

Rochester Corporation Act, 1952

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CHAPTER liv

An Act to extend the boundaries of the city of Rochester to make further provision with respect to the improvement health local government and finances of the city and for other purposes. [30th October 1952.]

WHEREAS the city of Rochester is a municipal borough under the local government of the mayor aldermen and citizens of the said city acting by the council of the said city (in this Act called "the Corporation"):

And whereas the said city is co-extensive with the parish of Rochester and has a separate court of quarter sessions commission of the peace recorder and coroner:

And whereas the parish of Cuxton in the rural district of Strood in the county of Kent immediately adjoins the said city and the parish of Cobham in the said rural district immediately adjoins the said parish of Cuxton:

And whereas it is expedient that the boundaries of the said city should be altered and extended so as to include therein parts of the said parishes of Cuxton and Cobham:

And whereas the unrepealed provisions of the local Acts specified in the First Schedule to this Act and of the Orders specified in the third column of Part II of that schedule were in force within the said city immediately before the passing of this Act and it is expedient that subject to the provisions of this Act the said provisions should apply throughout the said city as extended by this Act:

And whereas it is expedient to make further provision with respect to the health local government and improvement of the said city:

And whereas it is expedient to make further provision with respect to the finances of the Corporation :

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

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

And whereas in relation to the promotion of the Bill for this Act the requirements of 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.—(1) This Act may be cited as the Rochester Corporation Act 1952.

(2) The local Acts as defined in section 3 (Interpretation) of this Act and this Act may together be cited as the Rochester Corporation Acts and Orders 1809 to 1952.

Division of
Act into Parts.

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

Part I.—Preliminary.

Part II.—Extension of city.

Part III.—Land.

Part IV.—Streets.

Part V.—Sanitation and buildings.

Part VI.—Nuisances and offensive trades.

Part VII.—Infectious diseases.

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Part IX.—Parks cemeteries and other municipal property.

Part X.—Public order and public safety.

Part XI.—Superannuation pensions etc.

Part XII.—Finance.

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Part XIV.—General.

3.—(1) In this Act the several words and expressions to which meanings are assigned by sections 90 110 and 343 of the Public Health Act 1936 have the same respective meanings unless there be something in the subject or context repugnant to such construction.

PART I
—cont.
Interpretation.

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

“ the Act of 1929 ” “ the Act of 1933 ” and “ the Act of 1948 ” mean respectively the Local Government Act 1929 the Local Government Act 1933 and the Local Government Act 1948 ;

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

“ the added areas ” means the added part of Cobham and the added part of Cuxton ;

“ the added part of Cobham ” and “ the added part of Cuxton ” mean respectively the parts of the existing parishes of Cobham and Cuxton which are included within the inner edge of the pink line on the city map ;

“ the appointed day ” for the purposes of this section and of Part II (Extension of city) of this Act means the first day of April nineteen hundred and fifty-three and for the purposes of any other provision in this Act has the meaning assigned to it by section 124 (The appointed day) of this Act ;

“ the city ” means until the appointed day the existing city and borough of Rochester and thereafter the existing city and borough of Rochester as extended by this Act ;

“ the city map ” means the map marked “ Map of the city of Rochester as extended by the Rochester Corporation Act 1952 ” and signed in triplicate by the Right Honourable the Earl of Drogheda the chairman of the committee of the House of Lords to which the Bill for this Act was referred one copy of which map has been deposited in the Parliament Office in the House of Lords one copy in the Private Bill Office of the House of Commons and one with the town clerk at his office ;

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

“ the Corporation ” means the mayor aldermen and citizens of the city acting by the council ;

“ the council ” means the council of the city ;

PART I
—cont.

- “ the county ” and the “ county council ” mean respectively the administrative county of Kent and the county council of that county ;
- “ daily penalty ” means a penalty for each day on which an offence is continued after conviction therefor ;
- “ enactment ” includes an enactment in this Act or in any general or local Act and any order byelaw or regulation for the time being in force within the city ;
- “ the excluded part of Cobham ” and “ the excluded part of Cuxton ” mean respectively the parts of the existing parishes of Cobham and Cuxton which are not by this Act added to the city ;
- “ existing ” in relation to any area altered by this Act means existing immediately before the appointed day ;
- “ food ” has the meaning assigned to it by section 100 of the Food and Drugs Act 1938 ;
- “ the gas board ” means the South Eastern Gas Board ;
- “ the general rate ” and “ the general rate fund ” mean respectively the general rate and the general rate fund of the city ;
- “ the local Acts ” means the local Acts specified in Part I of the First Schedule to this Act and the Orders specified in the third column of Part II of that schedule and so much of the confirmation Acts specified in that Part as relates to those Orders ;
- “ the mayor ” means the mayor of the city ;
- “ the Minister ” means the Minister of Housing and Local Government ;
- “ Provisional Order ” includes a special order and any order having the force of an Act of Parliament ;
- “ revenues of the Corporation ” includes the general rate fund and all rates exchequer contributions and other revenues whether arising from land or undertakings or from any other source receivable by the Corporation ;
- “ the rural district ” and “ the rural council ” mean respectively the rural district of Strood and the rural district council of Strood ;
- “ 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 stock stock or other security created by a local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any security of the Corporation ;

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

PART I
—cont.

“ the wardens and assistants ” means the Wardens and
Assistants of Rochester Bridge in the county of Kent.

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

PART II

EXTENSION OF CITY

Preliminary

4. Save as otherwise expressly provided by this Part of this Act this Part of this Act shall come into operation on the appointed day: Commencement of Part II of Act.

Provided that for the purposes of—

- (a) the preparation of the register of local government electors to be published in the year nineteen hundred and fifty-three ;
- (b) any election under the Act of 1933 for any area consisting in whole or in part of any area affected by this Act held on or after the sixteenth day of March nineteen hundred and fifty-three and proceedings preliminary or relating thereto and the qualification of candidates for election at any such election ;
- (c) the preparation of any precept or contribution order to be issued or made in respect of any period commencing on or after the appointed day ; and
- (d) the provisions of section 6 (City map) section 23 (Entries in registers) section 35 (Differential rating) and section 44 (Local land charges register) of this Act ;

this Part of this Act shall operate from the date of its passing.

5.—(1) The boundary of the existing city shall be altered so as to include in addition to the area of the existing city the added part of Cobham and the added part of Cuxton. Extension of city.

(2) The boundary of the city shall be that shown by the inner edge of the pink line on the city map and the whole area within that boundary shall for all purposes be the city and borough of Rochester.

PART II
—cont.

City map.

