 100	(Entry into premises in case of notifiable disease) ;
Section 106	(Power to remove from register or refuse registration of ice-cream manufacturers etc.) ;
Section 118	(Modification of requirements as to licensing of boxing entertainments) ;
Section 145	(Capital funds of local authorities) ;
Section 146	(Renewal and repairs funds of local authorities) ;
Section 147	(Consolidated loans funds of local authorities) ;
Section 148	(General insurance funds of local authorities) ;
Section 167	(Powers to use ladders etc. for entry or inspection).

(3) The following sections of this Act shall not apply to the corporation :—

Section 10	(Extension of power to acquire land by agreement) ;
Section 15	(Development of land) ;
Section 55	(Sale of refreshments in open spaces etc.) ;
Section 135	(As to proof of continued existence of pensioners) ;
Section 136	(As to payments due to deceased persons) ;
Section 161	(Transfer of certain powers of local Act of 1933 to local authorities) ;
Section 224	(Apportionment of expenses in case of joint owners).

(4) The following sections of the under-mentioned Acts are hereby repealed :—

the Act of 1898—

Section 88 (Undertakings to be binding on owners) ;

the Act of 1904—

Section 95 (Power to grant gratuities in certain cases) ;

the Act of 1937—

- Section 39 (Planting of trees in private streets) ;
- Section 118 (Recovery of rate &c. from persons removing) ;
- Section 128 (Bye-laws as to pleasure fairs) :

Provided that any byelaws made by the corporation under the said section 128 of the Act of 1937 shall be deemed to have been made under section 59 (Byelaws as to pleasure fairs) of this Act and shall continue in operation until revoked or altered.

(5) As from the date on which any section of this Act which is described in the first column of the following table comes into operation in the borough the enactment referred to in the second column of that table opposite such section shall be repealed:—

Section 57 (Safety of stands)	Section 56 of the Act of 1937.
Section 77 (Penalty for improper construction or repair of water-closet etc.).	Section 57 of the Act of 1904.
Section 84 (Height of new chimneys)	Section 30 of the Act of 1898.
Section 85 (Power to order alteration of domestic chimneys).	Section 53 of the Act of 1937.
Section 86 (Cellars and rooms below subsoil water level).	Section 50 of the Act of 1937.
Section 87 (Food storage accommodation)	Section 51 of the Act of 1937.
Section 87 (Food storage accommodation)	Section 52 of the Act of 1937.
Section 96 (Information to be furnished by occupier in case of notifiable disease).	Section 69 of the Act of 1937.
Section 99 (Compensation for stopping employment to prevent spread of disease).	Section 22 of the Act of 1904.
Section 101 (Prohibition of tuberculous persons from handling food).	Section 79 of the Act of 1937.
Section 103 (Registration of hawkers of food and their premises).	Section 77 of the Act of 1937.

(6) As from the date on which new byelaws with respect to the construction and laying out of new streets in the borough come into operation section 20 (No buildings allowed until street formed) of the Act of 1898 and section 44 (No buildings allowed until street formed) of the Act of 1937 shall be repealed.

(7) Any person or premises registered with the corporation under the provisions of section 77 (Registration of hawkers of meat fish fruit and vegetables and premises) of the Act of 1937 shall for all purposes be deemed to have been registered with them under section 103 (Registration of hawkers of food and their premises) of this Act when the last-mentioned section comes into operation in the borough.

PART XV
—cont.Provisions
applicable
to borough
of Leyton.

204.—(1) In this section—

“the borough” means the borough of Leyton;

“the corporation” means the mayor aldermen and
burgesses of the borough.(2) The following sections of this Act shall not apply within
the borough:—

- Section 23 (Trees grass verges and gardens);
- Section 24 (Removal of trees etc. from highways);
- Section 25 (Variation of width of carriageways and foot-
ways);
- Section 26 (Adjustment of boundaries of streets);
- Section 34 (Direction signs);
- Section 36 (Crossings over footways);
- Section 38 (Fencing of forecourts);
- Section 39 (Forecourts injurious to amenities of street);
- Section 40 (Awnings over footways);
- Section 45 (Stopping up and diversion of highways);
- Section 76 (Power to cleanse drains etc.);
- Section 151 (Recovery of rate etc. from persons removing);
- Section 152 (Recovery of rates from certain owners).

(3) Notwithstanding anything contained in section 6
(Application of certain provisions in urban districts) of this Act
the following sections of this Act shall not come into operation
in the borough:—

- Section 71 (Delegation of power to examine and test
drains etc.);
- Section 72 (Summary power to remedy stopped-up
drains etc.);
- Section 73 (Power to repair drains and private sewers);
- Section 77 (Penalty for improper construction or repair
of watercloset etc.);
- Section 78 (Sanitary conveniences for persons employed
on construction work);
- Section 81 (Ruinous and dilapidated buildings and
neglected sites);
- Section 82 (Recovery of expenses of watching dangerous
and dilapidated buildings);
- Section 83 (New building overreaching adjoining chim-
neys);
- Section 84 (Height of new chimneys);
- Section 85 (Power to order alteration of domestic
chimneys);
- Section 86 (Cellars and rooms below subsoil water
level);
- Section 87 (Food storage accommodation);
- Section 89 (Extension of powers under section 9 of
Housing Act 1936);
- Section 90 (Cleansing of filthy or verminous premises);

- Section 92 (Prohibition of sale of verminous articles);
- Section 93 (Silencers for internal combustion engines);
- Section 94 (Noise nuisance);
- Section 95 (Smoke from industrial furnaces);
- Section 96 (Information to be furnished by occupier in case of notifiable disease);
- Section 97 (Restriction on attendance at public places etc.);
- Section 98 (Exclusion of children from places of entertainment or assembly);
- Section 99 (Compensation for stopping employment to prevent spread of disease);
- Section 100 (Entry into premises in case of notifiable disease);
- Section 102 (Inedible fat);
- Section 107 (Slaughter of animals otherwise than for human consumption).

PART XV
—cont.

(4) If section 103 (Registration of hawkers of food and their premises) of this Act shall come into operation in the borough section 62 (Registration of hawkers of food and their premises) of the Leyton Corporation Act 1950 shall be repealed on the day on which the said section 103 comes into operation in the borough and any person and any premises which have been registered under the said section 62 of the Leyton Corporation Act 1950 shall be deemed to have been registered under the said section 103 of this Act.

(5) If the corporation establish a fund under any of the sections of this Act which are specified in the first column of the following table the section (hereinafter referred to as "the Leyton section") specified in the second column of the said table opposite thereto shall cease to have effect and any moneys standing to the credit of the fund established under the Leyton section shall be carried to and form part of the fund established by the corporation under the said first-mentioned section:—

<i>Sections of this Act</i>	<i>Leyton sections</i>
145 (Capital funds of local authorities).	70 (Capital fund) of the Leyton Corporation Act 1950.
146 (Renewal and repairs funds of local authorities).	71 (Renewal and repairs fund) of the Leyton Corporation Act 1950.
147 (Consolidated loans funds of local authorities).	3 (Consolidated loans fund) of the Leyton Order 1939.
148 (General insurance funds of local authorities).	72 (Insurance fund) of the Leyton Corporation Act 1950.

PART XV
—cont.**205.**—(1) In this section—

“ the borough ” means the borough of Romford ;

“ the corporation ” means the mayor aldermen and burgesses of the borough ;

“ the Act of 1931 ” means the Romford Urban District Council Act 1931.

(2) The following sections of the Act of 1931 are hereby repealed :—

Section 14	(As to urgent repairs of private streets) ;
Section 16	(Adjustment of boundaries of estates) ;
Section 17	(Adjustment of boundaries of streets) ;
Section 20	(Further powers as to future line of street) ;
Section 21	(Rounding of corners at street junctions) ;
Section 23	(Means of access to buildings) ;
Section 27	(Compensation for injuring lamps &c.) ;
Section 32	(Attachment of lighting brackets and wires to buildings) ;
Section 35	(Restriction on erection of temporary stands &c.) ;
Section 36	(Direction signs) ;
Section 49	(Powers on inspection) ;
Section 142	(Renewal and repairs fund) ;
Section 143	(Recovery of rate from persons removing).

(3) If any of the sections of this Act which are mentioned in the first column of the following table shall come into operation in the borough the section of the Act of 1931 shown in the second column of the said table opposite thereto shall be repealed on the day on which such first-mentioned section comes into operation in the borough :—

<i>Sections of this Act</i>	<i>Sections of the Act of 1931</i>
72 (Summary power to remedy stopped-up drains etc.).	58 (As to defective drains &c.)
73 (Power to repair drains and private sewers).	60 (As to repair of drains).
74 (Penalty for damage to surface water drains etc.).	57 (Wilful damage to drains water-closets &c.).
77 (Penalty for improper construction or repair of water-closet etc.).	56 (Improper construction or repair of water-closet or drain).
78 (Sanitary conveniences for persons employed on construction work).	52 (Sanitary conveniences for workmen engaged on buildings).
81 (Ruinous and dilapidated buildings and neglected sites).	50 (Dilapidated and neglected buildings).
83 (New building overreaching adjoining chimneys).	31 (Erection of buildings to greater height than adjoining building).
87 (Food storage accommodation).	46 (Food storage accommodation to be provided).

<i>Sections of this Act</i>	<i>Sections of the Act of 1931</i>
89 (Extension of powers under section 9 of Housing Act 1936).	48 (Further provisions as to working class houses).
94 (Noise nuisance)	149 (Noise nuisance).
96 (Information to be furnished by occupier in case of notifiable disease).	78 (Penalty on withholding information from medical officer).
101 (Prohibition of tuberculous persons from handling food).	95 (Power to prohibit persons suffering from tuberculosis from handling &c. food).

PART XV
—cont.

206.—(1) In this section—

“ the Act of 1937 ” means the Canvey Island Urban District Council Act 1937 ;

“ the district ” means the urban district of Canvey Island.

Provisions applicable to urban district of Canvey Island.

(2) If any of the sections of this Act specified in the first column of the following table shall come into operation in the district the section of the Act of 1937 (hereinafter referred to in this section as “ the Canvey Island section ”) specified opposite thereto in the second column of that table shall be repealed on the day on which the said section of this Act comes into operation :—

<i>Sections of this Act</i>	<i>Canvey Island sections</i>
19 (Prohibition of building until street formed and sewerage).	17 (No buildings to be erected until street formed).
36 (Crossings over footways) ...	21 (Crossings for horses or vehicles over footways).
41 (Urgent repairs of private streets).	23 (As to urgent repair of private streets).
57 (Safety of stands)	36 (Restriction on erection of temporary stands &c.).
73 (Power to repair drains and private sewers).	46 (As to drains &c. stopped up).
85 (Power to order alteration of domestic chimneys).	37 (Power to order alteration of chimneys).
101 (Prohibition of tuberculous persons from handling food).	73 (Power to prohibit persons in advanced state of tuberculosis from selling &c. food).

(3) Section 37 (Retaining walls) of this Act shall not apply within the district.

207.—(1) In this section—

“ the Act of 1905 ” means the Clacton Improvement Act 1905 ;

“ the Act of 1938 ” means the Clacton Urban District Council Act 1938 ;

“ the Clacton Council ” means the urban district council of Clacton ;

“ the district ” means the urban district of Clacton.

Provisions applicable to urban district of Clacton.

PART XV
—cont.

(2) The following sections of this Act shall not have effect within the district:—

- Section 19 (Prohibition of building until street formed and sewerage);
- Section 20 (Termination of new streets);
- Section 23 (Trees grass verges and gardens);
- Section 26 (Adjustment of boundaries of streets);
- Section 28 (Revocation of improvement line);
- Section 34 (Direction signs);
- Section 36 (Crossings over footways);
- Section 37 (Retaining walls);
- Section 38 (Fencing of forecourts);
- Section 39 (Forecourts injurious to amenities of street);
- Section 41 (Urgent repairs of private streets);
- Section 47 (Means of access to buildings);
- Section 50 (Power to let parks etc. for games);
- Section 51 (Parking places in parks etc.);
- Section 56 (Barriers in streets);
- Section 66 (Recovery of expenses of sewerage public highway);
- Section 67 (Recovery of expenses of sewerage prospective street);
- Section 68 (Prevention of evasion of liabilities under last two preceding sections);
- Section 84 (Height of new chimneys);
- Section 93 (Silencers for internal combustion engines);
- Section 94 (Noise nuisance);
- Section 96 (Information to be furnished by occupier in case of notifiable disease);
- Section 98 (Exclusion of children from places of entertainment or assembly);
- Section 100 (Entry into premises in case of notifiable disease);
- Section 101 (Prohibition of tuberculous persons from handling food);
- Section 103 (Registration of hawkers of food and their premises);
- Section 106 (Power to remove from register or refuse registration of ice-cream manufacturers etc.);
- Section 107 (Slaughter of animals otherwise than for human consumption);
- Section 145 (Capital funds of local authorities);
- Section 146 (Renewal and repairs funds of local authorities);
- Section 147 (Consolidated loans funds of local authorities);

Section 151 (Recovery of rate etc. from persons removing);

Section 160 (Agreements to maintain graves and tombstones).

(3) The following sections of this Act shall not apply to the Clacton Council:—

Section 10 (Extension of power to acquire land by agreement);

Section 15 (Development of land);

Section 55 (Sale of refreshments in open spaces etc.);

Section 136 (As to payments due to deceased persons).

(4) The following sections of the under-mentioned Act are hereby repealed:—

the Act of 1938—

Section 38 (Power to vary width of carriageways and footways);

Section 44 (Window blinds &c.);

Section 53 (Power to place fences near school entrances &c.);

Section 71 (Powers on inspection);

Section 218 (In executing works for owner Council liable for negligence only).

(5) As from the date on which any section of this Act which is described in the first column of the following table comes into operation in the district the enactment referred to in the second column of that table opposite such section shall be repealed:—

Section 57 (Safety of stands)	Section 69 of the Act of 1938.
Section 71 (Delegation of power to examine and test drains etc.).	}	Section 58 of the Act of 1905.
Section 72 (Summary power to remedy stopped up drains etc.).		
Section 73 (Power to repair drains and private sewers).		
Section 77 (Penalty for improper construction or repair of watercloset etc.).		Section 48 of the Act of 1905.
Section 78 (Sanitary conveniences for persons employed on construction work).		Section 70 of the Act of 1938.
Section 83 (New building over-reaching adjoining chimneys).		Section 37 of the Act of 1905.
Section 85 (Power to order alteration of domestic chimneys).		Section 72 of the Act of 1938.
Section 86 (Cellars and rooms below subsoil water level).		Section 61 of the Act of 1938.
Section 87 (Food storage accommodation)	...	Sections 62 and 63 of the Act of 1938.
Section 90 (Cleansing of filthy or verminous premises).		Section 84 of the Act of 1905.
Section 97 (Restriction on attendance at public places etc.).		Section 83 of the Act of 1938.
Section 99 (Compensation for stopping employment to prevent spread of disease).		Section 78 of the Act of 1905.

PART XV
—cont.Provisions
applicable to
urban district
of Hornchurch.**208.**—(1) In this section—

- “Hornchurch Act 1936” means the Hornchurch Urban District Council Act 1936 ;
 “Hornchurch Council” means the urban district council of Hornchurch ; and
 “Hornchurch district” means the urban district of Hornchurch.

(2) The powers and provisions of the following sections of this Act (that is to say):—

- Subsection (3) of section 22 (Adjustment of boundaries of estates in connection with streets) ;
 The proviso to subsection (4) of section 23 (Trees grass verges and gardens) ;
 Section 25 (Variation of width of carriageways and footways) ;
 Section 26 (Adjustment of boundaries of streets) ;
 Section 34 (Direction signs) ;
 Section 37 (Retaining walls) ;
 Section 51 (Parking places in parks etc.) ;
 Section 53 (Boating pools) ;
 Section 57 (Safety of stands) ;
 Section 59 (Byelaws as to pleasure fairs) ;
 Section 66 (Recovery of expenses of sewerage public highway) ;
 Section 67 (Recovery of expenses of sewerage prospective street) ;
 Section 68 (Prevention of evasion of liabilities under last two preceding sections) ;
 Section 70 (Separate sewers for foul water and surface water) ;
 Section 84 (Height of new chimneys) ;
 Section 88 (Separate approach for separate tenements) ;
 Section 89 (Extension of powers under section 9 of Housing Act 1936) ;
 Section 93 (Silencers for internal combustion engines) ;
 Section 94 (Noise nuisance) ;
 Section 97 (Restriction on attendance at public places etc.) ;
 Section 98 (Exclusion of children from places of entertainment or assembly) ;
 Section 101 (Prohibition of tuberculous persons from handling food) ;
 Section 160 (Agreements to maintain graves and tombstones) ;

shall not be exercised by the Hornchurch Council nor apply or have effect within or in relation to the Hornchurch district.