6.—(1) Copies of the city map deposited with the town clerk certified by him to be true copies shall be sent by him as soon as may be after the passing of this Act to the respective clerks of the county council and the rural council to the Board of Inland Revenue to the Commissioners of Customs and Excise to the Registrar-General to the Boundary Commission for England to the Board of Trade to the Minister to the Minister of Transport to the Minister of Agriculture and Fisheries to the Minister of Fuel and Power and to the Postmaster-General.

(2) Copies of or extracts from the city map deposited with the town clerk which are certified by him to be true copies shall be received in all courts of justice and elsewhere as prima facie evidence of the contents of such map so far as it relates to the boundary of any area altered by this Part of this Act.

(3) The city map deposited with the town clerk shall at all reasonable times be open to inspection by any person liable to pay any rate leviable within the city and any such person shall be entitled to a copy of or extract from the city map certified by the town clerk to be a true copy or extract on payment of a reasonable fee to be determined by the Corporation.

(4) All fees so received shall be carried to the general rate fund.

Alteration
of parishes.

7.—(1) The added areas shall be added to and form part of the parish of Rochester.

(2) The excluded part of Cobham and the excluded part of Cuxton shall respectively form the parishes of Cobham and Cuxton.

County
electoral
divisions.

8. Subject to the provisions of the Act of 1933 with respect to the alteration of electoral divisions of the county the added part of Cobham and the added part of Cuxton shall respectively be separated from the Strood rural electoral division of the county and shall be included in and form part of the Rochester North electoral division thereof.

*Councillors and other members of local authorities*Existing mayor,
aldermen and
councillors.

9. Subject to the provisions of this Part of this Act the persons who hold office immediately before the appointed day as mayor aldermen and councillors of the existing city shall on the appointed day become the mayor and aldermen and councillors of the city but shall respectively retire from office on the day on which they would have retired from office if this Part of this Act had not been passed.

10. Subject to the provisions of the Act of 1933 the following provisions shall have effect:—

PART II
—cont.

(a) For the purposes of the election of councillors the city shall continue to be divided into seven wards and save as provided by this section the wards of the existing city shall remain unaltered and shall be the wards of the city;

Wards of city.

(b) The added areas shall be included in the Temple Ward.

11.—(1) For the purposes of the application to the city of the provisions of paragraph (c) of section 57 of the Act of 1933 the added areas shall be deemed to have formed part of the city during the whole of the twelve months preceding the day of an election to which that section relates.

Qualification for election and holding office.

(2) Any person who continues in office after the appointed day as a member of a joint board or joint committee shall not during his existing term of office be deemed to lose his qualification for being a member by reason of any alteration of area made by this Act and shall retire from office on the day on which he would have retired if this Act had not been passed.

12. Subject to the provisions of the Act of 1933 with respect to the alteration of electoral divisions of the county the persons who immediately before the appointed day are respectively the county councillors representing the Rochester North and Strood rural electoral divisions of the county shall be deemed to have been elected to represent those divisions respectively as altered by this Part of this Act and shall retire on the date on which they would have retired respectively if this Act had not been passed and any casual vacancy which may exist on the sixteenth day of March nineteen hundred and fifty-three in the representation of any of the said electoral divisions shall be deemed to exist in the representation of that division as so altered.

County councillors.

13. Subject to the provisions of any order which may be made by the county council under the Act of 1933 with respect to rural district councils and rural district councillors—

As to rural councillors and continuance of rural council.

(a) the persons who immediately before the appointed day are the rural district councillors for the existing parishes of Cobham and Cuxton shall continue to represent those parishes respectively as altered by this Part of this Act on the rural council until the day upon which they would have gone out of office respectively if this Act had not been passed and any casual vacancy which may exist on the sixteenth day of March nineteen hundred and fifty-three in the representation of the said parishes respectively shall be deemed to exist in the representation thereof as so altered;

PART II
—cont.

(b) the rural council shall continue and shall be deemed to have been elected for and shall be the rural district council for the rural district as altered by this Part of this Act.

Parish
councils and
parish
councillors
for altered
parishes.

14. Subject to the provisions of any order which may be made by the county council under the Act of 1933 with respect to parish councils and parish councillors—

- (a) the parish councils of the existing parishes of Cobham and Cuxton shall be the parish councils of those parishes as respectively altered by this Part of this Act ;
- (b) any person immediately before the appointed day in office as a parish councillor for either of the said existing parishes shall on the appointed day become a parish councillor for that parish as altered by this Part of this Act but shall retire from office on the day on which he would have retired from office if this Act had not been passed and any casual vacancy which may exist on the appointed day in the office of parish councillor for either of the said existing parishes shall be deemed to exist in the office of councillor for the parish as so altered.

Property liabilities powers etc. of existing authorities

Corporation
property
liabilities etc.

15. Subject to the provisions of this Part of this Act all property immediately before the appointed day vested in the Corporation for the benefit of the existing city (not being property held on any charitable trust) shall by virtue of this Act be held by the Corporation for the benefit of the city and the Corporation shall hold enjoy and exercise for the benefit of the city all the powers privileges and rights which immediately before the appointed day are exercisable by or vested in the Corporation for the benefit of the existing city and all liabilities which immediately before the appointed day attach to the Corporation in respect of the existing city shall on and after that day attach to them in respect of the city.

Mortgages
and other
securities of
Corporation.

16. So much of any sums borrowed by the Corporation or by their predecessors as immediately before the appointed day is owing and charged upon a fund or rate of the existing city or the revenues of the Corporation of the existing city shall be charged upon the revenues of the Corporation of the city and all interest due on any such moneys outstanding at any time shall be paid out of the revenues of the Corporation of the city.

Debts of rural
council.

17.—(1) Subject to the provisions of this Part of this Act and to any necessary adjustment—

- (a) the liability for the repayment of so much of any moneys borrowed by the rural council or their predecessors for

a purpose relating exclusively to any part of the added areas as immediately before the appointed day is owing and for the payment of interest thereon shall by virtue of this Part of this Act be transferred to and attached to the Corporation and shall be a matter for adjustment under this Part of this Act ;

(b) so much of any moneys borrowed as aforesaid as immediately before the appointed day is owing together with so much of any moneys borrowed by the Corporation as is immediately before the appointed day owing and charged upon the revenues of the Corporation of the existing city shall on and after the appointed day by virtue of this Act be charged upon the revenues of the Corporation of the city.

(2) Nothing in this Part of this Act shall prejudice or affect the validity of any mortgage or other security which has been granted in respect of any borrowed moneys the liability for the repayment of which is transferred to the Corporation by paragraph (a) of subsection (1) of this section or prejudice or diminish the powers of any person entitled under any such mortgage or other security to enforce the same as if this Act had not been passed and where for any such purpose it is necessary to continue the exercise of a power which would have existed but for this Part of this Act the power may continue to be exercised as if this Act had not been passed and the general rate shall for any such purpose be levied and have effect in substitution for the rate which would have been leviable if this Act had not been passed.