(3) Section 17 (Application of certain provisions of Part II to local authorities) and section 174 (Application of certain provisions of Part XIII to local authorities) of this Act in their application to the Hornchurch Council shall be read and have effect as if the following words were omitted therefrom:—

In subsection (2) of section 17 the words “Section 10 (Extension of power to acquire land by agreement)” and the words “Section 15 (Development of land)”;

In subsection (2) of section 174 the words “Section 172 (Evidence of appointments authority etc.)”.

(4) The following provisions of the Hornchurch Act 1936 (that is to say):—

Section 9 (No building to be erected until street formed);

Section 10 (Means of access to buildings);

Section 13 (Crossings for horses or vehicles over footways);

Section 17 (Power to provide tubs for trees &c.);

Section 23 (Provisions as to forecourts);

Section 116 (Letting of parks &c. for games);

Section 122 (As to proof of continued existence of persons entitled to allowances &c.);

Section 124 (Power to grant allowances or gratuities in certain cases);

Section 125 (As to payment due to deceased employees);

Section 131 (Consolidated loans fund);

Section 139 (Recovery of rate from persons removing);

Section 153 (Apportionment of expenses in case of joint owners);

Section 154 (In executing works for owner Council liable for negligence only); and

Section 155 (Application of section 265 of the Public Health Act 1875);

In subsection (2) of section 44 (For protection of Essex County Council) the words “Before exercising” down to the words “county road or”; and

Paragraph (b) of section 136 (Subscriptions to local government associations and other expenses);

are hereby repealed.

(5) If any of the sections of this Act specified in the first column of the following table shall come into operation in the Hornchurch district the section of the Hornchurch Act 1936 (hereinafter referred to in this subsection as “the Hornchurch

PART XV
—cont.

section”) specified opposite thereto in the second column of that table shall be repealed on the day on which the said section of this Act comes into operation:—

<i>Sections of this Act</i>	<i>Hornchurch sections</i>
72 (Summary power to remedy stopped-up drains etc.).	53 (As to defective drains &c.).
73 (Power to repair drains and private sewers).	54 (As to repair of drains).
77 (Penalty for improper construction or repair of water-closet etc.).	51 (Improper construction or repair of water-closet or drain).
78 (Sanitary conveniences for persons employed on construction work).	43 (Sanitary conveniences for workmen engaged on buildings).
81 (Ruinous and dilapidated buildings and neglected sites).	41 (Dilapidated and neglected buildings).
83 (New building overreaching adjoining chimneys).	36 (Erection of buildings to greater height than adjoining building).
85 (Power to order alteration of domestic chimneys).	35 (Power to order alteration of chimneys).
87 (Food storage accommodation)	38 (Food storage accommodation)
96 (Information to be furnished by occupier in case of notifiable disease).	73 (Information to be furnished in case of infectious disease).
99 (Compensation for stopping employment to prevent spread of disease).	71 (Compensation to persons for ceasing employment to prevent spread of disease).
100 (Entry into premises in case of notifiable disease).	75 (Entry into premises in case of an infectious disease).

(6) If the Hornchurch Council establish any fund under the sections of this Act which are specified in the first column of the following table the section (hereinafter referred to in this subsection as “the Hornchurch section”) specified in the second column of the said table opposite thereto shall cease to have effect and any moneys standing to the credit of the fund established under the Hornchurch section shall be carried to and form part of the fund established by the Hornchurch Council under the said first-mentioned section:—

<i>Sections of this Act</i>	<i>Hornchurch sections</i>
145 (Capital funds of local authorities).	134 (Capital reserve fund).
146 (Renewal and repairs funds of local authorities).	133 (Renewal and repairs fund).

209.—(1) In this section—

“Waltham Holy Cross Act 1937” means the Waltham Holy Cross Urban District Council Act 1937;

“Waltham Holy Cross Council” means the urban district council of Waltham Holy Cross; and

“Waltham Holy Cross district” means the urban district of Waltham Holy Cross.

Provisions applicable to urban district of Waltham Holy Cross.

(2) The powers and provisions of the following sections of this Act (that is to say):—

PART XV
—cont.

Section 19 (Prohibition of building until street formed and sewerage);

The proviso to subsection (4) of section 23 (Trees grass verges and gardens);

Section 25 (Variation of width of carriageways and footways);

Section 26 (Adjustment of boundaries of streets);

Section 34 (Direction signs);

Section 36 (Crossings over footways);

Section 38 (Fencing of forecourts);

Section 39 (Forecourts injurious to amenities of street);

Section 41 (Urgent repairs of private streets);

Section 45 (Stopping up and diversion of highways);

Section 50 (Power to let parks etc. for games);

Section 51 (Parking places in parks etc.);

Section 66 (Recovery of expenses of sewerage public highway);

Section 67 (Recovery of expenses of sewerage prospective street);

Section 68 (Prevention of evasion of liabilities under last two preceding sections);

Section 85 (Power to order alteration of domestic chimneys);

Section 100 (Entry into premises in case of notifiable disease);

Section 146 (Renewal and repairs funds of local authorities);

Section 151 (Recovery of rate etc. from persons removing);

Section 160 (Agreements to maintain graves and tombstones);

Section 167 (Powers to use ladders etc. for entry or inspection);

Section 222 (Summary recovery of damages for negligence);

shall not be exercised by the Waltham Holy Cross Council and (except in the case of the said sections 167 and 222) shall not apply or have effect within or in relation to the Waltham Holy Cross district.

(3) Section 17 (Application of certain provisions of Part II to local authorities) of this Act in its application to the Waltham

PART XV
—cont.

Holy Cross council shall be read and have effect as if the following words were omitted therefrom:—

In subsection (2) the words “Section 10 (Extension of power to acquire land by agreement)” and the words “Section 15 (Development of land)”.

(4) Section 19 (Window blinds &c.) section 82 (In executing works for owner Council liable for negligence only) section 83 (Apportionment of expenses in case of joint owners) section 89 (Application of section 265 of Public Health Act 1875) paragraph (b) of section 68 (Subscriptions to local government associations and other expenses) and in section 81 (Application of certain sections of Public Health Act 1936) the words “Section 286 (Proof of resolutions &c.)” of the Waltham Holy Cross Act 1937 are hereby repealed.

(5) If any of the sections of this Act specified in the first column of the following table shall come into operation in the Waltham Holy Cross district the section of the Waltham Holy Cross Act 1937 (hereinafter referred to as “the Waltham Holy Cross section”) specified opposite thereto in the second column of the table shall be repealed on the day on which the said section of this Act comes into operation:—

<i>Sections of this Act</i>	<i>Waltham Holy Cross sections</i>
77 (Penalty for improper construction or repair of water-closet etc.).	36 (Improper construction or repair of water-closet or drain).
78 (Sanitary conveniences for persons employed on construction work).	27 (Sanitary conveniences for workmen engaged on buildings).
94 (Noise nuisance)	73 (Noise nuisance).
96 (Information to be furnished by occupier in case of notifiable disease).	39 (Information to be furnished in case of notifiable disease).
99. (Compensation for stopping employment to prevent spread of disease).	41 (Compensation to persons ceasing employment to prevent spread of disease).

For protection
of certain
statutory
undertakers.

210. For the protection of the undertakers the following provisions shall unless otherwise agreed in writing between the appropriate authority and the undertakers apply and have effect:—

(1) In this section—

“apparatus” means—

(a) in relation to the British Electricity Authority or the Eastern Electricity Board or the London Electricity Board electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by any of such bodies;

(b) in relation to the Eastern Gas Board or the North Thames Gas Board mains pipes or other works belonging to or maintained by either of such boards ;

(c) in relation to the Metropolitan Water Board mains pipes or other works belonging to or maintained by such board ;

“ appropriate authority ” means the Council the highway authority or the local authority as the case may be ;

“ in ” in a context referring to apparatus includes under over across along or upon ;

“ operational land ” has the meaning assigned to that expression by the Act of 1947 ;

“ position ” includes depth ;

“ undertakers ” means the British Electricity Authority the Eastern Electricity Board the Eastern Gas Board the London Electricity Board the Metropolitan Water Board and the North Thames Gas Board or any of them as the case may be :

(2) Nothing in section 19 (Prohibition of building until street formed and sewered) of this Act shall prevent the undertakers from beginning to erect or proceeding with the erection for the purposes of their undertaking of apparatus (including a pressure governor or meter house) abutting on any new street before such new street is constructed or sewered in accordance with street byelaws :

(3) The appropriate authority shall so exercise the powers of the following sections of this Act :—

Section 23 (Trees grass verges and gardens) ;

Section 32 (Barriers for the regulation of queues) ;

Section 46 (Decorations in streets) ;

Section 56 (Barriers in streets) ;

as not to cause any damage to or so far as reasonably practicable to render less convenient the access to any apparatus :

(4) Nothing in subsection (2) of section 23 (Trees grass verges and gardens) of this Act shall affect the rights of the undertakers with respect to any apparatus (including the placing of apparatus) in any grass verge or garden :

Provided that in exercising such rights the undertakers shall not cause or permit except in the case of

PART XV
—cont.

necessity horses or vehicles to enter upon any verge which is maintained in an ornamental condition or mown or any garden:

- (5) (a) Whenever the appropriate authority in the exercise of the powers of section 22 (Adjustment of boundaries of estates in connection with streets) or section 26 (Adjustment of boundaries of streets) of this Act shall give up land forming part of a street in exchange for other land and there is in such first-mentioned land any apparatus the appropriate authority shall give notice to the undertakers of such exchange with a plan showing the position and dimensions of the portion of the street so exchanged and the undertakers shall notwithstanding any agreement entered into under either of the said sections or any award under the said section 22 continue to have the same powers and rights in respect of any apparatus remaining in the land previously forming the site of the street as if such land had continued to be part of the street or the undertakers may and if reasonably so required by the appropriate authority shall alter the position of such apparatus to such other position as may be reasonable;

(b) The undertakers shall within twenty-eight days after the receipt of any such notice from the appropriate authority give to the appropriate authority notice of their intention to alter the position of any apparatus (otherwise than on the requirement of the appropriate authority) under this subsection and shall at the same time deliver to the appropriate authority a plan and section of the proposed alteration. If such plan and section be not disapproved by the appropriate authority within twenty-eight days after the receipt thereof the proposed position of the apparatus shown thereon shall be deemed to be reasonable;

(c) Notwithstanding anything contained in the said section 22 the undertakers shall not under the provisions of that section be required to exchange any operational land held by them except with their consent which shall not be unreasonably withheld:

- (6) Nothing in section 27 (Enforcement of improvement lines in borough of Dagenham and urban district of Benfleet) of this Act shall apply to any building used for the manufacture or storage of gas the generation transformation or distribution of electricity or as a reservoir or a pumping station for water except with

the consent of the undertakers which consent shall not be unreasonably withheld and any question whether such consent has been unreasonably withheld shall be determined by the Minister:

- (7) The exercise of the powers of section 31 (Erection of shelters in streets) of this Act shall not affect the rights of any undertakers:
- (8) Whenever by virtue of the provisions of section 45 (Stopping up and diversion of highways) of this Act any highway or any part of a highway in which any apparatus is situate is stopped up or diverted the undertakers shall notwithstanding such stopping up or diversion continue to have the same powers and rights in or in respect of any apparatus remaining in the highway or part of a highway so stopped up or diverted as if the land in which the same is situate had remained a highway or may (and if reasonably so required by the appropriate authority shall)—
- (i) remove the apparatus and relay or replace the same in the highway (if any) substituted for the highway or part of a highway so stopped up or diverted or in such other position as the undertakers may reasonably determine; or
 - (ii) provide and lay or place other apparatus in such substituted highway or in such other position as aforesaid in lieu of such existing apparatus:
- (9) The appropriate authority shall repay to the undertakers the reasonable expenses incurred by the undertakers of or in connection with—
- (a) the alteration of the position of any apparatus under subsection (5) of this section; or
 - (b) the removal and relaying or replacing of any apparatus and the provision and laying or placing of any new apparatus under the provisions of subsection (8) of this section;

and the reasonable costs of and incidental to (i) the cutting off of any apparatus from any other apparatus and (ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this subsection:

Provided that subsections (3) and (4) of section 23 of the Act of 1950 which imposes limitations on undertakers' rights to payment shall so far as applicable extend and apply to any payment to be made by the appropriate authority under paragraphs (a) and (b) of this subsection as if the works therein mentioned were such undertakers' works as are referred to in the said

PART XV
—cont.

subsection (3) and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed or settled by arbitration under section 210 (For protection of certain statutory undertakers) of the Essex County Council Act 1952":

(10) (a) Any difference which may arise between the appropriate authority and the undertakers under this section shall be referred to arbitration;

(b) In settling any difference under this section the arbitrator may if he thinks fit require the appropriate authority to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

For protection
of Port of
London
Authority.

211. The following provisions for the protection of the port authority shall unless otherwise agreed in writing between the Council or the local authority concerned as the case may be and the port authority apply and have effect:—

(1) Except with the previous consent in writing of the port authority neither the Council nor a local authority nor any other person under or by virtue of any provision in Part II (Land) of this Act or of any enactment incorporated with or applied for the purposes of the said Part II shall erect or use or cause or allow to be erected or used any building as a warehouse for the purpose of the business of a public wharfinger or warehouse-keeper if—

(a) the building has or if erected would have a frontage on the river Thames within the limits of the Port of London; or

(b) the building is or if erected would be connected or operated in conjunction with any wharf or quay fronting the river Thames within the limits aforesaid:

(2) The highway authority shall not exercise the powers of section 25 (Variation of width of carriageways and footways) of this Act in relation to any street forming the immediate approach to any dock wharf quay pier jetty depot or other work of the port authority without the consent in writing of the port authority:

Provided that such consent shall not be unreasonably withheld and any question whether or not it is unreasonably withheld shall be determined by the Minister of Transport:

(3) Nothing in section 27 (Enforcement of improvement lines in borough of Dagenham and urban district of Benfleet) of this Act shall apply to or affect any property vested in the port authority and used for the purposes of their undertaking unless the consent of the port authority is obtained by the highway authority:

Provided that such consent shall not be unreasonably withheld and any question whether or not such consent has been unreasonably withheld shall be determined by the Minister:

(4) The provisions of section 57 (Safety of stands) of this Act shall not apply to any stand erected by the port authority within such part of the county as lies within the Port of London:

(5) Section 60 (Touting hawking etc.) of this Act shall not apply to any place—

(a) on so much of the seashore as is vested in or under the control of the port authority;

(b) in any street constructed and repairable by the port authority or which may hereafter be constructed and so repairable on any lands held or acquired or which may hereafter be held or acquired by the port authority primarily for port harbour or dock purposes:

(6) Nothing in section 61 (Unauthorised structures on seashore) of this Act shall apply to any part of the seashore which is vested in or under the control of the port authority or prejudice or affect any of the rights powers privileges or jurisdictions of the port authority:

(7) No byelaw made under paragraph (b) of subsection (1) of section 62 (Further powers to make byelaws as to boats) of this Act shall apply to any part of the seashore which is vested in or under the control of the port authority:

(8) Section 83 (New building overreaching adjoining chimneys) of this Act shall not apply to or with respect to any adjoining building which is situate within the Port of London so long as such building is used or held by the port authority primarily for port harbour or dock purposes:

(9) Nothing in section 86 (Cellars and rooms below subsoil water level) of this Act shall apply to the construction of any cellar or room which forms part of a warehouse belonging to the port authority and is situate within and is used for or in connection with any of the purposes of the Port of London:

PART XV
—cont.

- (10) Subsection (3) of section 93 (Silencers for internal combustion engines) of this Act shall not apply to any premises belonging to the port authority which are situate within the Port of London and used primarily for port harbour or dock purposes:
- (11) Nothing in section 94 (Noise nuisance) of this Act shall apply to a noise occasioned by the exercise by the port authority of statutory powers conferred in relation to their undertaking:
- (12) No permission shall be required under section 165 (Restriction on removal of top soil of agricultural land) of this Act for the stripping off or taking by the port authority of top soil from any land for the time being belonging to them for the purpose of enabling them to use such land for or in connection with the exercise of their statutory functions:
- (13) (a) Section 168 (Provisions as to motor vehicles let for hire) of this Act shall not apply to any vehicle belonging to or used by the port authority for the purposes of carrying passengers and their luggage to or from any of their dock premises or landing-stages:
- (b) Nothing in the said section 168 shall empower the council of an urban district to fix the site of the stand or starting place of any motor vehicle standing or plying for hire in or on any dock premises or landing-stage belonging to the port authority except with the consent of the port authority:
- (14) The powers of section 171 (Entry on land for certain purposes) of this Act shall not be exercised in respect of any lands of the port authority except with their consent which shall not be unreasonably withheld and any question whether any such consent is unreasonably withheld shall be determined by the Minister of Transport.

Saving for port authority and port health authority.

212.—(1) No consent shall be given by the controlling authority to the mooring or placing of any houseboat under Part VII (Houseboats) of this Act—

(a) (i) within the Port of London without the previous written assent of the port authority; or

(ii) within the Port of London as defined by subsection (1) of section 304 of the Public Health (London) Act 1936 without the previous written assent of the mayor and commonalty and citizens of the city of London as the port health authority for the said Port of London:

Provided that the port authority or the said port health authority may only withhold such assent respectively until any requirement which may be lawfully

imposed with respect to such houseboat by the port authority or the said port health authority shall have been complied with to the satisfaction of the port authority or the port health authority as the case may be; or

(b) in contravention of any powers for the time being lawfully exercisable by the port authority or the port health authority with respect to any such houseboat.