18. The rural council (except as provided in section 34 (Contribution orders precepts and arrears of rates) of this Act) and the parish councils of the parishes of Cobham and Cuxton shall cease to exercise any powers or discharge any duties in respect of any part of the added areas.

Jurisdiction of rural and parish councils.

19. All the powers rights duties capacities liabilities and obligations of an urban district council and the powers in relation to the chargeability of expenses with which the rural council is invested in pursuance of any order issued by the Local Government Board or the Minister under the Public Health Acts in respect of either of the existing parishes portions of which are by this Part of this Act included within the boundaries of the city shall be deemed to vest in and attach to the rural council in respect of those respective parishes as altered by this Part of this Act.

Urban powers in excluded parts of parishes.

20. Subject to the provisions of this Part of this Act any powers and duties of the parish council of a parish any part of which is comprised within the added areas so far as they relate

Powers of parish councils.

PART II
—cont.

to or affect any part of the added areas shall be vested in and imposed on the Corporation.

Property and liabilities of rural council and of parish councils.

21. Subject to the provisions of this Part of this Act and to any necessary adjustments—

- (a) any property or liabilities which immediately before the appointed day is or are vested in or attach to the rural council or the parish council of an existing parish of which a part is comprised within the added areas in relation exclusively to any part of the added areas shall by virtue of this Part of this Act be transferred to and vest in or attach to the Corporation and shall be a matter for adjustment under this Part of this Act;
- (b) any property or liabilities which immediately before the appointed day is or are vested in or attach to the rural council or such parish council in relation to any part of the added areas conjointly with any other area shall be a matter for adjustment under this Part of this Act.

Administration of justice etc.

Powers and duties of quarter sessions etc. extended.

22.—(1) The powers and duties of the quarter sessions recorder clerk of the peace coroner and justices of the peace for the existing city and of the clerk to those justices shall extend to and apply throughout the city:

Provided that—

- (i) every person alleged to have committed an offence in any part of the added areas before the appointed day shall be tried and dealt with as if this Act had not been passed; and
- (ii) any proceeding which before the appointed day has been begun by or is pending before any justice or any coroner in relation to any matter arising in or concerning any part of the added areas may be carried on continued and completed in like manner and with the like incidents and consequences as nearly as may be as if this Act had not been passed.

(2) The added areas shall cease to form part of any petty sessional division or of any coroner's division of the county.

(3) Where immediately before the appointed day a probation order made or having effect as if made under section 3 of the Criminal Justice Act 1948 is in force and the probationer is residing in any part of the added areas the supervising court may if a petty sessional division of the county is named in the order amend the order under paragraph 2 of the First Schedule to that Act as if the probationer had changed his residence and

nothing in the proviso to subsection (1) of this section shall be construed in relation to any probation order whenever made as preventing the justices of the peace for the city as the supervising court from dealing with the probationer in pursuance of any power conferred upon them by the said Act of 1948.

PART II
—cont.

23.—(1) The clerk of the rural council shall as soon as may be after the passing of this Act and in any case before the appointed day send to the town clerk a copy of every entry in any register of the rural council under any enactment rule order or regulation for the time being in force which relates to any property matter or thing relating to or which otherwise affects the added areas and the town clerk shall include in the appropriate register of the Corporation the particulars sent to him under this section. Entries in registers.

(2) Any exemption in force immediately before the appointed day from the operation of any such enactment rule order or regulation which may have been granted by the county council in respect of any such property matter or thing shall continue in force until the exemption shall expire.

(3) Subsection (1) of this section shall not extend to any matter for which provision is made in section 44 (Local land charges register) of this Act.

Local Acts adoptive Acts byelaws etc.

24.—(1) Subject to the provisions of this Part of this Act the unrepealed provisions of the local Acts and of any other local Act or Provisional Order affecting the existing city or the Corporation thereof as the same respectively are in force within the existing city immediately before the appointed day shall extend and apply to the city and any reference in any such Act or Order to the existing city and the Corporation thereof shall be deemed to refer to the city and the Corporation thereof. Local Acts.

(2) Nothing in the foregoing subsection shall prejudice or affect the existing rights and powers of the gas board.

(3) The provisions of any section for the benefit or protection of the rural council or the parish council of a parish any part of which is comprised within the added areas or their respective predecessors contained in any local Act confirmation Act or Provisional Order by whomsoever obtained so far as they relate to or affect any part of the added areas shall enure on and after the appointed day for the benefit or protection of the Corporation and shall be construed as if a reference to the Corporation were substituted for any reference to such council or their predecessors as the case may be.

PART II
—cont.As to supply
of water.

25. Nothing in this Part of this Act shall alter the area within which the Corporation may supply water or shall prejudice or affect the existing rights and powers of any company body or person authorised by any Act or order to supply water in the added areas or any part thereof.

Adoptive Acts.

26.—(1) Subject to the provisions of this section the provisions of any public general Act in force throughout the existing city by virtue of an adoption by the council or their predecessors and any order in force under such Act throughout the existing city shall apply to the city as extended by this Act.

(2) Subject to the provisions of this section the provisions of any public general Act in force in any part of the added areas by virtue of an adoption by the rural council or their predecessors and any order in force under such Act in any part of the added areas shall cease to have effect in relation to such part.

(3) This section shall not apply to any order made under the Public Health Acts Amendment Act 1907 or the Public Health Act 1925.

Powers under
section 33
of Local
Government
Act 1894 etc.

27. Subject to the provisions of any order which the Minister may on or after the appointed day make the provisions of any order in force immediately before the appointed day made by the Local Government Board or the Minister and conferring upon the council of the existing city any of the powers relating to the matters mentioned in section 33 of the Local Government Act 1894 or in section 271 of the Act of 1933 and in that order so far as such powers are still in force or still have effect shall be deemed to have effect as if any reference in those provisions to the existing city the council of the existing city and the existing parish of Rochester extended and applied respectively to the city the council of the city and the parish of Rochester as extended by this Act.

Orders under
Shops Act
1950.

28. Any order made under the Shops Act 1950 which is in force immediately before the appointed day in the existing city shall extend to the added areas and any order under that Act which is then in force elsewhere in the county shall cease to extend to the added areas.

Orders under
Public Health
Acts
Amendment
Act 1907 or
Public Health
Act 1925.

29. Subject to any order which the Minister or the Secretary of State may make on or after the appointed day the following provisions shall have effect as regards orders under the Public Health Acts Amendment Act 1907 or the Public Health Act 1925 :—

(1) The provisions of any order made before the appointed day and declaring to be in force throughout the existing city any Parts or sections of either of those Acts shall have effect as if any reference in that order to the

existing city extended and applied to the city and as if such Parts or sections were accordingly declared to be in force within the city:

PART II
—cont.

- (2) The provisions of any other order made under either of those Acts which is in force immediately before the appointed day throughout the existing city shall extend and apply to the added areas:
- (3) The provisions of any order made before the appointed day and declaring to be in force within any part of the added areas any Parts or sections of either of those Acts shall cease to apply to such part of the added areas and the Parts or sections declared by any such order to be in force shall (save as in this section provided) cease to be in force within such part of the added areas but the provisions of this section shall not prejudice or affect any proceedings which are pending on the appointed day.

30. Section 1 of the Sunday Entertainments Act 1932 shall from the appointed day extend to the city as before that day it extended to the existing city.

Order under
Sunday
Entertainments
Act 1932.

31.—(1) All byelaws made by the Corporation which are in force within the existing city immediately before the appointed day shall apply to the city until they are repealed or altered or expire and any byelaw made by the rural council shall on that day cease to apply within the added areas.

Byelaws
regulations
and scales
of charges.

(2) (a) All byelaws made by the county council which are in force within the existing city immediately before the appointed day shall apply to the city until repealed or altered.

(b) All other byelaws made by the county council which are in force within the added areas immediately before the appointed day shall cease to be in force therein.

(3) Any proceedings which if this Part of this Act had not been passed might have been taken for any offence against any byelaw (other than a byelaw made by the county council and continued in force by the provisions of the foregoing subsection) alleged to have been committed before the appointed day within the added areas may be taken by the Corporation.

(4) In this section "byelaws" includes any regulation scale of charges list of tolls or table of fees or payments.

32.—(1) The area of the Corporation as burial board for the existing city shall be altered by the inclusion in such area of the added areas and the Corporation shall have within such area

Burial board.

PART II
—cont.

as so altered to the exclusion of any other burial authority all the powers duties and liabilities of a burial board under the Burial Acts 1852 to 1906.

(2) Subject to the provisions of the Burial Act 1900 any table of fees and charges in force immediately before the appointed day in respect of any existing burial ground maintained by the Corporation shall extend and apply to the inhabitants of the burial area of the Corporation as altered by this section as such table applies to inhabitants of the existing burial area of the Corporation and the fees and charges shall thenceforth be receivable by the Corporation except and until any such table of fees and charges shall be altered or varied in pursuance of the statutory provisions in that behalf.

(3) Except as by this Act expressly provided nothing therein shall prejudice or affect any right of burial or of constructing a burial place or of erecting or placing any monument tablet gravestone or inscription which any person may have acquired before the appointed day or prejudicially affect any right privilege or authority which immediately before the appointed day is exercisable by or attaches to any incumbent or sexton under the Burial Acts 1852 to 1906.

Rating and valuation

Apportionment of balances and sums received.

33.—(1) As soon as practicable after the appointed day the rural council shall as regards any cash balances remaining in their hands at the appointed day after deduction of outstanding liabilities normally payable thereout and accrued to the appointed day estimate the proportion thereof derived from contributions paid by any part of the added areas and shall transfer such amount to the Corporation.

(2) Any sum received after the appointed day by the rural council under a rate made before that day in respect of any part of the added areas shall be dealt with in the manner prescribed by subsection (1) of this section.

(3) The apportionment under this section of any balance or sum received shall be subject to review on an adjustment under this Part of this Act.

Contribution orders precepts and arrears of rates.

34.—(1) Notwithstanding the alteration of areas effected by this Part of this Act all contribution orders and precepts made or issued before the appointed day shall be as valid in law as if this Act had not been passed.

(2) All rates in respect of any period prior to the appointed day and not collected immediately before the appointed day in

respect of hereditaments within the added areas shall be collected and recovered as if this Act had not been passed.

PART II
—cont.

(3) Any rates so collected or recovered shall be a matter for adjustment under this Part of this Act.

35.—(1) For the purposes of this section “local authority” means the rural council and the parish council of an existing parish any part of which is comprised within the added areas. Differential rating.

(2) The Minister may if he thinks fit on the application of the local authority of any part of the added areas (such application to be made in writing before the expiration of a period of two months after the passing of this Act) order that for the period or periods stated in the order the total amount in the pound of the general rate to be made and levied upon rateable hereditaments situate in any part of the added areas shall be less than the total amount in the pound of the general rate to be made and levied upon hereditaments within that part of the city which comprises the area of the existing city by such sum or sums (if any) as may seem equitable to him after considering any representations which may be made to him by the Corporation.

36. For the purposes of all valuation lists of the city the amount of the deduction to be made under paragraph (c) of subsection (1) of section 22 of the Rating and Valuation Act 1925 from the net annual value of such rateable hereditaments within the added areas as are included in class (3) of the hereditaments specified in column (1) of Part II of the Second Schedule to that Act shall notwithstanding the provisions of any Act be the same as the amount of the deduction made from the net annual value of similar hereditaments in the existing city. Deduction in ascertaining rateable value of land covered with water etc.

37.—(1) As from the appointed day the added areas shall be deemed to form part of the rating area of the city. As to rating areas and valuation lists.

(2) As from the appointed day and until the coming into force of a new valuation list for the city the valuation list of the existing city and the portions of the valuation list of the rural district which relate to hereditaments within the added areas shall (with such modifications as are necessary in order to give effect to the provisions of the last preceding section of this Act) together form the valuation list of the city.

(3) As from the appointed day the remaining portions of the valuation list of the rural district shall be the valuation list for that district as diminished by this Part of this Act until the coming into force of a new valuation list for the areas comprised within that district.

PART II
—cont.

Officers

Officers etc.
of Corporation
continued.

38. The town clerk and all other officers and servants of the Corporation of the existing city who hold office immediately before the appointed day shall continue to be the town clerk and officers and servants of the Corporation of the city and shall hold their offices by the same tenure as immediately before that day.

Compensation
to existing
officers.

39.—(1) Every existing officer who suffers loss of employment or diminution of emoluments which is attributable to the passing of this Part of this Act shall be entitled to have his case considered for the payment of compensation by the Corporation such compensation to be determined in accordance with the provisions of the schedule to the Local Government (Compensation) Regulations 1948 and subject to the provisions of this section those regulations shall apply accordingly with any modifications which the Minister may by order consider it necessary or expedient to make for the purpose of the application of the said regulations to compensation under this Part of this Act.