(2) The provisions of the said Part VII of this Act shall not affect or interfere with the powers of any harbour-master appointed by the port authority.

(3) Section 110 (Restriction on houseboats and jetties) of this Act shall not so far as it relates to the placing or erecting or maintaining of any jetty upon or in the protected lands apply to any part thereof which is situate within the Port of London.

213. The following provisions of Part VI (Public health) of this Act namely:—

Modification of application of certain sections within Port of London.

Section 71 (Delegation of power to examine and test drains etc.);

Section 72 (Summary power to remedy stopped-up drains etc.);

Section 73 (Power to repair drains and private sewers);

Section 78 (Sanitary conveniences for persons employed on construction work);

in their application within such part of the county as lies within the Port of London as defined by subsection (1) of section 304 of the Public Health (London) Act 1936 shall have effect as if for references to the local authority and to a district there were substituted references to the mayor and commonalty and citizens of the city of London as the port health authority and to the Port of London as so defined respectively and as if the expressions "the medical officer" and "the sanitary inspector" meant respectively the medical officer of health and any sanitary inspector appointed by the said port health authority.

214.—(1) The provisions of this Act hereinafter mentioned shall not extend or apply to or with respect to—

For further protection of port authority.

(a) (i) any building premises structure dock wharf quay pier jetty or work of whatsoever nature constructed by or belonging to or which may hereafter be constructed by or belong to the port authority in the exercise of their statutory powers; or

(ii) any lands held or acquired or which may hereafter be held or acquired by the port authority;

so long as such building premises structure dock wharf quay pier jetty work or lands is or are situate within

PART XV
—cont.

the Port of London and is or are used or held by the port authority primarily for port harbour or dock purposes ; or

- (b) any street or highway constructed and repairable by the port authority or which may hereafter be constructed and so repairable on any lands situate within the Port of London held or acquired or which may hereafter be held or acquired by the port authority primarily for port harbour or dock purposes.

(2) The provisions hereinbefore referred to are the following:—

- Section 19 (Prohibition of building until street formed and sewered) ;
 Section 20 (Termination of new streets) ;
 Section 21 (Rounding or splaying off corners at street junctions) ;
 Section 22 (Adjustment of boundaries of estates in connection with streets) ;
 Section 23 (Trees grass verges and gardens) ;
 Section 24 (Removal of trees etc. from highways) ;
 Section 31 (Erection of shelters in streets) ;
 Section 32 (Barriers for the regulation of queues) ;
 Section 38 (Fencing of forecourts) ;
 Section 39 (Forecourts injurious to amenities of street) ;
 Section 41 (Urgent repairs of private streets) ;
 Section 47 (Means of access to buildings) ;
 Section 81 (Ruinous and dilapidated buildings and neglected sites) ;
 Section 82 (Recovery of expenses of watching dangerous and dilapidated buildings).

Saving for
Harwich
Harbour
Conservancy
Board.

215.—(1) No consent shall be given by the controlling authority to the mooring or placing of any houseboat under Part VII (Houseboats) of this Act within the limits of Harwich Harbour nor within the limits of the jurisdiction of the Harwich Harbour Conservancy Board (in this section referred to as “the harbour board”) as respectively described or defined by the Harwich Harbour Acts and Order 1863 to 1949 without the previous written assent of the harbour board who may withhold such assent until any requirement which may be lawfully imposed with respect to such houseboat by the harbour board shall have been complied with to the satisfaction of the harbour board.

(2) The provisions of Part VII (Houseboats) of this Act shall not affect or interfere with the powers of the harbour-master of Harwich Harbour under section 57 of the Harbours Docks and Piers Clauses Act 1847.

216.—(1) Nothing in any byelaw made under section 79 (Fire appliances at camping grounds) of this Act shall apply to any camping ground provided by or belonging to the Boy Scouts Association or the Girl Guides Association or any other camping ground while such camping ground is being exclusively used for camping by members of an organisation established by either of such associations in pursuance of their charter.

PART XV
—cont.
Saving for Boy
Scouts and Girl
Guides
Associations.

(2) Nothing in section 119 (Control of wrestling entertainments) of this Act shall apply to wrestling entertainments provided or given by the members of an organisation established by the Boy Scouts Association in pursuance of their charter.

PART XVI

GENERAL

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

Modification
of mortgages
by endorse-
ment under
hand.

218.—(1) No matter or thing done and no contract entered into by the Council and no matter or thing done by any member of the Council or by any officer of the Council or other person whomsoever acting under the direction of the Council shall if the matter or thing were done or the contract were entered into bona fide for the purpose of carrying out any powers or duties of the Council subject any member or officer of the Council or other person as aforesaid personally to any action liability claim or demand whatsoever and any expense incurred by the Council or any such member officer or other person acting as aforesaid shall be borne and repaid out of the county fund:

Protection of
Council and
their officers
from personal
liability.

Provided that nothing in this section shall exempt any member of the Council from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of the Council and which such member authorised or joined in authorising.

PART XVI
—cont.

(2) The provisions of section 265 of the Public Health Act 1875 affording protection to local authorities and their officers from personal liability shall enure for the benefit of any member of any local authority and any officer of such authority or other person acting under the direction of such authority in relation to the execution by such local authority officer or person of the provisions of any enactment.

In executing works Council liable for negligence only.

219.—(1) Where under any enactment the Council or any of their officers execute any work or do any act or thing in default or at the request of any person required by the Council to execute such work or do such act or thing the Council shall not as between themselves and such person in the absence of negligence on the part of the Council any such officer or any contractor employed by them or him be liable to pay any damages for or in respect of or consequent upon the executing of the work or the doing of the act or thing and any damages paid by the Council in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such person and shall be recoverable accordingly.

(2) In this section the expression “damages” includes penalties costs and charges.

Application of section 265 of Public Health Act 1875.

220. Section 265 of the Public Health Act 1875 (which relates to the protection of members and officers of certain authorities) shall apply to a local authority as if any reference in that section to the said Act of 1875 included a reference to any local enactment.

Breach of conditions of consent.

221. Where in pursuance of any enactment the Council or a local authority give their approval or consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required approval or consent and the provisions of this section shall mutatis mutandis apply to conditions imposed by any highway authority under any provision of this Act.

Summary recovery of damages for negligence.

222. Any compensation recoverable by the Council or a local authority for damage caused by negligence to any lamp or lamp-post belonging to them or any apparatus or equipment provided by them in any street or public place shall if the amount thereof does not exceed twenty pounds be recoverable summarily as a civil debt.

Restriction on right to prosecute.

223. Proceedings in respect of an offence created by or under this Act (except Part IX (Weights and measures) thereof) shall not without the written consent of the Attorney-General be taken

by any person other than a party aggrieved or the Council or the local authority.

PART XVI
—cont.

224. Where under the provisions of any enactment the Council shall execute any works of common benefit to two or more buildings belonging to different owners the expenses which under those enactments or any of them are recoverable by the Council from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the Council or in case of dispute by a court of summary jurisdiction.

Appportionment of expenses in case of joint owners.

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

Damages and charges to be settled by court.

226. When any compensation costs damages or expenses or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 of the Act of 1936.

Compensation how to be determined.

227. As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Minister except that in the case of byelaws made under the sections mentioned in the first column of the following table the confirming authority shall be the authority respectively mentioned in the second column of that table:—

Confirming authority for byelaws.

1	2
Section 53 (Boating pools)	Secretary of State.
Section 59 (Byelaws as to pleasure fairs)	Secretary of State.
Section 60 (Touting hawking etc.)	Secretary of State.
Section 62 (Further powers to make byelaws as to boats)	Secretary of State.
Section 79 (Fire appliances at camping grounds)	Secretary of State.
Section 123 (Byelaws relating to wood fuel)	Board of Trade.
Section 127 (Personal weighing machines)	Board of Trade.
Section 168 (Provisions as to motor vehicles let for hire)	Secretary of State.

PART XVI
—cont.
Appeals.

228.—(1) Section 300 of the Act of 1936 shall apply with respect to appeals to a court of summary jurisdiction under any enactment in this Act as it applies with respect to such appeals under any enactment in that Act and sections 301 and 302 of that Act shall apply accordingly.

(2) Where any requirement refusal or other decision of the Council or highway authority against which a right of appeal is conferred by this Act—

(a) involves the execution of any work or the taking of any action ; or

(b) makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time of the requirement refusal or decision or to use any premises for any purpose for which they were lawfully used up to that time ;

then until the time for appealing has expired or when an appeal is lodged until the appeal is disposed of or withdrawn or fails for want of prosecution—

(i) no proceedings shall be taken in respect of any failure to execute the work or take the action nor shall the Council or highway authority themselves execute the work or take the action ; and

(ii) that person may carry on that business and use those premises for that purpose.

Inquiries by
Ministers.

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

Application of
provisions of
Act of 1936.

230.—(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 and as if the expressions “local authority” and “council” included the Council and any local authority :—

Section 271 (Interpretation of “provide”) ;

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

Section 276 (Power of local authority to sell certain materials) ;

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

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

abouts and on the east side thereof The land is bounded on the east side by "Derby Lodge" and on the north side by "The Hollies" and contains 0.09 acres or thereabouts (April nineteen hundred and thirty-six).

4TH SCH.
—cont.

9. Land situate in Beech Road Hadleigh Essex on the south side thereof and having a frontage thereto of 39 feet 4 inches and a depth therefrom of 95 feet or thereabouts bounded on the west by vacant land and on the east by property known as "The Croft" containing 0.09 acres or thereabouts (June nineteen hundred and thirty-seven).

10. Land situate between Albert Road and Bartley Road Thundersley having a frontage to Albert Road of 127 feet 5 inches or thereabouts and a frontage to Bartley Road of 125 feet or thereabouts and bounded on the north and south by vacant land and is at the corner of Lower Church Road and Bartley Road containing 0.40 acres or thereabouts (January nineteen hundred and thirty-eight).

11. A piece of land situate at the corner of Seymour Road and Sinclair Road Hadleigh Essex on the north side of Sinclair Road having a frontage to Seymour Road of 40 feet or thereabouts and a return frontage to Sinclair Road of 110 feet 4 inches or thereabouts bounded on the north side by property known as "Tresmeer" and on the west by vacant land containing 0.10 acres or thereabouts (June nineteen hundred and thirty-eight).

12. A piece of land situate at the corner of Castle Lane and Elm Road Hadleigh Essex on the west side of Castle Lane and having a frontage thereto of 38 feet or thereabouts and a return frontage to the north side of Elm Road of 132 feet 1 inch or thereabouts bounded on the west by a right of way and on the north by property known as "Longhope" containing 0.11 acres or thereabouts (September nineteen hundred and thirty-seven).

13. A piece of land in Bilton Road Hadleigh Essex having a frontage thereto of 19 feet 3 inches or thereabouts and an average depth therefrom of 70 feet or thereabouts bounded on the north by property known as No. 7 Bilton Road and bounded on the south by property known as No. 3 Bilton Road and containing 0.03 acres or thereabouts (June nineteen hundred and thirty-eight).

14. Land at the corner of Grandview Road and Common Approach Thundersley on the north side of Grandview Road and having a frontage thereto of 170 feet or thereabouts and a frontage to Common Approach of 37 feet 9 inches or thereabouts and bounded on the north by shop premises and on the west by No. 1 Grandview Road containing 0.11 acres or thereabouts (December nineteen hundred and thirty-seven).

15. Land situate in Oakfield Road South Benfleet having a frontage thereto of 179 feet 3 inches and a depth therefrom of 150 feet or thereabouts bounded on the west by property known as "Haven View" and on the east by property known as "Alpha" containing 0.27 acres or thereabouts (July nineteen hundred and thirty-six).

16. Land situate on the north side of Castle Road Hadleigh Essex having a frontage thereto of 40 feet or thereabouts and an average depth therefrom of 80 feet or thereabouts bounded on the east by

4TH SCH.
—cont.

property known as "Medina" and on the west by property known as "Shirley" containing 0.12 acres or thereabouts (June nineteen hundred and thirty-seven).

17. Land situate on the south side of Kimberley Road South Benfleet having a frontage thereto of 105 feet 10 inches or thereabouts and a depth therefrom of 150 feet or thereabouts and bounded on the east by property known as "Cambodia" and on the west by vacant land and situate about 365 feet or thereabouts eastward from Kents Hill Road containing 0.36 acres or thereabouts (June nineteen hundred and thirty-eight).

18. Land situate at the corner of Kents Hill Road and Kimberley Road South Benfleet having a frontage to the east side of Kents Hill Road of 45 feet 3 inches or thereabouts and a frontage to the south side of Kimberley Road of 150 feet or thereabouts bounded on the east by vacant land and on the south by property known as "Broxbourne" Kents Hill Road containing 0.15 acres or thereabouts (June nineteen hundred and thirty-eight).

19. A piece of land situate on the south side of Cumberland Avenue South Benfleet having a frontage thereto of 58 feet 7 inches or thereabouts and being part of vacant land lying between "Sundown" and "Gables" and having a depth from Cumberland Avenue of 195 feet or thereabouts and containing 0.262 acres or thereabouts (July nineteen hundred and thirty-six).

20. A piece of land situate on the south side of Melcombe Road South Benfleet and having a frontage thereto of 10 feet 8 inches or thereabouts and a depth therefrom of 85 feet or thereabouts bounded on the east and south by properties fronting Kents Hill Road and known as "Oakdene" and "Elmhurst" respectively and on the west by property known as 44 Melcombe Road containing 0.02 acres or thereabouts (June nineteen hundred and thirty-eight).

21. A piece of land situate on the south side of Underhill Road South Benfleet and having a frontage thereto of 38 feet 1 inch or thereabouts and an average depth therefrom of 145 feet or thereabouts and bounded on the east by property known as "Beau Vista" and on the west by property known as "Carp Diem" and on the south by land of the Boyce Hill Golf Course containing 0.127 acres or thereabouts (December nineteen hundred and thirty-three).

URBAN DISTRICT OF BILLERICAY

1. All that piece or parcel of land with a frontage of 74 feet 4 inches to the south side of Bruce Grove Wickford Essex adjoining the chapel and premises known as "Hilda" and a depth of approximately 150 feet containing an area of approximately 0.25 acres (January nineteen hundred and thirty-seven).

2. All that piece or parcel of land with a frontage of 49 feet 8 inches to the south side of Bruce Grove Wickford Essex adjoining premises known as "Hope" and "Rosemead" and a depth of approximately 150 feet containing an area of approximately 0.17 acres (January nineteen hundred and thirty-seven).

3. All that piece or parcel of land with a frontage of 25 feet to the south side of Bruce Grove Wickford Essex adjoining premises

known as "Belvedere" and a depth of approximately 150 feet containing an area of approximately 0.09 acres (January nineteen hundred and thirty-seven).

4. All that piece or parcel of land with a frontage of 105 feet 1 inch to the south side of Bruce Grove Wickford Essex and 147 feet 6 inches to the east side of Third Avenue containing an area of approximately 0.36 acres (January nineteen hundred and thirty-seven).

5. All that piece or parcel of land with a frontage of 58 feet 11 inches to the south side of Bruce Grove Wickford Essex and 149 feet 3 inches to the west side of Third Avenue containing an area of approximately 0.20 acres (January nineteen hundred and thirty-seven).

6. All that piece or parcel of land with a frontage of 49 feet 3 inches to the south side of Bruce Grove Wickford Essex adjoining premises known as "Charmain" and a depth of approximately 150 feet and containing an area of approximately 0.17 acres (January nineteen hundred and thirty-seven).

7. All that piece or parcel of land with a frontage of 141 feet 10 inches to the south side of Bruce Grove Wickford Essex and 156 feet to the west side of Fourth Avenue and containing an area of approximately 0.49 acres (January nineteen hundred and thirty-seven).

8. All that piece or parcel of land with a frontage of 55 feet 1 inch to the south side of Bruce Grove Wickford Essex and 150 feet 6 inches to the east side of Fifth Avenue and containing an area of approximately 0.19 acres (January nineteen hundred and thirty-seven).

9. All that piece or parcel of land with a frontage of 111 feet 3 inches to the south side of Bruce Grove Wickford Essex and 100 feet 3 inches to the west side of Fifth Avenue and containing an area of approximately 0.26 acres (January nineteen hundred and thirty-seven).

10. All that piece or parcel of land with a frontage of 67 feet 7 inches to the north side of Bruce Grove Wickford Essex east of and adjoining premises known as "Hollington" and a depth of approximately 190 feet containing 0.29 acres (January nineteen hundred and thirty-seven).

11. All that piece or parcel of land with a frontage of 74 feet 1 inch to the north side of Bruce Grove Wickford Essex adjoining premises known as "May Villa" and "The Mead" and a depth of approximately 190 feet containing an area of approximately 0.32 acres (January nineteen hundred and thirty-seven).