(2) For the purposes of this section and the said regulations as applied thereby the expression "existing officer" means a person who immediately before the passing of this Act devoted the whole of his time and had devoted the whole of his time for a period of not less than eight years previously after attaining the age of eighteen years without a break of more than twelve months at any one time either—

- (a) to any of the following employments or to two or more or to any combination of such employments namely:—
 - (i) employment under the Crown or in the local government service in Great Britain; or
 - (ii) employment by any authority or body for the purposes of the Crown or of local government service in Great Britain; or
 - (iii) employment under any officer engaged in any such employment as aforesaid for the purposes of the functions of the employing authority or body; or
- (b) partly to any such employment as aforesaid or to two or more or to any combination of such employments and partly to—
 - (i) employment as a superintendent registrar or registrar of births and deaths or as a registrar of marriages or as a person designated by a local authority to act as a deputy superintendent registrar or registrar of births and deaths; or

(ii) war service as defined by the said regulations undertaken on ceasing to follow any of the employments mentioned in paragraph (a) of this subsection or any combination thereof.

PART II
—cont.

(3) Nothing in this section or in the said regulations as applied thereby shall entitle a person to have his case considered for the payment of compensation unless—

- (a) the cause of the claim arises not later than ten years after the passing of this Act ;
- (b) the claim is made not later than two years after the date on which the cause of claim arises ; and
- (c) the other conditions prescribed by paragraph (b) of regulation 5 of the said regulations are fulfilled.

Supplementary provisions

40.—(1) As from the appointed day—

Roads in
added areas.

- (a) the Act of 1929 shall have effect as if the Corporation had claimed under section 32 of that Act to exercise the functions of maintenance and repair of the classified county roads in the added areas ; and
- (b) all unclassified roads in the added areas shall cease to be county roads and shall vest in the Corporation and for the purposes of the maintenance repair and improvement of and other dealing with any such road the Corporation shall have the same powers and duties as respects such roads as they have as respects unclassified roads (not being county roads) vested in them prior to the appointed day.

(2) In this section the expression “ unclassified roads ” means highways repairable by the inhabitants at large which are not classified roads as defined in the Act of 1929.

(3) Nothing in this section shall affect the provisions of subsection (2) of section 31 of the Act of 1929 in their application to any unclassified road in the added areas becoming a classified road nor the rights of the Corporation under section 32 of the said Act in respect of any road in the added areas which after the appointed day becomes a county road.

(4) If at any time after the appointed day any classified road in the added areas becomes an unclassified road such road shall thereupon cease to be a county road and shall vest in the Corporation and for the purposes of maintenance repair and improvement of and other dealing with such road the Corporation shall have the same powers and duties as respects that road as they have as respects unclassified roads (not being county roads) vested in them prior to the appointed day.

PART II
—cont.Public books
and documents
etc.

41.—(1) All public books writings and papers of an existing parish affected by this Part of this Act relating exclusively to any part of the added areas and all documents relating exclusively to any part of the added areas and directed by law to be kept with the public books writings and papers of such parish (except any book or document relating to the affairs of the church or to ecclesiastical charities or to a parochial non-ecclesiastical charity) and all plans papers and writings of the rural council relating exclusively to any part of the added areas shall be deposited in such custody as the Corporation may direct.

(2) Any ratepayer of an existing parish any part of which is comprised within the added areas shall at all times have the same right of inspection and of making extracts from the public books writings papers and documents referred to in this section as he would have had if this Part of this Act had not been passed.

City auditors.

42. The auditors of the existing city appointed under section 239 of the Act of 1933 who are in office on the appointed day shall continue in office and shall be the city auditors until their successors are appointed.

Jury service.

43. For the purpose of summoning jurors and of jury service any parish affected by this Part of this Act shall be deemed to continue unaltered until a new jurors' book for the parish as altered comes into force.

Local land
charges
register.

44.—(1) The local registrar for the rural district under the Land Charges Act 1925 and the rules made thereunder shall within one month after the appointed day supply to the local registrar for the city an office copy of every entry in the local land charges register relating to any land situate within the added areas and shall be paid by the Corporation in respect thereof such fees as are prescribed by the said rules.

(2) The local registrar for the city shall within one month after the receipt of the office copy mentioned in subsection (1) of this section enter the particulars contained therein with any necessary modifications in the appropriate part of the local land charges register of the city.

(3) Until the particulars referred to in subsection (2) of this section are entered as provided by that subsection or until the expiration of one month from the appointed day whichever be the earlier the following provisions shall have effect in respect of all land within the added areas:—

(a) The local registrar for the city shall give notice to any person desiring to make a personal search that an additional search should be made in the register of the rural district ;

- (b) Where application is made to the local registrar for the city for an official search that registrar shall issue free of charge a certificate of official search in the register of the city and shall forward to the local registrar for the rural district the application received by him together with the fees paid in respect thereof ;
- (c) The local registrar for the rural district shall permit and make such searches and furnish such office copies and certificates as he would have been required to permit make and furnish and shall in relation thereto have the same powers and be subject to the same obligations as if this Part of this Act had not been passed ;
- (d) Where the entry of a local land charge which was duly made in the local land charges register of the rural district is required by this section to be transferred from that register to the register of the city such charge shall not be void as against a purchaser for money or money's worth of a legal estate in the land affected thereby by reason only that it has not been entered in the register of the city.

45. Nothing in this Part of this Act shall affect the area of any existing registration district or sub-district without prejudice however to the exercise of the powers contained in sections 24 and 131 of the Act of 1929 as to the alteration thereof. As to registration districts.

46.—(1) Where in consequence of any alteration of areas or authorities made by this Part of this Act any adjustment of any property income debts liabilities or expenses so far as they are affected by the alteration or of any financial relations is required an adjustment shall be made between the councils or other authorities affected under and in accordance with sections 151 and 152 of the Act of 1933 as if this Part of this Act were an order made under Part VI of that Act. Financial adjustments.

(2) This section shall not extend to any matter for the adjustment of which provision is made in any other Act.

47.—(1) No alteration effected by this Part of this Act shall affect any notices given or proceedings taken by or on behalf of the county council under the Private Street Works Act 1892 in relation to any street situate within the added areas or any part thereof but such proceedings may be continued and completed by such council in accordance with the provisions of the said Act as if this Act had not been passed. Saving for private street works.

(2) Where before the appointed day any works under the Private Street Works Act 1892 have been completed in a street situate within the added areas or any part thereof no alteration

PART II
—cont.

effected by this Part of this Act shall affect the liability of any owner to defray any sum which may be or has been apportioned upon him in respect of the cost of the works and any such sum shall be recoverable by the authority who would have been entitled to recover the same if this Act had not been passed and in the like manner.

Saving for
qualification
of members
of a local
authority.

48. Any member of a local authority who is to continue in office after the appointed day shall not during his term of office current immediately before that day be deemed to lose his qualification for being a member by reason of the alterations of area made by this Part of this Act.

Saving for
actions
contracts etc.

49.—(1) No alteration effected by this Part of this Act in the area of any local or other authority shall cause to abate or shall prejudicially affect or prevent the continuance of any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against any such authority or any contract deed bond agreement or other instrument or any licence permission or exemption (subsisting immediately before the appointed day) entered into made issued or granted by any such authority or their predecessors:

Provided that—

- (a) any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against any such authority in relation exclusively to any part of the added areas may be continued prosecuted and enforced by or against the Corporation ; and
- (b) all contracts deeds bonds agreements and other instruments or any licence permission or exemption (subsisting immediately before the appointed day) entered into made issued or granted by any such authority (or their predecessors) in relation exclusively to any part of the added areas shall continue in force as fully and effectually as if instead of that authority (or their predecessors) the Corporation had been a party thereto or had issued or granted the licence permission or exemption as the case may be.

(2) All legal proceedings pending immediately before the appointed day may be amended in such manner as may be necessary or proper in consequence of this Part of this Act.

Other saving
provisions.

50. Nothing in this Part of this Act shall—

- (a) be construed as restricting any power under the Act of 1929 or the Act of 1933 of altering any of the areas or the constitution of any authority or committee ; or

- (b) alter the area of any constituency or affect the powers of a local authority under section 11 of the Representation of the People Act 1949 for the division of a constituency into polling districts for parliamentary elections and the appointment of polling places for parliamentary elections ; or
- (c) alter the area of any ecclesiastical parish or prejudice vary or affect any power right interest or jurisdiction in or over or in connection with any charitable endowment ; or
- (d) (save as in this Act expressly provided) affect the provisions of the Rating and Valuation Acts 1925 to 1940 or Parts III IV and V of the Act of 1948 ; or
- (e) prejudice or affect any of the estates rights interests privileges liberties powers or authorities vested in or exercisable by the conservators of the river Medway under the Medway Conservancy Acts 1881 to 1939 ; or
- (f) affect land tax.

PART II
—cont.

PART III

LAND

51.—(1) The Corporation may (with the consent of the Development Minister) lay out and develop any land (other than the land referred to in subsection (2) of this section) 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 roads and highways :

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

(2) (a) The Corporation may (with the consent of the Minister) lay out and develop the Cobham Estate and may on that estate erect and maintain houses shops offices stands and other buildings and construct sewer drain pave channel and kerb streets roads and highways :

Provided that for the purpose of any enactment or other provision relating to town and country planning this subsection shall not be deemed to designate specifically the nature of the development and the land upon which it may be carried out.

PART III
—cont.

(b) In this subsection "the Cobham Estate" means the land (situate partly in the city as extended by this Act and partly in the rural district) delineated on the city map and thereon coloured green.

(3) The Corporation 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.

Loans for
erection etc.
of buildings.

52.—(1) The Corporation may advance money to the purchaser or lessee of any land acquired from or leased by the Corporation for the purpose of enabling or assisting him to build on such land or to extend or improve any existing building thereon:

Provided that any such advance shall not exceed in the case of a building being a house nine-tenths or in the case of any other building three-quarters of the amount which in the opinion of the Corporation will be the market value of the interest of the borrower in the land after the purpose of the loan has been effected.

(2) Before any advance is made under this section its repayment shall be secured to the satisfaction of the Corporation by a mortgage of the land and building in respect of which the advance is to be made or of the lessee's interest therein and the instrument securing the advance shall—

- (a) fix the rate of interest to be paid being a rate not less than the rate for the time being in operation under the Small Dwellings Acquisition Acts 1899 to 1923;
- (b) fix the period within which the advance is to be repaid being a period not exceeding thirty years from the date of the advance;
- (c) require the repayment to be made either by equal instalments of principal or by an annuity of principal and interest combined;
- (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 Corporation 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 Corporation and to produce to the Corporation when required the receipts for the premiums paid in respect of the insurance ; or

(ii) (if the Corporation elect themselves to insure the said building against fire) to repay to the Corporation 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 Corporation and authorised in writing by the town clerk 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 Corporation (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 Corporation have agreed to grant a lease and the expression “ lease ” shall be construed accordingly.

53.—(1) The Corporation may by agreement acquire (whether by purchase lease or exchange) and hold any land which in their opinion it is desirable that they should acquire for or in connection with the purposes of any of their undertakings powers or duties or for the benefit improvement or development of the city notwithstanding that the land may not be immediately required. Extension of power to acquire land by agreement.

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

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

PART III
—cont.

Undertakings
and
agreements
binding
successive
owners.

54.—(1) Every undertaking given by or to the Corporation to or by the owner of any legal estate in land and every agreement made between the Corporation 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 ;

shall be binding not only upon the Corporation 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 Corporation a copy thereof.

PART IV

STREETS

General

Interpretation
of Part IV
of Act.

55.—(1) In this Part of this Act the following expressions have the meanings hereby respectively assigned to them:—

“classified road” has the same meaning as in the Act of 1929 ;

“street byelaws” means any byelaws for the time being in force in the city 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.

(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 defined.

56.—(1) Where a plan and sections of a new street have been deposited with the Corporation in pursuance of street byelaws and have been approved by them no person shall without their consent begin to erect a building on land abutting on the street until he has defined by posts or in some other suitable manner the approved line width and level of so much of the street as abuts on the land on which the building is to be erected and on any land which will be occupied in connection with the building.

(2) Where the approved width of a new street has been defined as aforesaid no person shall begin to erect a building or structure nearer to the centre of the street than the line of the posts or other marks by which the width has been so defined.

(3) If any person contravenes the provisions of either of the foregoing subsections he shall be liable to a penalty not exceeding twenty pounds and the Corporation may—

(a) in the case of a contravention of subsection (1) define as aforesaid the approved line width and level of the new street; and

(b) in the case of a contravention of subsection (2) remove the building or structure;

and in either case recover the expenses of so doing from that person.

57.—(1) Where a plan and sections of a new street deposited with the Corporation 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: Prohibition of building until street formed and sewered.

Provided that where the plan shows that the street will exceed one hundred yards in length the Corporation 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 shall be given to the person by whom or on whose behalf the plan and sections were deposited and the prohibition imposed thereby 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 Corporation 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 the Private Street Works Act 1892 or any local Act relating to private street works for the time being in force in the city.

PART IV
—cont.*Improvement of streets*Trees grass
verges and
gardens.

58.—(1) Subject to the provisions of this section the Corporation shall have power—

- (a) to plant trees or shrubs in any street in the city or in tubs placed by them for the purpose in any such street ;
- (b) to lay out grass verges or gardens in any such street ;
- (c) to erect and maintain guards or fences and otherwise do 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 ;
- (e) by notice to prohibit persons from entering upon or causing or permitting horses cattle or vehicles to enter upon any such grass verge which is maintained in an ornamental condition or mown or any such garden.