12. All that piece or parcel of land with a frontage of 51 feet 9 inches to the north side of Bruce Grove Wickford Essex adjoining premises known as "Colinette" and "Changi" and a depth of approximately 175 feet containing an area of approximately 0.20 acres (January nineteen hundred and thirty-seven).

4TH SCH.
—cont.

13. All that piece or parcel of land with a frontage of 234 feet 9 inches to the north side of Bruce Grove Wickford Essex adjoining premises known as "At Last" and "Naoussa" and a depth of approximately 150 feet containing an area of approximately 0.80 acres (January nineteen hundred and thirty-seven).
14. All that piece or parcel of land with a frontage of 24 feet 6 inches to the north side of Bruce Grove Wickford Essex east of and adjoining premises known as "Dolwin" and a depth of approximately 150 feet containing an area of approximately 0.08 acres (January nineteen hundred and thirty-seven).
15. All that piece or parcel of land with a frontage of 25 feet to the north side of Bruce Grove Wickford Essex west of and adjoining premises known as "Naoussa" and a depth of approximately 150 feet containing an area of approximately 0.09 acres (January nineteen hundred and thirty-seven).
16. All that piece or parcel of land with a frontage of 28 feet 3 inches to the east side of First Avenue Wickford Essex and approximately 140 feet to the north side of Fanton Chase containing an area of approximately 0.09 acres (January nineteen hundred and thirty-seven).
17. All that piece or parcel of land with a frontage of 14 feet 7 inches to the east side of Second Avenue Wickford Essex and approximately 145 feet to the north side of Fanton Chase containing an area of approximately 0.04 acres (January nineteen hundred and thirty-seven).
18. All that piece or parcel of land with a frontage of 109 feet to the east side of Third Avenue Wickford Essex south of and adjoining premises known as "Rosdene" and a depth of approximately 135 feet containing an area of approximately 0.33 acres (January nineteen hundred and thirty-seven).
19. All that piece or parcel of land with a frontage of 151 feet 10 inches to the east side of Third Avenue Wickford Essex and approximately 135 feet to the north side of Fanton Chase containing an area of approximately 0.47 acres (January nineteen hundred and thirty-seven).
20. All that piece or parcel of land with a frontage of 174 feet 8 inches to the west side of Third Avenue Wickford Essex adjoining premises known as "Fairfield" and "Mayfair" and a depth of approximately 155 feet containing an area of approximately 0.62 acres (January nineteen hundred and thirty-seven).
21. All that piece or parcel of land with a frontage of 224 feet 2 inches to the east side of Fourth Avenue Wickford Essex adjoining premises known as "Kendene" and "Edith Villa" and a depth of approximately 160 feet containing an area of approximately 0.82 acres (January nineteen hundred and thirty-seven).
22. All that piece or parcel of land with a frontage of 41 feet 9 inches to the east side of Fifth Avenue Wickford Essex south of and adjoining premises known as "Wendy" and a depth of approximately 170 feet containing an area of approximately 0.12 acres (January nineteen hundred and thirty-seven).

23. All that piece or parcel of land with a frontage of 50 feet to the west side of Fifth Avenue Wickford Essex south of and adjoining premises known as "Berachah" and a depth of approximately 150 feet containing an area of approximately 0.17 acres (January nineteen hundred and thirty-seven).

24. All that piece or parcel of land with a frontage of 50 feet 7 inches to the west side of Fifth Avenue Wickford Essex and 148 feet 10 inches to the north side of Beedell Avenue containing an area of approximately 0.17 acres (January nineteen hundred and thirty-seven).

25. All that piece or parcel of land with a frontage of 227 feet to the west side of Fifth Avenue Wickford Essex south of and adjoining premises known as "The Nest" and a depth of approximately 150 feet containing an area of approximately 0.78 acres (January nineteen hundred and thirty-seven).

26. All that piece or parcel of land with a frontage of 25 feet 6 inches to the north side of Beedell Avenue Wickford Essex west of and adjoining premises known as "Clevedon" and a depth of approximately 150 feet containing an area of approximately 0.09 acres (January nineteen hundred and thirty-seven).

27. All that piece or parcel of land with a frontage of 60 feet to the west side of Hengist Gardens Wickford Essex adjoining premises known as "Belmore" and a depth of approximately 135 feet containing an area of approximately 0.18 acres (September nineteen hundred and thirty-seven).

28. All that piece or parcel of land with a frontage of 60 feet to the east side of Hengist Gardens Wickford Essex and approximately 160 feet south of the southern boundary of Athelstan Gardens and a depth of approximately 140 feet containing an area of approximately 0.19 acres (September nineteen hundred and thirty-seven).

29. All that piece or parcel of land with a frontage of 63 feet to the east side of Hereward Gardens Wickford Essex south of and adjoining premises known as "Drayton" and a depth of approximately 130 feet containing an area of approximately 0.18 acres (September nineteen hundred and thirty-seven).

30. All that piece or parcel of land with a frontage of 59 feet 5 inches to the east side of Alfred Gardens Wickford Essex between premises known as "Erin" and "Wyrecot" and a depth of approximately 135 feet containing an area of approximately 0.18 acres (September nineteen hundred and thirty-seven).

31. All that piece or parcel of land with a frontage of 29 feet 6 inches to the west side of Alfred Gardens Wickford Essex and at its southern end and a depth of approximately 130 feet containing an area of approximately 0.09 acres (September nineteen hundred and thirty-seven).

32. All that piece or parcel of land with a frontage of 31 feet to the west side of Alfred Gardens Wickford Essex and 61 feet 5 inches south of premises known as "The Antlers" and a depth of approximately 130 feet containing an area of approximately 0.093 acres (September nineteen hundred and thirty-seven).

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33. All that piece or parcel of land with a frontage of 61 feet 5 inches to the west side of Alfred Gardens Wickford Essex south of and adjoining premises known as "The Antlers" and a depth of approximately 130 feet containing an area of approximately 0.18 acres (September nineteen hundred and thirty-seven).

34. All that piece or parcel of land with a frontage of 57 feet to the south side of Athelstan Gardens Wickford Essex west of and adjoining premises known as "Dougville" and a depth of approximately 160 feet containing an area of approximately 0.21 acres (September nineteen hundred and thirty-seven).

35. All that piece or parcel of land with a frontage of 77 feet 10 inches to the south side of Athelstan Gardens Wickford Essex and a frontage of approximately 163 feet to the east side of Hereward Gardens and containing an area of approximately 0.29 acres (September nineteen hundred and thirty-seven).

36. All that piece or parcel of land with a frontage of 43 feet 9 inches to the south side of Athelstan Gardens Wickford Essex and a frontage of approximately 162 feet to the west side of Hereward Gardens and containing an area of approximately 0.16 acres (September nineteen hundred and thirty-seven).

37. All that piece or parcel of land with a frontage of 60 feet 2 inches to the north side of Athelstan Gardens Wickford Essex east of and adjoining premises known as "Athelstan Lodge" and a depth of approximately 175 feet containing an area of approximately 0.25 acres (September nineteen hundred and thirty-seven).

38. All that piece or parcel of land with a frontage of 30 feet to the north side of Athelstan Gardens Wickford Essex and 60 feet east of premises known as "Elton" and a depth of approximately 200 feet containing an area of approximately 0.14 acres (September nineteen hundred and thirty-seven).

39. All that piece or parcel of land with a frontage of 30 feet to the north side of Athelstan Gardens Wickford Essex east of and adjoining premises known as "Alness" and a depth of approximately 235 feet containing an area of approximately 0.16 acres (September nineteen hundred and thirty-seven).

40. All that piece or parcel of land with a frontage of 94 feet 7 inches to the south side of West Beech Avenue Wickford Essex east of and adjoining premises known as "Norbury" and a depth of approximately 175 feet containing an area of approximately 0.38 acres (September nineteen hundred and thirty-seven).

41. All that piece or parcel of land with a frontage of 99 feet to the south side of Wick Beech Avenue Wickford Essex west of premises known as "Aloma" bounded on the south-west side by the London and North Eastern Railway and a depth of approximately 87 feet containing an area of approximately 0.198 acres (September nineteen hundred and thirty-seven).

42. All that piece or parcel of land with a frontage of 108 feet 5 inches to the south side of New Century Road Laindon Essex west of and adjoining premises known as "Aloma" and a depth of approximately 165 feet containing an area of approximately 0.38 acres (July nineteen hundred and thirty-seven).

43. All that piece or parcel of land with a frontage of 80 feet 7 inches to the north side of Rusticana Crescent Laindon Essex east of premises known as "Elmwood" and a depth of approximately 120 feet containing an area of approximately 0.22 acres (July nineteen hundred and thirty-seven).

44. All that piece or parcel of land with a frontage of 52 feet 6 inches to the north side of Somerset Road Laindon Essex opposite Bedford Road and west of and adjoining premises known as "Alicia" and a depth of approximately 100 feet containing an area of approximately 0.12 acres (July nineteen hundred and thirty-seven).

45. All that piece or parcel of land with a frontage of 80 feet to the south side of Elizabeth Drive Laindon Essex adjoining premises known as "Ecclesbourne" and a depth of approximately 150 feet containing an area of approximately 0.27 acres (January nineteen hundred and thirty-seven).

46. All that piece or parcel of land with a frontage of 60 feet to the south side of Elizabeth Drive Laindon Essex and 92 feet 6 inches east of premises known as "Glenarwood" and a depth of approximately 150 feet containing an area of approximately 0.20 acres (January nineteen hundred and thirty-seven).

47. All that piece or parcel of land with a frontage of 80 feet to the south side of Elizabeth Drive Laindon Essex adjoining premises known as "Sunnydene" and a depth of approximately 175 feet containing an area of approximately 0.32 acres (January nineteen hundred and thirty-seven).

48. All that piece or parcel of land with a frontage of 38 feet to the south side of Northumberland Avenue Laindon Essex and 151 feet east of premises known as "Maple Cottage" and a depth of approximately 130 feet containing an area of approximately 0.12 acres (January nineteen hundred and thirty-seven).

49. All that piece or parcel of land with a frontage of 166 feet to the south side of Vowler Road Langdon Hills Essex and approximately 50 feet to the east side of Berry Lane containing an area of approximately 0.19 acres (February nineteen hundred and thirty-eight).

50. All that piece or parcel of land with a frontage of approximately 60 feet to the west side of Timberlog Lane Basildon Essex and a frontage of 157 feet 8 inches to the north side of Fairview Road and a depth of approximately 30 feet at its western boundary containing an area of approximately 0.16 acres (January nineteen hundred and thirty-seven).

51. All that piece or parcel of land with a frontage of 149 feet 5 inches to the north side of Fairview Road Basildon Essex and a frontage of approximately 200 feet to the west side of Havelock Road and a depth of approximately 140 feet at its western boundary containing an area of approximately 0.62 acres (January nineteen hundred and thirty-seven).

52. All that piece or parcel of land with a frontage of 24 feet 2 inches to the south side of Fairview Road Basildon Essex and 22 feet 9 inches east of premises known as "Inchcape" and a depth of approximately 150 feet containing an area of approximately 0.08 acres (January nineteen hundred and thirty-seven).

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53. All that piece or parcel of land with a frontage of 22 feet 9 inches to the south side of Fairview Road Basildon Essex east of and adjoining premises known as "Inchcape" and a depth of approximately 150 feet containing an area of 0.08 acres (January nineteen hundred and thirty-seven).

54. All that piece or parcel of land with a frontage of 164 feet 9 inches to the south side of Fairview Road Basildon Essex and a frontage of 142 feet 8 inches to the east side of Nelson Road and a depth of approximately 65 feet at its eastern boundary containing an area of approximately 0.36 acres (January nineteen hundred and thirty-seven).

55. All that piece or parcel of land with a frontage of 224 feet 2 inches to the south side of Fairview Road Basildon Essex west of and adjoining premises known as "Kensville" and a depth of approximately 140 feet containing an area of approximately 0.72 acres (January nineteen hundred and thirty-seven).

56. All that piece or parcel of land with a frontage of 99 feet to the east side of Ravenscourt Drive Vange Essex and a frontage of approximately 100 feet to the south side of Bull Road containing an area of approximately 0.23 acres (January nineteen hundred and thirty-seven).

57. All that piece or parcel of land with a frontage of 40 feet 6 inches to the west side of Ravenscourt Drive Vange Essex south of and adjoining premises known as "Alicia" and a depth of approximately 100 feet containing an area of approximately 0.09 acres (January nineteen hundred and thirty-seven).

58. All that piece or parcel of land with a frontage of 117 feet 9 inches to the west side of Ravenscourt Drive Vange Essex and a frontage of 66 feet 9 inches to the south side of Downs Grove containing an area of approximately 0.18 acres (January nineteen hundred and thirty-seven).

59. All that piece or parcel of land with a frontage of 31 feet to the south side of Downs Grove Vange Essex and a frontage of 100 feet 9 inches to the west side of Rashleigh Drive containing an area of approximately 0.07 acres (January nineteen hundred and thirty-seven).

60. All that piece or parcel of land with a frontage of 46 feet 3 inches to the south side of Downs Grove Vange Essex and 100 feet east of the eastern boundary of Bellevue Drive containing an area of approximately 0.11 acres (January nineteen hundred and thirty-seven).

61. All that piece or parcel of land with a frontage of 206 feet 6 inches to the north side of Downs Grove Vange Essex and a frontage of 105 feet 10 inches to the west side of Bellevue Drive and the east side of Pitseaville Grove containing an area of approximately 0.49 acres (January nineteen hundred and thirty-seven).

62. All that piece or parcel of land with a frontage of 26 feet 6 inches to the north side of Downs Grove Vange Essex and 106 feet to the east side of Bellevue Drive containing an area of approximately 0.06 acres (January nineteen hundred and thirty-seven).

63. All that piece or parcel of land with a frontage of 121 feet to the west side of Bellevue Drive Vange Essex and a frontage of approximately 100 feet to the north side of Highview Road containing an area of approximately 0.28 acres (January nineteen hundred and thirty-seven).

64. All that piece or parcel of land with a frontage of 15 feet 7 inches to the west side of Bellevue Drive Vange Essex and 41 feet 8 inches south of premises known as "Heath Cottage" and a depth of approximately 100 feet containing an area of approximately 0.04 acres (January nineteen hundred and thirty-seven).

65. All that piece or parcel of land with a frontage of 59 feet 8 inches to Bellevue Drive Vange Essex and 20 feet north of premises known as "Alma" and a depth of approximately 100 feet containing an area of approximately 0.137 acres (January nineteen hundred and thirty-seven).

66. All that piece or parcel of land with a frontage of 100 feet to the west side of Pitseaville Grove Vange Essex south of and adjoining premises known as "Fromefield" and a depth of approximately 100 feet containing an area of approximately 0.23 acres (January nineteen hundred and thirty-seven).

67. All that piece or parcel of land with a frontage of 65 feet to the north side of Highview Road Vange Essex and a frontage of 120 feet 11 inches to the west side of Rashleigh Drive containing an area of approximately 0.18 acres (January nineteen hundred and thirty-seven).

68. All that piece or parcel of land with a frontage of 26 feet 5 inches to the south side of Highview Road Vange Essex and a frontage of approximately 100 feet to the west side of Rashleigh Drive containing an area of approximately 0.06 acres (January nineteen hundred and thirty-seven).

69. All that piece or parcel of land with a frontage of 110 feet 2 inches to the east side of Gordon Avenue Pitsea Essex abutting and with a frontage of approximately 30 feet to the north side of The Grove containing an area of approximately 0.08 acres (December nineteen hundred and thirty-five).

70. All that piece or parcel of land with a frontage of 38 feet 9 inches to the west side of Gordon Avenue Pitsea Essex and north of premises known as "No. 46" and a depth of approximately 140 feet containing an area of approximately 0.12 acres (December nineteen hundred and thirty-five).

71. All that piece or parcel of land with a frontage of 24 feet to the south side of Pitsea Road Vange Essex and a frontage of 151 feet 6 inches to the west side of Gordon Avenue containing an area of approximately 0.08 acres (December nineteen hundred and thirty-five).

72. All that piece or parcel of land with a frontage of 20 feet 7 inches to the north side of Pitsea Road Vange Essex and 100 feet east of premises known as "The Poplars" and a depth of approximately 130 feet containing an area of approximately 0.07 acres (December nineteen hundred and thirty-five).

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—cont.

73. All that piece or parcel of land with a frontage of 79 feet 2 inches to the south side of Pitsea Road Vange Essex and 60 feet south of premises known as "Dolbell Lodge" and a depth of approximately 75 feet containing an area of approximately 0.13 acres (December nineteen hundred and thirty-five).

74. All that piece or parcel of land with a frontage of 39 feet 4 inches to the south side of Prince Edward Road Billericay Essex and a frontage of 139 feet 7 inches to the east side of Mons Avenue containing an area of approximately 0.11 acres (May nineteen hundred and thirty-three).