(2) Any such notice as is referred to in paragraph (e) of the 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.

(3) 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 the Corporation or upon land so vested which forms part of a street :

Provided that when carrying out in any street or any part thereof any works under the Private Street Works Act 1892 the Corporation may exercise any such power 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.

(4) 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.

(5) Section 1 of the Roads Improvement Act 1925 shall cease to apply to the Corporation and anything done by the Corporation under that section before the passing of this Act shall be deemed to have been done under this section.

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

59.—(1) In any street in the city or on land belonging to the Corporation and abutting on any such street the Corporation may subject to the provisions of this section erect and maintain at stopping-places on the routes of public service vehicles—

Shelters etc.
for passengers
on public
service vehicles.

- (a) shelters and other accommodation for persons intending to travel by such vehicles ; and
- (b) barriers for the regulation of queues of such persons.

(2) The Corporation shall not exercise the powers of this section—

- (a) without the consent of the Minister of Transport in any street being a trunk road or on land abutting on any such street ; or
- (b) without the consent of the county council in any street being a county road not vested in the Corporation or on land abutting on any such street ; or
- (c) without the consent of the wardens and assistants in or upon Rochester Bridge or the approaches thereto ; or
- (d) without the consent of the undertakers concerned—
 - (i) in or upon any bridge carrying a street over any railway or inland navigation or the approaches thereto or under a bridge carrying a railway or inland navigation over any street ; or
 - (ii) 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
 - (iii) so as to obstruct or interfere with the access to or exit from any station dock wharf or depot of any transport undertakers ; or
- (e) without the consent of the owner of the land or premises concerned in any street or on land abutting on any street in such manner as to obstruct an existing access to any land or premises abutting on such street.

(3) Any consent required by this section shall not be unreasonably withheld but may be given subject to any reasonable conditions including a condition that the Corporation shall remove any shelter or other accommodation or 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 this section has been unreasonably withheld or has been given subject to unreasonable conditions or whether the removal of any shelter or other accommodation or barriers has been unreasonably required shall—

- (a) in the case of a consent of the Minister of Transport be referred to and determined by an arbitrator to be

PART IV
—cont.

appointed in default of agreement by the President of the Institution of Civil Engineers ;

(b) in the case of any other consent be referred to and determined by the Minister of Transport.

(5) The Corporation may enter into and carry into effect agreements with any person authorised to run public service vehicles within the city in relation to the erection maintenance and use of any such shelter or other accommodation or barriers and as to the contributions to be made by any such person towards the cost of the provision and maintenance thereof.

(6) In this section the expression " public service vehicle " has the same meaning as in the Road Traffic Acts 1930 to 1947 and the expression " transport undertakers " means any railway dock inland navigation or passenger road transport undertakers.

Guard rails in
private streets.

60.—(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 city which are not so repairable.

(2) The Corporation 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 inland navigation or passenger road transport undertakers.

*Protection and repair of streets*Retaining
walls.

61.—(1) In this section the expression " retaining wall " means a wall which—

(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 the city ; 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 Corporation 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.

(3) Any person aggrieved by the refusal of the Corporation to approve any plans sections or specifications submitted to them in pursuance of the last foregoing subsection may appeal to a court of summary jurisdiction.

(4) 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 subsection (2) of this section, is so constructed as to be liable as aforesaid;

the Corporation 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.

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

(6) The provisions of this section shall not apply to a retaining wall erected by the Minister of Transport on a trunk road.

62.—(1) Where the forecourt of any premises abutting on a street in the city 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 Corporation may by notice require the owner or occupier of the premises to fence the forecourt from the street. Fencing of forecourts

(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.

63.—(1) If the council by resolution determine that any stall or other erection on any forecourt in the city is by reason of its character injurious to the amenities of the street on which the forecourt abuts the Corporation may by notice require the owner Forecourts injurious to amenities of street.

PART IV
—cont.

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 Town and Country Planning Act 1947 for the time being apply.

Awnings over
footways.

64.—(1) No part of any awning over the footway of a street in the city being a highway repairable by the inhabitants at large shall project over any part of the footway which is less than one foot six inches from the outer edge of the footway.

(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 Corporation 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) In this section the expression "awning" includes a blind shade or other covering.

Urgent repairs
of private
streets.

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

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

(2) The exercise by the Corporation of their powers under this section shall not prejudice their powers under any statutory provision for the time being in force in the city relating to private street works or private street improvement expenses or under section 19 of the Public Health Acts Amendment Act 1907.

PART IV
—cont.

66. For the purposes of—

(a) making any new street for the purpose of which premises have been purchased under section 154 of the Public Health Act 1875 ; or

(b) providing a parking place for vehicles under section 68 of the Public Health Act 1925 ;

Temporary
stoppage of
streets etc.

the Corporation may break up and for any reasonable time stop up divert and interfere with any street in the city and divert the traffic therefrom and prevent persons using it :

Provided that the Corporation shall not exercise the powers of this section—

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

(ii) as respects any county road not vested in the Corporation without the consent of the county council ; or

(iii) as respects Rochester Bridge or the approaches thereto without the consent of the wardens and assistants ; or

(iv) so as to deprive foot-passengers bona fide going to or from any building or land in the street of reasonable access to the building or land ; or

(v) so as to obstruct or interfere with the access to or exit from any station dock wharf or depot of any railway dock inland navigation or passenger road transport undertakers.

67.—(1) The Corporation may on the occasion of any public festivity cause flag-poles and pylons to be erected in any street in the city for the purpose of displaying decorations and may for that purpose provide sockets or slots in or under the surface of any such street. Decorations
in streets.

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

(3) The Corporation shall not exercise the powers of this section in a trunk road without the consent of the Minister of Transport or in or upon Rochester Bridge or the approaches thereto without the consent of the wardens and assistants.

PART V

SANITATION AND BUILDINGS

Sewers drains and sanitary conveniences

Recovery of
expenses of
sewerage public
highway.

68.—(1) Where the council—

- (a) resolve to construct a sewer in a street or part of a street in the city being a street or part which is repairable by the inhabitants at large and has not been previously sewered ; and
- (b) include in the resolution a declaration that the construction of the sewer will in the opinion of the council increase the value of premises fronting adjoining or abutting on the street or that part thereof ;

then the provisions of the Second Schedule to this Act shall have effect as respects the apportionment and recovery by the Corporation 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 Corporation in a local newspaper circulating in the city 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 such a newspaper containing any such notice ;
or
- (b) a photostatic or other reproduction certified by the town 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.

69. Where land in the city in which a length of sewer has been constructed after the passing of this Act at the expense of the Corporation becomes a street (whether repairable by the inhabitants at large or not) then the provisions of the Second Schedule to this Act shall have effect as respects the apportionment and recovery by the Corporation 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.