75. All that piece or parcel of land with a frontage of 43 feet 6 inches to the west side of Mons Avenue Billericay Essex south of and adjoining premises known as "No. 13" with a depth of approximately 100 feet containing an area of approximately 0.1 acres (May nineteen hundred and thirty-three).

76. All that piece or parcel of land with a frontage of 152 feet 4 inches to the north side of Cavell Road Billericay Essex and 154 feet 10 inches to the west side of The Meadoway and depths of approximately 65 feet and 130 feet at its northern and western boundaries respectively containing an area of approximately 0.32 acres (May nineteen hundred and thirty-three).

77. All that piece or parcel of land with a frontage of 42 feet 10 inches to the south side of Thynne Road Billericay Essex and a frontage of 176 feet 6 inches to the east side of The Meadoway with depths of approximately 145 feet and 110 feet at its eastern and northern boundaries respectively containing an area of approximately 0.30 acres (May nineteen hundred and thirty-three).

URBAN DISTRICT OF CANVEY ISLAND

1. A piece of land on the south side of Holbeck Road having a frontage thereto of 120 feet or thereabouts and depths therefrom of 139 feet or thereabouts for a frontage of 60 feet from the western end and 65 feet or thereabouts for the remaining 60 feet frontage bounded on the west by Buren Avenue and on the east by Holton Road and containing in the whole 1,360 square yards or thereabouts (October nineteen hundred and thirty-four).

2. A piece of land on the west side of Sydervelt Road having a frontage thereto of 375 feet or thereabouts and an average depth therefrom of 58 feet 6 inches or thereabouts bounded on the north by "The Outlaws" Sydervelt Road and on the south by "Courtney" Urmond Road and containing 2,447 square yards or thereabouts (June nineteen hundred and thirty-seven).

3. A piece of land on the west side of Larup Avenue having a frontage thereto of 62 feet or thereabouts and a depth therefrom of 33 feet or thereabouts bounded on the south by Waalwyck Drive and on the north by Goirle Avenue and containing 244 square yards or thereabouts (March nineteen hundred and thirty-nine).

4. A piece of land on the west side of Larup Avenue having a frontage thereto of 60 feet or thereabouts and a depth therefrom of 60 feet or thereabouts bounded on the north by "Columbia" Larup Avenue and on the south by "Magneto" Larup Avenue and containing 400 square yards or thereabouts (March nineteen hundred and thirty-nine).

5. Two triangular pieces of land on the east of Larup Avenue having together a frontage thereto of 381 feet or thereabouts and average depths therefrom of 110 feet or thereabouts and 55 feet or thereabouts respectively bounded on the south by "Elsinor" Larup Avenue and fenced land (adjacent to and on the north-east side of "Elsinor") and on the north by a dyke and on the east by a dyke and on the north by Mornington Road and containing in the whole 3,604 square yards or thereabouts (March nineteen hundred and thirty-nine).

6. A triangular piece of land on the south of Mornington Road having a frontage thereto of 92 feet or thereabouts and an average depth therefrom of 50 feet or thereabouts bounded on the south-west side by Larup Avenue and on the east side by a dyke and containing in the whole 550 square yards or thereabouts (March nineteen hundred and thirty-nine).

7. A piece of land on the south of Mornington Road having a frontage thereto of 370 feet or thereabouts and an average depth therefrom of 100 feet or thereabouts bounded on the east by Foster Road and on the south and west by a dyke containing in the whole 4,320 square yards or thereabouts (March nineteen hundred and thirty-nine).

8. A piece of land on the north side of Mornington Road having a frontage thereto of 60 feet or thereabouts and a depth therefrom of 105 feet or thereabouts bounded on the west by "The Olives" Mornington Road and on the east by Laars Avenue and containing 620 square yards or thereabouts (March nineteen hundred and thirty-nine).

9. A piece of land on the north side of Mornington Road having a frontage thereto of 122 feet 6 inches or thereabouts and a depth therefrom of 60 feet or thereabouts bounded on the west by Namur Road and on the east by Laars Avenue and containing 854 square yards or thereabouts (March nineteen hundred and thirty-nine).

10. A piece of land on the north side of Mornington Road having a frontage thereto of 116 feet or thereabouts and a depth therefrom of 60 feet or thereabouts bounded by Laars Avenue on the west and Twyzel Road on the east and containing 952 square yards or thereabouts (March nineteen hundred and thirty-nine).

11. A piece of land on the north side of Wittem Road having a frontage thereto of 125 feet or thereabouts and a depth therefrom of 100 feet or thereabouts bounded on the east by "Higham Lodge" Wittem Road and on the west by Climmens Road and containing 1,467 square yards or thereabouts (March nineteen hundred and thirty-nine).

12. A piece of land on the north side of Mornington Road having a frontage thereto of 390 feet or thereabouts and an average depth therefrom of 140 feet or thereabouts bounded on the west by "The Little Grey House" Mornington Road and on the east by the west side of Dovervelt Road and containing 5,409 square yards or thereabouts (March nineteen hundred and thirty-nine).

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URBAN DISTRICT OF CLACTON

1. Land at Holland-on-Sea abutting on the eastern side of and having a frontage of 40 feet or thereabouts to King's Avenue and an average depth of 120 feet or thereabouts bounded on the southern side by the property known as "Kelvinside" King's Avenue and comprising 534 square yards or thereabouts (September nineteen hundred and thirty).

2. Land at Holland-on-Sea abutting on the eastern side of and having a frontage of 20 feet or thereabouts to The Grove and a frontage of 120 feet or thereabouts to the northern side of Madeira Road bounded on the northern side by the property known as "Sunset" 12 The Grove and on the eastern side by the property known as "Demfras" 83 Madeira Road and comprising 267 square yards or thereabouts (April nineteen hundred and thirty-eight).

3. Land at Holland-on-Sea abutting on the southern side of and having a frontage of 39 feet 2 inches or thereabouts to Dulwich Road and an average depth of 125 feet or thereabouts and bounded on the eastern side by the property known as Cliff House 42 Dulwich Road and on the western side by vacant land and comprising 544 square yards or thereabouts (April nineteen hundred and thirty-eight).

4. Land at Holland-on-Sea abutting on the western side of and having a frontage of 20 feet or thereabouts to King's Avenue and a frontage of 119 feet 4 inches or thereabouts to the northern side of Salisbury Road and bounded on the western side by the property known as "Falma" 31 Salisbury Road and on the northern side by the property known as "Oakmere" King's Avenue and comprising 266 square yards or thereabouts (September nineteen hundred and thirty and April nineteen hundred and thirty-eight).

5. Land at Holland-on-Sea abutting on the western side of and having a frontage of 20 feet or thereabouts to The Grove and an average depth of 140 feet or thereabouts bounded on the southern side by the properties known as 59 and 61 Bedford Road and on the northern side by vacant land and comprising 312 square yards or thereabouts (April nineteen hundred and thirty-eight).

6. Land at Holland-on-Sea abutting on the western side of and having a frontage of 40 feet or thereabouts to The Grove and a frontage of 120 feet or thereabouts to the southern side of Preston Road bounded on the southern side by the property known as "St. Margarets" 61 The Grove and on the western side by vacant land and comprising 534 square yards or thereabouts (April nineteen hundred and thirty-eight).

7. Land at Holland-on-Sea abutting on the southern side of and having a frontage of 20 feet 3 inches or thereabouts to Preston Road and an average depth of 130 feet or thereabouts bounded on the western side by the property known as "Royston" 6 Preston Road and on the eastern side by vacant land and comprising 293 square yards or thereabouts (April nineteen hundred and thirty-eight).

8. Land at Holland-on-Sea abutting on the eastern side of and having a frontage of 113 feet 6 inches or thereabouts to Nottingham Road bounded on the eastern side by vacant land on the northern side by Holland Main Road and having a frontage of 34 feet or thereabouts and on the southern side by the property known as

“Tremaine” 1 Nottingham Road and having a depth at the southern boundary of 27 feet or thereabouts and comprising 385 square yards or thereabouts (August nineteen hundred and forty).

9. Land at Holland-on-Sea abutting on the northern side of and having a frontage of 29 feet or thereabouts to Hereford Road and a frontage of 120 feet or thereabouts to the western side of Manchester Road bounded on the northern side by the property known as “Clemhaven” 1 Manchester Road and on the western side by vacant land and comprising 387 square yards or thereabouts (March and November nineteen hundred and forty).

10. Land at Holland-on-Sea abutting on the western side of and having a frontage of 20 feet or thereabouts to Manchester Road and an average depth of 105 feet or thereabouts bounded on the northern side by the property known as “Sunshine” 9 Manchester Road and on the southern side by the property known as “Dorcil” 7 Manchester Road and comprising 234 square yards or thereabouts (November nineteen hundred and forty).

11. Land at Holland-on-Sea abutting on the northern side of and having a frontage of 125 feet or thereabouts to Brentwood Road bounded on the western and eastern sides by vacant land with the western boundary coincident with the old boundary between the urban district of Clacton and the rural district of Tendring and the eastern boundary 120 feet or thereabouts westwards from Coronation Road and having a depth at the western side of 68 feet or thereabouts and at the eastern side of 90 feet or thereabouts and comprising 1,098 square yards or thereabouts (August nineteen hundred and thirty-six).

12. Land at Holland-on-Sea abutting on the eastern side of and having a frontage of 25 feet or thereabouts to Ipswich Road and a frontage of 120 feet or thereabouts on the northern side of Brentwood Road bounded on the eastern side by the property known as “Secunda” Brentwood Road and on the southern side by vacant land and comprising 334 square yards or thereabouts (March nineteen hundred and thirty-seven).

13. Land at Holland-on-Sea abutting on the northern side of and having a frontage of 60 feet or thereabouts to Brentwood Road and an average depth of 115 feet or thereabouts bounded on the western and eastern sides by vacant land with the western boundary 420 feet or thereabouts eastwards from Ipswich Road and comprising 767 square yards or thereabouts (August nineteen hundred and thirty-six).

14. Land at Holland-on-Sea abutting on the eastern side of and having a frontage of 50 feet 8 inches or thereabouts to Ipswich Road and a frontage of 119 feet 9 inches or thereabouts to the southern side of Brentwood Road bounded on the eastern side by the property known as “West Winds” Brentwood Road and on the southern side by the property known as “Hillside” Ipswich Road and comprising 675 square yards or thereabouts (August nineteen hundred and thirty-six).

15. Land at Holland-on-Sea abutting on the northern side of and having a frontage of 40 feet or thereabouts to Chelmsford Road and an average depth of 115 feet or thereabouts bounded on the

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western and eastern sides by vacant land with the western boundary 160 feet or thereabouts eastwards from Coronation Road and comprising 512 square yards or thereabouts (August nineteen hundred and thirty-six).

16. Land at Holland-on-Sea abutting on the northern side of and having a frontage of 40 feet or thereabouts to Chelmsford Road and an average depth of 115 feet or thereabouts bounded on the eastern and western sides by vacant land with the eastern boundary 218 feet 7 inches or thereabouts westwards from Ipswich Road and comprising 512 square yards or thereabouts (August nineteen hundred and thirty-six).

17. Land at Holland-on-Sea abutting on the eastern side of and having a frontage of 26 feet 7 inches or thereabouts to Ipswich Road and a frontage of 120 feet or thereabouts to the northern side of Chelmsford Road bounded on the northern side by the property known as "Belstone" Ipswich Road and on the eastern side by the property known as "Foxlea" Chelmsford Road and comprising 355 square yards or thereabouts (August nineteen hundred and thirty-six).

18. Land at Holland-on-Sea abutting on the northern side of and having a frontage of 60 feet or thereabouts to Chelmsford Road and an average depth of 115 feet or thereabouts bounded on the eastern and western sides by vacant land with the eastern boundary 361 feet 5 inches or thereabouts westwards from Stratford Road and comprising 767 square yards or thereabouts (August nineteen hundred and thirty-six).

19. Land at Holland-on-Sea abutting on the southern side of and having a frontage of 40 feet or thereabouts to Chelmsford Road and an average depth of 115 feet or thereabouts bounded on the western and eastern sides by vacant land with the western boundary 320 feet or thereabouts eastwards from Coronation Road and comprising 512 square yards or thereabouts (August nineteen hundred and thirty-six).

20. Land at Holland-on-Sea abutting on the northern side of and having a frontage of 40 feet or thereabouts to Colchester Road and an average depth of 115 feet or thereabouts bounded on the western side by the property known as "Starlight" Colchester Road and on the eastern side by the property known as "Landore" Colchester Road and comprising 512 square yards or thereabouts (August nineteen hundred and thirty-six).

21. Land at Holland-on-Sea abutting on the northern side of and having a frontage of 80 feet or thereabouts to Colchester Road and an average depth of 115 feet or thereabouts bounded on the western side by the property known as "Engadine" Colchester Road and on the eastern side by vacant land and comprising 1,023 square yards or thereabouts (August nineteen hundred and thirty-six).

22. Land at Holland-on-Sea abutting on the northern side of and having a frontage of 40 feet or thereabouts to Colchester Road and an average depth of 115 feet or thereabouts bounded on the western side by the property known as "Brackendale" Colchester Road and

on the eastern side by the rear boundaries of properties in Ipswich Road and comprising 512 square yards or thereabouts (August nineteen hundred and thirty-six).

23. Land at Holland-on-Sea abutting on the southern side of and having a frontage of 41 feet 8 inches or thereabouts to Colchester Road and an average depth of 120 feet or thereabouts bounded on the western and eastern sides by vacant land with the western boundary 301 feet 3 inches or thereabouts eastwards from Ipswich Road and comprising 556 square yards or thereabouts (August nineteen hundred and thirty-six).

24. Land at Holland-on-Sea abutting on the southern side of and having a frontage of 39 feet 6 inches or thereabouts to Colchester Road and an average depth of 120 feet or thereabouts bounded on the eastern side by the property known as "Ingleby" Colchester Road and on the western side by vacant land and comprising 527 square yards or thereabouts (August nineteen hundred and thirty-six).

25. Land at Holland-on-Sea abutting on the western side of and having a frontage of 21 feet 9 inches or thereabouts to Ipswich Road and a frontage of 120 feet or thereabouts on the southern side of Colchester Road bounded on the southern side by the property known as "Matlock" Ipswich Road and on the western side by vacant land and comprising 290 square yards or thereabouts (August nineteen hundred and thirty-six).

26. Land at Holland-on-Sea abutting on the southern side of and having a frontage of 60 feet 9 inches or thereabouts to Colchester Road and an average depth of 115 feet or thereabouts bounded on the western and eastern sides by vacant land with the western boundary 300 feet 3 inches or thereabouts eastwards from Coronation Road and comprising 945 square yards or thereabouts (August nineteen hundred and thirty-six).

27. Land at Holland-on-Sea abutting on the western side of and having a frontage of 20 feet or thereabouts to Ipswich Road and an average depth of 120 feet or thereabouts bounded on the southern side by the property known as "Briarwood" Ipswich Road and on the northern side by the property known as "Kirimuir" Ipswich Road and comprising 267 square yards or thereabouts (August nineteen hundred and thirty-six).

28. Land at Holland-on-Sea abutting on the western side of and having a frontage of 45 feet or thereabouts to Ipswich Road and a frontage of 120 feet or thereabouts on the southern side of Slade Road bounded on the western and southern sides by vacant land and comprising 600 square yards or thereabouts (August nineteen hundred and thirty-six).

29. Land at Holland-on-Sea abutting on the western side of and having a frontage of 62 feet or thereabouts to Ipswich Road and an average depth of 120 feet or thereabouts bounded on the northern and southern sides by vacant land with the southern boundary 85 feet or thereabouts northwards from Brentwood Road and comprising 827 square yards or thereabouts (August nineteen hundred and thirty-six).

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30. Land at Holland-on-Sea abutting on the eastern side of and having a frontage of 25 feet or thereabouts to Ipswich Road and a frontage of 120 feet or thereabouts on the southern side of Slade Road bounded on the eastern and southern sides by vacant land and comprising 334 square yards or thereabouts (August nineteen hundred and thirty-six).

31. Land at Holland-on-Sea abutting on the eastern side of and having a frontage of 20 feet or thereabouts to Ipswich Road and an average depth of 120 feet or thereabouts bounded on the northern side by the property known as "The Burrs" Ipswich Road and on the southern side by vacant land and comprising 267 square yards or thereabouts (August nineteen hundred and thirty-six).

32. Land at Holland-on-Sea abutting on the northern side of and having a frontage of 97 feet or thereabouts to Slade Road bounded on the northern side by Pickers Ditch and on the western and eastern sides by vacant land with the western boundary coincident with the old boundary between the urban district of Clacton and the rural district of Tendring and comprising 950 square yards or thereabouts (August nineteen hundred and thirty-six).

33. Land at Holland-on-Sea abutting on the northern side of and having a frontage of 80 feet or thereabouts to Slade Road bounded on the western eastern and northern sides by vacant land with the western boundary 417 feet or thereabouts eastwards from the old boundary between the urban district of Clacton and the rural district of Tendring and having a depth of 105 feet or thereabouts on the western side and a depth of 135 feet or thereabouts on the eastern side and comprising 1,067 square yards or thereabouts (August nineteen hundred and thirty-six).

34. Land at Holland-on-Sea abutting on the northern side of and having a frontage of 120 feet or thereabouts to Slade Road bounded on the western eastern and northern sides by vacant land with the western boundary 617 feet or thereabouts eastwards from the old boundary between the urban district of Clacton and the rural district of Tendring and having a depth of 180 feet or thereabouts on the western side and a depth of 200 feet or thereabouts on the eastern side and comprising 2,534 square yards or thereabouts (August nineteen hundred and thirty-six).

35. Land at Holland-on-Sea abutting on the southern side of and having a frontage of 40 feet or thereabouts to Slade Road and an average depth of 105 feet or thereabouts bounded on the western and eastern sides by vacant land with the western boundary 120 feet or thereabouts eastwards from Coronation Road and comprising 467 square yards or thereabouts (August nineteen hundred and thirty-six).

36. Land at Holland-on-Sea abutting on the southern side of and having a frontage of 140 feet or thereabouts to Slade Road and an average depth of 115 feet or thereabouts bounded on the western and eastern sides by vacant land with the western boundary 280 feet or thereabouts eastwards from Coronation Road and comprising 1,789 square yards or thereabouts (August nineteen hundred and thirty-six).

37. Land at Holland-on-Sea abutting on the southern side of and having a frontage of 20 feet or thereabouts to Slade Road and an average depth of 115 feet or thereabouts bounded on the eastern and western sides by vacant land with the eastern boundary 120 feet or thereabouts westwards from Ipswich Road and comprising 245 square yards or thereabouts (August nineteen hundred and thirty-six).

38. Land at Holland-on-Sea abutting on the western side of and having a frontage of 36 feet 9 inches or thereabouts to Stratford Road and an average depth of 120 feet or thereabouts bounded on the southern side by the property known as "Southdene" Stratford Road and on the northern side by the property known as "Ellendore" Stratford Road and comprising 490 square yards or thereabouts (August nineteen hundred and thirty-six).

39. Land at Holland-on-Sea abutting on the western side of and having a frontage of 40 feet or thereabouts to Stratford Road and an average depth of 120 feet or thereabouts bounded on the southern and northern sides by vacant land with the southern boundary 25 feet or thereabouts northwards from Brentwood Road and comprising 534 square yards or thereabouts (August nineteen hundred and thirty-six).

40. Land at Holland-on-Sea abutting on the eastern side of and having a frontage of 130 feet 4 inches or thereabouts to Stratford Road and a frontage of 125 feet or thereabouts on the southern side of Slade Road and an average depth of 125 feet or thereabouts from Stratford Road bounded on the southern side by the property known as "Flatford" Stratford Road and on the eastern side by the footpath leading from Holland Main Road to Sladbury's Lane and comprising 1,811 square yards or thereabouts (August nineteen hundred and thirty-six).

41. Land at Holland-on-Sea abutting on the eastern side of and having a frontage of 40 feet or thereabouts to Stratford Road having an average depth of 150 feet or thereabouts bounded on the eastern side by the footpath leading from Holland Main Road to Sladbury's Lane on the southern side by the property known as "Longbeach" Stratford Road and on the northern side by vacant land and comprising 667 square yards or thereabouts (August nineteen hundred and thirty-six).

42. Land at Holland-on-Sea abutting on the eastern side of and having a frontage of 179 feet 6 inches or thereabouts to Stratford Road bounded on the northern side by the property known as "Dunbar" Stratford Road and on the southern side by vacant land and on the eastern side by the footpath leading from Holland Main Road to Sladbury's Lane with the southern boundary 64 feet 8 inches or thereabouts northwards from Chelmsford Road and having a depth on the northern side of 130 feet or thereabouts and on the southern side of 110 feet or thereabouts and comprising 2,394 square yards or thereabouts (August nineteen hundred and thirty-six).

43. Land at Holland-on-Sea abutting on the northern side of and having a frontage of 80 feet or thereabouts to Brentwood Road and abutting on the southern side of and having a frontage of 80 feet or thereabouts to Slade Road bounded on the eastern and western sides by vacant land with the eastern boundary 160 feet or thereabouts westwards from Stratford Road and comprising 2,045 square yards or thereabouts (August nineteen hundred and thirty-six).

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—cont.

44. Land at Holland-on-Sea abutting on the eastern side of and having a frontage of 76 feet 8 inches or thereabouts to Stratford Road bounded on the northern side by vacant land on the southern side by the property known as "Burronest" Stratford Road and on the eastern side by the footpath leading from Holland Main Road to Sladbury's Lane the northern boundary having a depth of 130 feet or thereabouts and the southern boundary a depth of 140 feet or thereabouts and comprising 1,150 square yards or thereabouts (August nineteen hundred and thirty-six).

45. Land at Holland-on-Sea abutting on the western side of and having a frontage of 40 feet or thereabouts to Primrose Road and a frontage of 125 feet 6 inches or thereabouts on the southern side of Beach Road bounded on the western side by the property known as "Kelvin" Beach Road and on the southern side by vacant land and comprising 558 square yards or thereabouts (March November and December nineteen hundred and forty).

46. Land at Holland-on-Sea abutting on the northern side of and having a frontage of 60 feet or thereabouts to Hereford Road and a frontage of 125 feet 11 inches or thereabouts on the western side of Kenilworth Road bounded on the western side by the property known as "Elmscroft" 3 Hereford Road and on the northern side by vacant land and having a depth on the western boundary of 120 feet or thereabouts from Hereford Road and on the northern boundary of 23 feet or thereabouts from Kenilworth Road and comprising 560 square yards or thereabouts (April nineteen hundred and thirty-eight and March nineteen hundred and forty).

47. Land at Holland-on-Sea abutting on the western side of and having a frontage of 86 feet 8 inches or thereabouts to Edison Road and an average depth of 135 feet or thereabouts bounded on the southern side by the property known as "Seasprite" 2 Edison Road on the northern side by vacant land and on the western side partly by the rear boundaries of properties in Ingarfield Road and partly by vacant land the northern boundary having a length of 140 feet or thereabouts and the western boundary a length of 135 feet or thereabouts and comprising 1,663 square yards or thereabouts (December nineteen hundred and forty).

48. Land at Holland-on-Sea abutting on the eastern side of and having a frontage of 136 feet or thereabouts to Ingarfield Road and a frontage of 56 feet or thereabouts to Holland Main Road and an average depth of 55 feet or thereabouts bounded on the southern side by the property known as "Alton" 1 Ingarfield Road and on the eastern side by vacant land and comprising 798 square yards or thereabouts (November nineteen hundred and forty).

49. Land at Holland-on-Sea abutting on the northern side of and having a frontage of 29 feet or thereabouts to Hereford Road and a frontage of 112 feet on the eastern side of Nottingham Road bounded on the northern side by the property known as "Chelmsley" 23 Nottingham Road and on the eastern side by vacant land and comprising 361 square yards or thereabouts (March and August nineteen hundred and forty).

50. Land at Clacton-on-Sea abutting on the south-western side of and having a frontage of 40 feet or thereabouts to Jameson Road

and an average depth of 145 feet or thereabouts bounded on the north-western side by the property known as "The Bungalow" 59 Jameson Road and comprising 672 square yards or thereabouts (December nineteen hundred and thirty).

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51. Land at Clacton-on-Sea abutting on the northern side of and having a frontage of 18 feet or thereabouts to Wargrave Road and an average depth of 108 feet or thereabouts bounded on the eastern side by the property known as No. 20 Wargrave Road and comprising 216 square yards or thereabouts (March nineteen hundred and twenty-six and December nineteen hundred and twenty-eight).

URBAN DISTRICT OF HORNCHURCH

1. A piece of land on the west side of Allenby Drive Hornchurch having a frontage thereto of 20 feet 6 inches or thereabouts and a depth therefrom of 158 feet 6 inches or thereabouts bounded on the north by Number 27 Allenby Drive and on the west by Number 25 Allenby Drive and containing 361 square yards or thereabouts (August nineteen hundred and thirty-nine).

2. A piece of land on the north side of Benets Road Hornchurch having a frontage thereto of 19 feet 6 inches or thereabouts and a depth therefrom of 120 feet or thereabouts bounded on the east by Number 1 Benets Road and on the west by vacant land and containing 260 square yards or thereabouts (April nineteen hundred and thirty-eight).

3. A piece of land on the west side of Betterton Road Rainham having a frontage thereto of 20 feet or thereabouts and a depth therefrom of 223 feet or thereabouts bounded on the south by Number 75 Betterton Road and on the north by Number 79 Betterton Road and containing 495 square yards or thereabouts (December nineteen hundred and thirty-six and September nineteen hundred and thirty-eight).

4. A piece of land on the east side of Cranham Gardens Cranham having a frontage thereto of 19 feet or thereabouts and a depth therefrom of 171 feet 9 inches or thereabouts bounded on the north by "Dalblair" Cranham Gardens and on the south by vacant land and containing 362 square yards or thereabouts (January nineteen hundred and thirty-seven).

5. A piece of land on the east side of Cranham Gardens Cranham having a frontage thereto of 20 feet or thereabouts and a depth therefrom of 171 feet 9 inches or thereabouts the northern boundary whereof is situate 19 feet or thereabouts in a southerly direction from the southern boundary of "Dalblair" Cranham Gardens and containing 381 square yards or thereabouts (January nineteen hundred and thirty-seven).

6. A piece of land on the east side of Cranham Gardens Cranham having a frontage thereto of 40 feet or thereabouts and a depth therefrom of 150 feet or thereabouts the northern boundary whereof is situate 240 feet or thereabouts in a southerly direction from the southern boundary of "Harreg" Cranham Gardens and containing 666 square yards or thereabouts (January nineteen hundred and thirty-seven).

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7. A piece of land on the east side of Cranham Gardens Cranham having a frontage thereto of 40 feet or thereabouts and a depth therefrom of 130 feet or thereabouts the southern boundary whereof is situate 42 feet or thereabouts in a northerly direction from the northern boundary of "Hyden" Moor Lane Cranham and containing 577 square yards or thereabouts (January nineteen hundred and thirty-seven).

8. A piece of land on the west side of Cranham Gardens Cranham having a frontage thereto of 22 feet or thereabouts and a depth therefrom of 132 feet or thereabouts bounded on the north by "Glendale Lodge" Cranham Gardens and on the south by vacant land and containing 322 square yards or thereabouts (July nineteen hundred and thirty-seven).

9. A piece of land on the west side of Cranham Gardens Cranham having a frontage thereto of 142 feet or thereabouts and a depth therefrom of 132 feet or thereabouts the northern boundary whereof is situate 22 feet or thereabouts in a southerly direction from the southern boundary of "Glendale Lodge" Cranham Gardens and containing 2,082 square yards or thereabouts (July nineteen hundred and thirty-seven).

10. A piece of land on the west side of Cranham Gardens Cranham having a frontage thereto of 200 feet or thereabouts and a depth therefrom of 132 feet or thereabouts the southern boundary whereof is situate 70 feet 5 inches or thereabouts in a northerly direction from the northern boundary of "Basilisk" Cranham Gardens and containing 2,933 square yards or thereabouts (July nineteen hundred and thirty-seven).

11. A piece of land on the west side of Cranham Gardens Cranham having a frontage thereto of 13 feet 5 inches or thereabouts and a depth therefrom of 132 feet or thereabouts the southern boundary whereof is situate 57 feet or thereabouts in a northerly direction from the northern boundary of "Basilisk" Cranham Gardens and containing 197 square yards or thereabouts (July nineteen hundred and thirty-seven).

12. A piece of land on the west side of Cranham Gardens Cranham having a frontage thereto of 57 feet or thereabouts and a depth therefrom of 132 feet or thereabouts and bounded on the north by vacant land and on the south by "Basilisk" Cranham Gardens and containing 836 square yards or thereabouts (July nineteen hundred and thirty-seven).

13. A piece of land situate at the junction of Cranham Gardens Cranham and The Crescent Cranham having a frontage of 180 feet or thereabouts to the west side of Cranham Gardens and measuring 105 feet or thereabouts along its southern boundary and containing 1,050 square yards or thereabouts (July nineteen hundred and thirty-seven).

14. A piece of land on the west side of Cranham Gardens Cranham having a frontage thereto of 6 feet or thereabouts and a depth therefrom of 160 feet or thereabouts the southern boundary whereof is situate 20 feet or thereabouts in a northerly direction from the

northern boundary of "St. Lawrence" Cranham Gardens and containing 106 square yards or thereabouts (July nineteen hundred and thirty-seven).

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15. A piece of land on the west side of Cranham Gardens Cranham having a frontage thereto of 20 feet or thereabouts and a depth therefrom of 160 feet or thereabouts and bounded on the north by vacant land and on the south by "St. Lawrence" Cranham Gardens and containing 355 square yards or thereabouts (July nineteen hundred and thirty-seven).

16. A piece of land on the east side of Cranham Gardens Cranham having a frontage thereto of 59 feet 2 inches or thereabouts and a depth therefrom of 175 feet or thereabouts and bounded on the north by "Kiaora" Cranham Gardens and on the south by "Mayeiran" Cranham Gardens and containing 1,150 square yards or thereabouts (July nineteen hundred and thirty-seven).

17. A piece of land on the east side of Cranham Gardens Cranham having a frontage thereto of 80 feet or thereabouts and a depth therefrom of 175 feet or thereabouts the northern boundary whereof is situate 204 feet or thereabouts in a southerly direction from the junction of Cranham Gardens with Queens Gardens and containing 1,555 square yards or thereabouts (July nineteen hundred and thirty-seven).

18. A piece of land at the western end of Crescent Avenue Hornchurch having a frontage thereto of 81 feet or thereabouts and measuring 225 feet or thereabouts along its south-eastern boundary adjoining No. 35 Crescent Avenue and 133 feet or thereabouts along its north-eastern boundary adjoining No. 42 Crescent Avenue and 25 feet or thereabouts along its northern boundary and 420 feet or thereabouts along its western boundary and containing 2,774 square yards or thereabouts (April nineteen hundred and thirty-eight).

19. A piece of land on the north side of Crescent Avenue Hornchurch having a frontage thereto of 42 feet 6 inches or thereabouts and measuring 116 feet or thereabouts along its western boundary adjoining No. 2 Crescent Avenue and 156 feet or thereabouts along its northern boundary and 89 feet or thereabouts along its eastern boundary and 165 feet or thereabouts along its south-eastern boundary adjoining the rear boundaries of Nos. 124 to 144 Upper Rainham Road and containing 1,996 square yards or thereabouts (April nineteen hundred and thirty-eight).

20. A piece of land on the south side of Frederick Road Rainham having a frontage thereto of 40 feet 6 inches or thereabouts and a depth therefrom of 151 feet or thereabouts and bounded on the east by No. 98 Frederick Road and on the west by "Sonite" Frederick Road and containing 679 square yards or thereabouts (December nineteen hundred and thirty-six).

21. A piece of land on the south side of Frederick Road Rainham having a frontage thereto of 110 feet or thereabouts and a depth therefrom of 151 feet or thereabouts and bounded on the east by "Glenavon" Frederick Road and on the west by vacant land and containing 1,847 square yards or thereabouts (December nineteen hundred and thirty-six).

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22. A piece of land on the north side of Frederick Road Rainham having a frontage thereto of 20 feet 5 inches or thereabouts and a depth therefrom of 166 feet or thereabouts the eastern boundary whereof is situate 40 feet or thereabouts in a westerly direction from the western boundary of "The Nest" Frederick Road and containing 376 square yards or thereabouts (December nineteen hundred and thirty-six).

23. A piece of land on the west side of Glamis Drive Hornchurch having a frontage thereto of 7 feet 6 inches or thereabouts and a depth therefrom of 150 feet or thereabouts and bounded on the north by the rear boundaries of Nos. 60 to 70 Glebe Way and on the south by No. 19 Glamis Drive and containing 376 square yards or thereabouts (August nineteen hundred and thirty-nine).

24. A piece of land on the south side of The Greenway Harold Park Romford (part of a private road to Horseblock Farm) having a frontage thereto of 7 feet or thereabouts and a depth therefrom of 100 feet or thereabouts and bounded on the east by part of the private road to Horseblock Farm and on the west by No. 16 Greenway and containing 77 square yards or thereabouts (October nineteen hundred and twenty-nine).

25. A piece of land on the west side of Hood Road Rainham having a frontage thereto of 101 feet 6 inches or thereabouts and measuring 80 feet 9 inches or thereabouts along its southern boundary and 86 feet 6 inches or thereabouts along its western boundary and situate 190 feet or thereabouts in a south-easterly direction from the junction of Hood Road with Stanley Road North and containing 350 square yards or thereabouts (September nineteen hundred and thirty-six).

26. A piece of land on the north side of Kings Gardens Cranham having a frontage thereto of 40 feet or thereabouts and a depth therefrom of 189 feet or thereabouts and bounded on the west by "Aylesbourne" Kings Gardens and on the east by "Ivy Cottage" Kings Gardens and containing 840 square yards or thereabouts (January nineteen hundred and thirty-seven).

27. A piece of land on the north side of Kings Gardens Cranham having a frontage thereto of 50 feet or thereabouts and a depth therefrom of 109 feet or thereabouts and bounded on the west by "Ivy Cottage" Kings Gardens and on the east by The Crescent and containing 605 square yards or thereabouts (January nineteen hundred and thirty-seven).

28. A piece of land on the north side of Kings Gardens Cranham Essex having a frontage thereto of 105 feet 10 inches or thereabouts and measuring 40 feet or thereabouts along its south-eastern boundary fronting Cranham Gardens and 190 feet or thereabouts along its north-eastern boundary and 105 feet or thereabouts along its north-western boundary and 150 feet or thereabouts along its south-western boundary and containing 2,370 square yards or thereabouts (January nineteen hundred and thirty-seven).

29. A piece of land on the south side of Kings Gardens Cranham Essex having a frontage thereto of 99 feet or thereabouts and measuring 134 feet or thereabouts along its north-western boundary fronting Cranham Gardens and 176 feet along its southern boundary

and 89 feet or thereabouts along its eastern boundary and containing 1,526 square yards or thereabouts (January nineteen hundred and thirty-seven).

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30. A piece of land on the south side of Kings Gardens Cranham having a frontage thereto of 20 feet or thereabouts and a depth therefrom of 235 feet or thereabouts the eastern boundary whereof is situate 20 feet or thereabouts from the western boundary of "Strebor" Kings Gardens Cranham and containing 522 square yards or thereabouts (January nineteen hundred and thirty-seven).

31. A piece of land on the east side of Linkway Hornchurch having a frontage thereto of 22 feet or thereabouts and a depth therefrom of 163 feet or thereabouts and bounded on the north by No. 19 Linkway and on the south by No. 23 Linkway and containing 1,594 square yards or thereabouts (February nineteen hundred and thirty-six).

32. A piece of land on the north side of Maywin Drive Hornchurch having a frontage thereto of 35 feet 7 inches or thereabouts and a depth therefrom of 179 feet or thereabouts and bounded on the east by vacant land and on the west by Nos. 1 and 1A Maywin Drive and containing 707 square yards or thereabouts (July nineteen hundred and thirty-nine).

33. A piece of land on the west side of Philip Road Rainham having a frontage thereto of 57 feet 6 inches or thereabouts and a depth therefrom of 197 feet or thereabouts and bounded on the north by "Ivolet" Stanley Road North and on the south by No. 8 Philip Road and containing 648 square yards or thereabouts (September nineteen hundred and thirty-seven).

34. A piece of land on the north side of Queens Gardens Cranham having a frontage thereto of 28 feet 6 inches or thereabouts and a depth therefrom of 175 feet or thereabouts and bounded on the west by vacant land and on the east by "Wyoming" Queens Gardens and containing 555 square yards or thereabouts (July nineteen hundred and thirty-seven).

35. A piece of land on the west side of Roseberry Gardens Cranham having a frontage thereto of 32 feet or thereabouts and a depth therefrom of 125 feet or thereabouts the northern boundary whereof is situate 142 feet 6 inches or thereabouts in a southerly direction from the southern boundary of "White Gates" Roseberry Gardens and containing 445 square yards or thereabouts (July nineteen hundred and thirty-seven).

36. A piece of land on the west side of Roseberry Gardens Cranham having a frontage thereto of 31 feet 10 inches or thereabouts and a depth therefrom of 125 feet or thereabouts the northern boundary whereof is situate 239 feet or thereabouts in a southerly direction from the southern boundary of "White Gates" Roseberry Gardens and containing 443 square yards or thereabouts (July nineteen hundred and thirty-seven).

37. A piece of land on the west side of Roseberry Gardens Cranham having a frontage thereto of 151 feet or thereabouts and a depth therefrom of 125 feet or thereabouts the northern boundary whereof is situate 302 feet 10 inches or thereabouts in a southerly

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direction from the southern boundary of "White Gates" Roseberry Gardens and containing 2,097 square yards or thereabouts (July nineteen hundred and thirty-seven).

38. A piece of land on the east side of Roseberry Gardens Cranham having a frontage thereto of 36 feet or thereabouts and a depth therefrom of 183 feet or thereabouts the northern boundary whereof is situate 224 feet or thereabouts in a southerly direction from the junction of Roseberry Gardens with Queens Gardens and containing 733 square yards or thereabouts (July nineteen hundred and thirty-seven).

39. A piece of land on the east side of Roseberry Gardens Cranham having a frontage thereto of 36 feet or thereabouts and a depth therefrom of 183 feet or thereabouts the northern boundary whereof is situate 188 feet or thereabouts in a southerly direction from the junction of Roseberry Gardens with Queens Gardens and containing 733 square yards or thereabouts (July nineteen hundred and thirty-seven).

40. A piece of land on the east side of Roseberry Gardens Cranham having a frontage thereto of 18 feet or thereabouts and a depth therefrom of 183 feet or thereabouts the northern boundary whereof is situate 170 feet or thereabouts in a southerly direction from the junction of Roseberry Gardens with Queens Gardens and containing 366 square yards or thereabouts (July nineteen hundred and thirty-seven).

41. A piece of land on the west side of Stanley Road North Rainham having a frontage thereto of 28 feet 10 inches or thereabouts and a depth therefrom of 225 feet or thereabouts and bounded on the north by Nos. 285 287 and 289 Rainham Road and on the south by vacant land and containing 1,210 square yards or thereabouts (September nineteen hundred and thirty-six).

42. A piece of land on the south side of Stanley Road South Rainham having a frontage thereto of 103 feet 6 inches or thereabouts and a depth therefrom of 18 feet minimum and 57 feet maximum or thereabouts and bounded on the east by "The Lawns" 21 Stanley Road South and on the west by "Iona" No. 25 Stanley Road South and containing 417 square yards or thereabouts (September nineteen hundred and thirty-six and April nineteen hundred and thirty-nine).

43. A piece of land on the north side of Westland Avenue Hornchurch having a frontage thereto of 11 feet or thereabouts and a depth therefrom of 135 feet or thereabouts and bounded on the west by a stream and on the east by No. 67 Westland Avenue and containing 165 square yards or thereabouts (March nineteen hundred and thirty-eight).

44. A piece of land on the west or north-west side of The Crescent Cranham having a frontage thereto of 61 feet 8 inches or thereabouts and a depth therefrom of 128 feet or thereabouts and bounded on the west by vacant land and on the east by "Cherry Dene" The Crescent and containing 876 square yards or thereabouts (January nineteen hundred and thirty-seven).

45. A piece of land on the north side of The Crescent Cranham having a frontage thereto of 29 feet 3 inches or thereabouts and a depth therefrom of 109 feet or thereabouts the western boundary

whereof is situate 129 feet 9 inches or thereabouts in an easterly direction from the eastern boundary of "Glenville" The Crescent and containing 271 square yards or thereabouts (January nineteen hundred and thirty-seven).

46. A piece of land on the east side of The Walk Hornchurch having a frontage thereto of 10 feet or thereabouts and a depth therefrom of 53 feet or thereabouts and bounded on the north by the rear of Nos. 37 39 and 41 Minster Way and on the south by the right of way to garages situate at the rear of Nos. 1 to 8 The Walk and containing 60 square yards or thereabouts (November nineteen hundred and thirty-eight).

47. A piece of land on the north side of Wykeham Avenue Hornchurch having a frontage thereto of 129 feet or thereabouts and a depth therefrom of 20 feet or thereabouts and bounded on the east by Butts Green Road and on the west by No. 2 Wykeham Avenue and containing 286 square yards or thereabouts (November nineteen hundred and twenty-nine).

48. A piece of land on the north side of Vaughan Avenue Hornchurch having a frontage thereto of 10 feet or thereabouts and a depth therefrom of 138 feet or thereabouts and bounded on the west by the rear boundaries of Nos. 71 to 79 Suttons Lane and on the east by No. 2A Vaughan Avenue and containing 153 square yards or thereabouts (May nineteen hundred and thirty-eight).

49. A piece of land on the south side of Vaughan Avenue Hornchurch having a frontage thereto of 12 feet or thereabouts and a depth therefrom of 159 feet or thereabouts and bounded on the east by No. 1 Vaughan Avenue and on the west by the rear boundaries of Nos. 81 to 91 Suttons Lane and containing 212 square yards or thereabouts (May nineteen hundred and thirty-eight).

50. A piece of land on the north side of Victor Gardens Hornchurch having a frontage thereto of 72 feet 3 inches or thereabouts and a depth therefrom of 104 feet or thereabouts and bounded on the west by No. 30 Victor Gardens and on the east by the right of way to High Street and containing 834 square yards or thereabouts (August nineteen hundred and thirty-eight).

51. A piece of land on the south side of Warrington Gardens Hornchurch having a frontage thereto of 10 feet or thereabouts and a depth therefrom of 128 feet or thereabouts and bounded on the east by the right of way to No. 148 Slewins Lane and rear of Nos. 148 to 156 Slewins Lane and on the west by No. 1 Warrington Gardens and containing 323 square yards or thereabouts (March nineteen hundred and thirty-nine).

52. A piece of land on the north side of Ingreway Harold Park Romford having a frontage thereto of 94 feet 7 inches or thereabouts and a depth therefrom of 100 feet or thereabouts and bounded on the west by No. 7 Ingreway and on the east by No. 15 Ingreway and containing 1,051 square yards or thereabouts (January nineteen hundred and thirty-nine).

53. A piece of land on the north side of Ingreway Harold Park Romford having a frontage thereto of 42 feet 6 inches or thereabouts and a depth therefrom of 100 feet or thereabouts and bounded on

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the west by No. 17 Ingreway and on the east by No. 21 Ingreway and containing 472 square yards or thereabouts (January nineteen hundred and thirty-nine).

54. A piece of land on the south side of Ingreway Harold Park Romford having a frontage thereto of 33 feet or thereabouts and a depth therefrom of 147 feet 6 inches or thereabouts and bounded on the west by No. 70 Ingreway and on the east by vacant land and containing 541 square yards or thereabouts (January nineteen hundred and thirty-nine).

55. A piece of land on the south side of Ingreway Harold Park Romford having a frontage thereto of 130 feet 11 inches or thereabouts and a depth therefrom of 145 feet or thereabouts and bounded on the west by No. 52 Ingreway and on the east by No. 64 Ingreway and containing 2,110 square yards or thereabouts (January nineteen hundred and thirty-nine).

URBAN DISTRICT OF RAYLEIGH

1. A piece of land on the north side of Victoria Road having a frontage thereto of 40 feet or thereabouts and a depth therefrom of 150 feet or thereabouts bounded on the west side by "Hollydene" Victoria Road and on the east side by Nelson Road and containing approximately 666.7 square yards or thereabouts (July nineteen hundred and thirty-seven).

2. A piece of land on the south side of Victoria Road having a frontage thereto of 116 feet 6 inches or thereabouts and a depth therefrom of 130 feet or thereabouts approximately 106 yards east of Helena Road and bounded on the east side by vacant land and on the west side by vacant land and containing approximately 1,682.8 square yards or thereabouts (July nineteen hundred and thirty-seven).

3. A piece of land on the north-east side of Grove Road having a frontage thereto of 208 feet or thereabouts and an average depth therefrom of 130 feet or thereabouts approximately 40 yards north-east of Jubilee Road bounded on the west by vacant land and on the east by vacant land and containing approximately 3,004.6 square yards or thereabouts (April nineteen hundred and thirty-nine).

4. A piece of land on the north-east side of Grove Road having a frontage thereto of 40 feet or thereabouts and a depth therefrom of 200 feet or thereabouts bounded on the west side by vacant land and on the east side by Avondale Road and containing 889 square yards or thereabouts (April nineteen hundred and thirty-nine).

5. A piece of land on the north-east side of Grove Road having a frontage thereto of 85 feet 11 inches or thereabouts and a depth therefrom of 200 feet or thereabouts bounded on the west by Avondale Road and on the east by "Holmhurst" Grove Road and containing 1,909.1 square yards or thereabouts (April nineteen hundred and thirty-nine).

6. A piece of land on the south-west side of Grove Road having a frontage thereto of 160 feet 6 inches or thereabouts and a depth therefrom of 200 feet or thereabouts and bounded on the north-west side by vacant land and on the south-east side by Albany Road and containing 3,566.6 square yards or thereabouts (April nineteen hundred and thirty-nine).

7. A piece of land on the south-west side of Grove Road having a frontage thereto of 366 feet 6 inches or thereabouts and a depth therefrom of 200 feet or thereabouts bounded on the west side by vacant land and on the south-east side by No. 1 Grove Cottages Grove Road and containing 8,144.4 square yards or thereabouts (April nineteen hundred and thirty-nine).

8. A piece of land on the north-west side of The Chase having a frontage thereto of 97 feet 9 inches or thereabouts and a depth therefrom of 200 feet or thereabouts bounded on the south-west side by "Belbadene" Grove Road and on the north-east side by vacant land and containing 2,172.2 square yards or thereabouts (April nineteen hundred and thirty-nine).

9. A piece of land on the north-east side of Leslie Road having a frontage thereto of 20 feet or thereabouts and a depth therefrom of 250 feet or thereabouts bounded on the west side by "Kathala" Leslie Road and on the east side by "The Lilacs" Leslie Road and containing 555.5 square yards or thereabouts (November nineteen hundred and thirty-nine).

10. A piece of land on the south-west side of Leslie Road having a frontage thereto of 19 feet 8 inches or thereabouts and a depth therefrom of 230 feet or thereabouts bounded on the west side by "Hollycot" Leslie Road and on the east side by "Iverdale" Leslie Road and containing 502.6 square yards or thereabouts (November nineteen hundred and thirty-nine).

RURAL DISTRICT OF ROCHFORD

PARISH OF ROCHFORD

1. A piece of land on the north side of Leicester Avenue having a frontage thereto of 72 feet 6 inches or thereabouts and a depth therefrom of 130 feet or thereabouts bounded on the east by a vacant plot and on the west by "Southview" Leicester Avenue and containing .2164 acres or thereabouts (December nineteen hundred and thirty-seven).

2. A piece of land on the north side of Leicester Avenue having a frontage thereto of 37 feet 1 inch or thereabouts and a depth therefrom of 130 feet or thereabouts bounded on the east by a vacant plot and with its western boundary 72 feet 6 inches east of "Southview" Leicester Avenue and containing .1106 acres or thereabouts (December nineteen hundred and thirty-seven).

3. A piece of land on the north side of Leicester Avenue having a frontage thereto of 26 feet 11 inches or thereabouts and a depth therefrom of 130 feet or thereabouts bounded on the east by a right of way and with its western boundary 135 feet 7 inches east of "Southview" Leicester Avenue and containing .0803 acres or thereabouts (December nineteen hundred and thirty-seven).

4. A piece of land on the south side of Leicester Avenue having a frontage thereto of 18 feet or thereabouts and a depth therefrom of 94 feet or thereabouts bounded on the east by a vacant plot and with its western boundary 233 feet 1 inch east of "Lynton" Leicester Avenue and containing .0388 acres or thereabouts (December nineteen hundred and thirty-seven).

4TH SCH.
—cont.

5. A piece of land on the south side of Rochefort Drive having a frontage thereto of 31 feet 4 inches or thereabouts and a depth therefrom of 143 feet or thereabouts bounded on the east by a right of way and with its western boundary 90 feet east of "The Bungalow" Rochefort Drive and containing .0744 acres or thereabouts (December nineteen hundred and thirty-seven).

6. A piece of land on the south side of Rochefort Drive having a frontage thereto of 18 feet or thereabouts and a depth therefrom of 137 feet or thereabouts bounded on the east by a vacant plot and with its western boundary 18 feet east of "The Bungalow" Rochefort Drive and containing .0566 acres or thereabouts (December nineteen hundred and thirty-seven).

7. A piece of land on the north side of Ravenswood Chase having a frontage thereto of 92 feet 6 inches or thereabouts and a depth therefrom of 33 feet 4 inches or thereabouts bounded on the east by Sutton Court Drive and with its western boundary 8 feet east of "Sherwood" Ravenswood Chase and containing .0707 acres or thereabouts (May nineteen hundred and thirty-eight).

8. A piece of land on the west side of Sutton Court Drive having a frontage thereto of 33 feet 4 inches or thereabouts and a depth therefrom of 92 feet 6 inches or thereabouts bounded on the south by Ravenswood Chase and on the north by the garden of "Perseverance" Sutton Court Drive and containing .0707 acres or thereabouts (May nineteen hundred and thirty-eight).

9. A piece of land on the west side of Sutton Court Drive having a frontage thereto of 78 feet or thereabouts and a depth therefrom of 93 feet or thereabouts bounded on the south by vacant land and on the north by Queensland Avenue and containing .1665 acres or thereabouts (May nineteen hundred and thirty-eight).

10. A piece of land on the west side of Sutton Court Drive having a frontage thereto of 9 feet 10 inches or thereabouts and a depth therefrom of 93 feet or thereabouts bounded on the south by the garden of "Perseverance" Sutton Court Drive and on the north by a vacant plot and containing .0209 acres or thereabouts (May nineteen hundred and thirty-eight).

PARISH OF HOCKLEY

1. A piece of land on the north-east side of Bramerton Road having a frontage thereto of 49 feet 2 inches or thereabouts and a depth therefrom of 213 feet or thereabouts bounded on the north-west by "Nipigon" Bramerton Road and on the south-east by "Winchelsea" Bramerton Road and containing .2404 acres or thereabouts (December nineteen hundred and thirty-seven).

2. A piece of land on the east side of Plumberow Avenue having a frontage thereto of 64 feet or thereabouts and a depth therefrom of 200 feet or thereabouts bounded on the north by a vacant plot and with its southern boundary 70 feet from "Shortlands" Plumberow Avenue and containing .2938 acres or thereabouts (May nineteen hundred and thirty-nine).

FIFTH SCHEDULE

APPORTIONMENT AND RECOVERY OF EXPENSES OF CONSTRUCTING SEWERS

1. The sum apportionable shall not exceed the sum certified by the surveyor of the district to be at the relevant date the average cost per lineal yard of providing a public sewer having an internal diameter of nine inches in a private street in a district multiplied by the extent in lineal yards (as so certified) of the sewer or length of sewer in question.

2. The expenses incurred by the local authority not exceeding the sum so apportionable shall be apportioned by the local authority on the premises fronting adjoining or abutting on the street or part of the street in question according to the frontages of the respective premises as existing at the relevant date:

Provided that no sum shall be apportioned on any premises in contravention of any agreement between the local authority and the owner of the premises and any sum which but for this proviso would have been apportioned on any premises shall be deducted from the aggregate sum to be apportioned under this paragraph.

3. As soon as the apportionment has been made the local authority shall serve on the owners of the several premises affected notice of the sums respectively apportioned to them and the notice shall state the right of appeal conferred by the next following paragraph.

4. Any person aggrieved by an apportionment under this schedule may appeal to a court of summary jurisdiction and may on the appeal dispute the correctness of the surveyor's certificate as well as any other matter affecting the validity or correctness of the apportionment.

5. If the court finds on any such appeal that the aggregate sum apportioned is excessive or that the apportionment thereof is erroneous the court—

(a) shall order the local authority to revise not only the sum apportioned to the appellant but also the sums apportioned to the owners of the other premises affected and to submit the revised apportionment to the court for approval; and

(b) may if satisfied that the owners of all premises affected have had due notice of the proceedings and an opportunity of being heard approve any such revised apportionment either without amendment or with such amendments as they think just.

6. Whenever a new building requiring foul water drainage is erected after the relevant date on any premises on which a sum has been or is thereafter apportioned under this schedule that sum shall be recoverable by the local authority subject to and in accordance with the following provisions:—

(a) The said sum shall be recoverable to an extent proportionate to the frontage on the street or part of the street of the site of the new building and the land occupied therewith:

Provided that where a sum has become payable under sub-paragraph (c) of this paragraph in respect of the frontage

5TH SCH.
—cont.

of the site of a new building and land occupied therewith no further sum shall be recoverable in respect of the same length of frontage or any part thereof by reason of the erection of another new building on that site or that land ;

(b) At any time after whichever of the following events last occurs (that is to say) :—

(i) the erection of the new building ; or

(ii) the expiration of the time for appealing against the apportionment or if an appeal is brought within that time the final determination of the appeal ;

the local authority may serve on the owner for the time being of the new building a demand for payment of the amount recoverable together with interest thereon from the date of the demand :

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

(c) As from the date of the service of the said demand the amount recoverable together with interest thereon from that date until payment thereof shall be payable by the owner on whom the demand is served and shall be charged on the new building and the land occupied therewith and on all estates and interests therein ;

(d) The rate of interest chargeable under this paragraph shall be such rate as the local authority may determine not exceeding the maximum rate fixed by the Minister for the purpose of section 291 of the Act of 1936 at the time when the said demand is served or if different maximum rates are then so fixed the highest of those rates.

7.—(1) If any person from whom any sum becomes recoverable under the last preceding paragraph proves that by reason of the length of frontage of the land occupied with the building in respect of which the sum is so recoverable the amount of that sum is disproportionate to the benefit accruing to the premises the local authority may remit such part of that sum as they may think just but in that event if another new building is subsequently erected on the said land the said paragraph shall apply to that other building as if the first-mentioned building had not been erected :

Provided that the amount recoverable in respect of that other building shall not exceed the amount remitted.

(2) Any person aggrieved by a decision of the local authority with respect to any such remission may appeal to a court of summary jurisdiction.

8.—(1) The sum apportioned on any premises under this schedule shall for the purposes of section 15 of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 be deemed to be a charge on the premises notwithstanding that it is not immediately recoverable.

(2) Where the whole or part of the sum so deemed to be a charge (hereinafter in this sub-paragraph referred to as "the provisional charge") becomes actually charged on the whole or part of the premises under the foregoing provision of this schedule—

(a) within fourteen days the registration of the provisional charge under the said section 15 shall be cancelled and the actual charge shall be registered under that section as from the date on which the provisional charge was registered ;

(b) where a part only of the said sum has become actually charged on a part of the premises the remainder of that sum shall be deemed to be a charge on the remainder of the premises notwithstanding that it is not immediately recoverable and shall be registered accordingly within the said fourteen days under the said section as from the said date and the foregoing provisions of this sub-paragraph shall apply thereto accordingly.

9. For the purposes of this schedule—

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

(b) the following alterations and extensions shall be deemed to be the erection of a new building (that is to say):—

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

(ii) the conversion into a house of any building not originally constructed for human habitation ;

(iii) the conversion of any premises into a factory shop or place of public resort ;

(iv) any extension by reason whereof the area occupied by the site of the building will (with any previous extension made since the relevant date) be increased by an area of more than one-eighth or in the case of a building constructed for agricultural purposes one-quarter of that occupied by the site of the building before that date ;

(c) the expression "the relevant date" means—

(i) in relation to an apportionment under section 66 (Recovery of expenses of sewerage public highway) of this Act in pursuance of a resolution of the council of a local authority the date when the resolution became operative ; and

(ii) in relation to an apportionment under section 67 (Recovery of expenses of sewerage prospective street) of this Act in respect of land becoming a street the date on which the street was laid out.

Section 141.

SIXTH SCHEDULE

AMENDMENT OF SECTION 167 (CONSOLIDATED LOANS FUND) OF
ESSEX COUNTY COUNCIL ACT 1933

In paragraph (b) of subsection (1) after the word "are" shall be inserted "paid to any capital fund established by the Council or are".

In subsection (2) the word "section" shall be substituted for "subsection".

In subsection (4) the words "capital reserve renewal and repairs" shall be substituted for the words "reserve renewals" and the following paragraph shall be substituted for paragraph (b):—

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

Subsections (6) and (7) shall be omitted.

The following new subsection shall be inserted:—

"(6) (a) The powers conferred by this section shall be exercised by the Council in accordance with the Consolidated Loans Fund (Essex) Scheme 1937 as amended by the Consolidated Loans Fund (Essex) Supplementary Scheme 1943 made by the Council and approved by the Minister of Health under this section.

(b) Any scheme made and approved under this section which is at any time in operation may be amended or may be extended or revoked by a scheme made by the Council and approved by the Minister and any such amending or extending scheme may make provision or further provision for any matters incidental to the establishment and administration of the consolidated loans fund."

SEVENTH SCHEDULE

MODIFICATIONS OF THE LOCAL GOVERNMENT SUPERANNUATION ACT 1937 IN RELATION TO THE CLERK OF THE PEACE DEPUTY CLERK OF THE PEACE AND STAFF

1. The appropriate superannuation fund shall be that in the benefits of which contributory employees of the Council are entitled to participate and subsections (1) and (2) of section 4 of the Local Government Superannuation Act 1937 shall not apply.

2.—(1) There shall be paid by the Council—

(a) the equivalent contributions of the employing authority under subsection (2) of section 6 of the Local Government Superannuation Act 1937 and any payment required from the employing authority under that subsection by virtue of any scheme under section 22 of that Act;

(b) the sums required by subsection (4) of section 8 of the said Act to be repaid to the appropriate superannuation fund in respect of any resolution of the court of quarter sessions under subsection (2) of that section increasing the person's superannuation allowance;

(c) any gratuity granted by the court of quarter sessions under section 11 of the said Act;

and reference to the employing authority in those sections and in paragraph (b) of subsection (2) of section 21 of the said Act shall be construed accordingly.

(2) The Council may make the same deductions (if any) under subsection (3) of section 6 of the Local Government Superannuation Act 1937 from a person's remuneration for any employment as if they were the employing authority.

(3) Any regulations under subsection (6) of section 36 of the Local Government Superannuation Act 1937 with respect to the administrative action to be taken by local authorities may provide for anything to be done by or to the Council where apart from this provision they could provide for it to be done by or to the court of quarter sessions.

3.—(1) Any action taken by the court of quarter sessions in increasing a person's superannuation allowance under the proviso to paragraph (b) of subsection (2) of section 8 of the Local Government Superannuation Act 1937 or in directing any sum to be paid out of the appropriate superannuation fund in respect of a person's contributions thereto under subsection (4) of section 10 of the said Act or in granting a gratuity under section 11 of the said Act shall forthwith be reported by them to the Council.

(2) If the Council are dissatisfied with the action they may appeal against it to the Secretary of State whose decision shall be final.

Table of Statutes referred to in this Act

Short title	Session and chapter
Lighting and Watching Act 1833	2 & 3 Will. 4. c. 90.
Theatres Act 1843	6 & 7 Vict. c. 68.
Lands Clauses Consolidation Act 1845	8 & 9 Vict. c. 18.
Harbours Docks and Piers Clauses Act 1847	10 & 11 Vict. c. 27.
Towns Improvement Clauses Act 1847	10 & 11 Vict. c. 34.
Town Police Clauses Act 1847	10 & 11 Vict. c. 89.
Explosives Act 1875	38 & 39 Vict. c. 17.
Public Health Act 1875	38 & 39 Vict. c. 55.
Local Loans Act 1875	38 & 39 Vict. c. 83.
Destructive Insects Act 1877	40 & 41 Vict. c. 68.
Weights and Measures Act 1878	41 & 42 Vict. c. 49.
Telegraph Act 1878... ..	41 & 42 Vict. c. 76.
Summary Jurisdiction Act 1879	42 & 43 Vict. c. 49.
Electric Lighting Act 1882... ..	45 & 46 Vict. c. 56.
Local Government Act 1888	51 & 52 Vict. c. 41.
Weights and Measures Act 1889	52 & 53 Vict. c. 21.
Lunacy Act 1890	53 Vict. c. 5.
Public Health Acts (Amendment) Act 1890	53 & 54 Vict. c. 59.
Private Street Works Act 1892	55 & 56 Vict. c. 57.
Ilford Improvement Act 1898	61 & 62 Vict. c. cxix.
Ilford Urban District Council Act 1904	4 Edw. 7. c. ccxix.
Clacton Improvement Act 1905	5 Edw. 7. c. liv.
Open Spaces Act 1906	6 Edw. 7. c. 25.
Public Health Acts Amendment Act 1907	7 Edw. 7. c. 53.
Cinematograph Act 1909	9 Edw. 7. c. 30.
Ministry of Transport Act 1919	9 & 10 Geo. 5. c. 50.
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5. c. 57.
Port of London (Consolidation) Act 1920	10 & 11 Geo. 5. c. clxxiii.
London Traffic Act 1924	14 & 15 Geo. 5. c. 34.
Trustee Act 1925	15 & 16 Geo. 5. c. 19.
Law of Property Act 1925... ..	15 & 16 Geo. 5. c. 20.
Land Charges Act 1925	15 & 16 Geo. 5. c. 22.
Administration of Estates Act 1925	15 & 16 Geo. 5. c. 23.
Roads Improvement Act 1925	15 & 16 Geo. 5. c. 68.
Public Health Act 1925	15 & 16 Geo. 5. c. 71.
Workmen's Compensation Act 1925	15 & 16 Geo. 5. c. 84.
Rating and Valuation Act 1925	15 & 16 Geo. 5. c. 90.
Home Counties (Music and Dancing) Licensing Act 1926	16 & 17 Geo. 5. c. 31.
Legitimacy Act 1926	16 & 17 Geo. 5. c. 60.
Local Government Act 1929	19 & 20 Geo. 5. c. 17.
Road Traffic Act 1930	20 & 21 Geo. 5. c. 43.
Land Drainage Act 1930	20 & 21 Geo. 5. c. 44.
Local Government (Clerks) Act 1931	21 & 22 Geo. 5. c. 45.
Romford Urban District Council Act 1931	21 & 22 Geo. 5. c. lviii.
Dagenham Urban District Council Act 1931	21 & 22 Geo. 5. c. xcv.
Port of London (Various Powers) Act 1932	22 & 23 Geo. 5. c. xxxviii.
Essex County Council Act 1933	23 & 24 Geo. 5. c. xiv.
Local Government Act 1933	23 & 24 Geo. 5. c. 51.

Short title	Session and chapter
Barking Corporation Act 1933	23 & 24 Geo. 5. c. lxxviii.
Trunk Roads Act 1936	1 Edw. 8. & 1 Geo. 6. c. 5.
Public Health Act 1936	26 Geo. 5. & 1 Edw. 8. c. 49.
Public Health (London) Act 1936	26 Geo. 5. & 1 Edw. 8. c. 50.
Housing Act 1936	26 Geo. 5. & 1 Edw. 8. c. 51.
Hornchurch Urban District Council Act 1936 ...	26 Geo. 5. & 1 Edw. 8. c. cxxiii.
Canvey Island Urban District Council Act 1937	1 Edw. 8. & 1 Geo. 6. c. xxvi.
Waltham Holy Cross Act 1937	1 Edw. 8. & 1 Geo. 6. c. xlvi.
Factories Act 1937	1 Edw. 8. & 1 Geo. 6. c. 67.
Local Government Superannuation Act 1937 ...	1 Edw. 8. & 1 Geo. 6. c. 68.
Agriculture Act 1937	1 Edw. 8. & 1 Geo. 6. c. 70.
Ilford Corporation Act 1937	1 Edw. 8. & 1 Geo. 6. c. lxxxi.
Hire Purchase Act 1938	1 & 2 Geo. 6. c. 53.
Food and Drugs Act 1938... ..	1 & 2 Geo. 6. c. 56.
Clacton Urban District Council Act 1938 ...	1 & 2 Geo. 6. c. lxxiii.
Local Government Superannuation Act 1939 ...	2 & 3 Geo. 6. c. 18.
Pensions (Increase) Act 1944	7 & 8 Geo. 6. c. 21.
Education Act 1944	7 & 8 Geo. 6. c. 31.
Town and Country Planning Act 1944	7 & 8 Geo. 6. c. 47.
Local Authorities Loans Act 1945	8 & 9 Geo. 6. c. 18.
Water Act 1945	8 & 9 Geo. 6. c. 42.
Trunk Roads Act 1946	9 & 10 Geo. 6. c. 30.
Borrowing (Control and Guarantees) Act 1946...	9 & 10 Geo. 6. c. 58.
National Insurance (Industrial Injuries) Act 1946	9 & 10 Geo. 6. c. 62.
National Insurance Act 1946	9 & 10 Geo. 6. c. 67.
New Towns Act 1946	9 & 10 Geo. 6. c. 68.
Pensions (Increase) Act 1947	10 & 11 Geo. 6. c. 7.
Probation Officers (Superannuation) Act 1947 ...	10 & 11 Geo. 6. c. 38.
Agriculture Act 1947	10 & 11 Geo. 6. c. 48.
Transport Act 1947... ..	10 & 11 Geo. 6. c. 49.
Town and Country Planning Act 1947	10 & 11 Geo. 6. c. 51.
Local Government Act 1948	11 & 12 Geo. 6. c. 26.
Special Roads Act 1949	12 13 & 14 Geo. 6. c. 32.
Lands Tribunal Act 1949	12 13 & 14 Geo. 6. c. 42.
Civil Aviation Act 1949	12 13 & 14 Geo. 6. c. 67.
National Parks and Access to the Countryside Act 1949	12 13 & 14 Geo. 6. c. 97.
Justices of the Peace Act 1949	12 13 & 14 Geo. 6. c. 101.
Port of London Act 1950	14 Geo. 6. c. xxiii.
Arbitration Act 1950	14 Geo. 6. c. 27.
Leyton Corporation Act 1950	14 Geo. 6. c. xxxviii.

Short title	Session and chapter
Food and Drugs (Milk Dairies and Artificial Cream) Act 1950	14 Geo. 6. c. 35.
Diseases of Animals Act 1950	14 Geo. 6. c. 36.
Public Utilities Street Works Act 1950	14 Geo. 6. c. 39.
Ilford Corporation (Drainage) Act 1950... ..	14 Geo. 6. c. lxi.

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