PART V
—cont.

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

Prevention of evasion of liabilities under last two preceding sections.

(a) that by reason of any transfer of land any part of any premises (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

(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 Second 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.

PART V
—cont.

(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 Corporation 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.

Recovery
of cost of
maintaining
public sewers.

71. Section 24 of the Act of 1936 shall have effect in its application to the city 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."

Delegation of
power to
examine and
test drains etc.

72.—(1) In lieu of section 48 of the Act of 1936 the following provisions of this section shall if the council by resolution so determine have effect in the city for such period as may be specified in the resolution either as respects the whole of the city 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 cesspool 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 cesspool is found to be in a proper condition the Corporation 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.

73.—(1) If any drain or private sewer in the city—

PART V
—cont.

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

Power to
repair drains
and private
sewers.

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

the Corporation 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 may determine :

Provided that where the said expenses do not exceed forty shillings the Corporation may if they think fit remit the payment thereof.

(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 Corporation was reasonable ; and

(b) whether any apportionment made by the surveyor 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.

74. The Corporation may on the application in writing of the owner or occupier of any premises in the city 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.

Power to
cleanse drains
etc.

Buildings and structures

75.—(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 the city 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 the city is by reason of its ruinous or dilapidated condition seriously detrimental to the amenities of the neighbourhood the Corporation

PART V
—cont.

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 the city 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 Corporation 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 that section shall apply to all rubbish or other material removed by the Corporation under this section.

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

Expenses of
executing
demolition
order to be a
charge on
property.

76.—(1) Any expenses incurred by the Corporation under subsection (1) of section 13 or subsection (3) of section 26 of the Housing Act 1936 in respect of which judgment has been obtained under subsection (4) of the said section 13 together with any costs allowed by the court and interest accrued thereon shall until recovered be a charge on the premises in respect of which the expenses were incurred and on all estates and interests therein.

(2) The Corporation shall for the purpose of enforcing a charge under this section have all the same powers and remedies under the Law of Property Act 1925 and otherwise as if they were mortgagees by deed having powers of sale and lease of accepting surrenders of leases and of appointing a receiver.

New building
overreaching
adjoining
chimneys.

77.—(1) Where after the passing of this Act—

- (a) any person erects or raises a building in the city (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 ;

PART V
—cont.

the Corporation 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 Corporation 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 paragraph (i) of subsection (1) of this section the Corporation 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.

78.—(1) If a court of summary jurisdiction is satisfied upon a complaint by the Corporation 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 the city is prejudicial to the health of any of the inhabitants of the city 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.

(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.

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

79.—(1) No person shall in or in connection with any house shop or office in the city construct without the consent of the Corporation 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 Corporation 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 Corporation 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 Corporation 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
accommoda-
tion.

80.—(1) Every house erected in the city after the passing of this Act shall be provided with sufficient and suitable accommodation for the storage of food and any other house in the city not so provided shall if reasonably practicable be so provided within one month from the service by the Corporation on the owner thereof of a notice requiring it to be so provided.

(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 passing of this Act shall not be deemed to have been erected after the passing of this Act:

Provided that where any part of a building has been let for occupation as a separate dwelling-house 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.

81.—(1) A house in the city 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

(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;

PART V
—cont.

- (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.

82. Section 83 of the Act of 1936 shall in its application to the city 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."

Power to
require
vacation of
premises
during
fumigation.

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

- (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 Corporation give the occupier further notice that the premises can safely be re-occupied ; and

(b) the Corporation 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 Corporation 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 by the Corporation 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 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 Corporation 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.

84.—(1) No dealer shall in the city—

- (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 the city—

- (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

Prohibition
of sale of
verminous
articles.

PART V
—cont.

necessary for that purpose to be removed from the premises and the Corporation 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 the provisions of this section shall be provisions which it is the duty of the Corporation 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 disinfection.

PART VI

NUISANCES AND OFFENSIVE TRADES

Tipping of
spoil and
refuse.

85.—(1) The Corporation may make byelaws for regulating the tipping of spoil and refuse and for prohibiting the use of any spoil or refuse tip so as to be a nuisance to the occupiers of premises in the neighbourhood thereof.

(2) Byelaws made by virtue of this section may—

- (a) contain provisions for imposing on persons offending against the byelaws penalties not exceeding fifty pounds for each offence and a daily penalty not exceeding ten pounds ;
- (b) provide that any spoil or refuse tip placed kept or used in breach of the byelaws shall be a statutory nuisance for the purpose of Part III of the Act of 1936.

(3) No byelaw under this section shall extend to regulate or control the tipping of spoil or refuse by railway or inland navigation undertakers for the purpose of constructing widening or maintaining any railway inland navigation dock or wharf works.

(4) No byelaw under this section shall extend to regulate or control the tipping of spoil or refuse by the Kent River Board or the Lower Medway Internal Drainage Board—

- (a) on the banks of any watercourse within the meaning of the Land Drainage Act 1930 ; or
- (b) for the maintenance or improvement of those banks ;
or
- (c) for the purpose of the execution of any other work which the board have power to execute.

86.—(1) For the purpose of abating or mitigating any nuisance annoyance or damage caused in the city by house doves pigeons or starlings having or believed by the Corporation to have no owner or of preventing or minimising any such nuisance annoyance or damage which might in the opinion of the Corporation be so caused the Corporation may notwithstanding anything in the Larceny Act 1861 or in any other Act—

Nuisance from
pigeons etc.

- (a) seize and humanely destroy or cause to be seized and humanely destroyed any such house doves pigeons or starlings in excess of such number as the Corporation consider reasonable ;
- (b) sell or otherwise dispose of or cause to be sold or otherwise disposed of the carcasses of any such house doves pigeons or starlings ; and
- (c) take such other steps as they think necessary for any such purpose :

Provided that the Corporation shall not in the exercise of the powers conferred by this section—

- (a) enter upon any premises (other than a public highway) without the consent of the occupier or the person having the exclusive control and management of the premises ; or
- (b) execute or do any work or thing affecting the structure of any building or the use of any land without the consent of the owner of the building or land.

(2) Nothing in this section shall authorise the seizure or destruction of any wild bird in contravention of the provisions of the Wild Birds Protection Acts 1880 to 1939 or any order made thereunder.

87.—(1) If as respects any premises in the city which are being used for carrying on an offensive trade the council by resolution decide that it is inexpedient—

Discontinuance
of offensive
trade.

- (a) in the interest of public health ; or
- (b) having regard to any change in the character of the neighbourhood of the premises since the establishment of that trade ;

that that trade should be carried on in the premises the Corporation may serve notice on the owner and occupier of the premises stating the effect of the resolution and prohibiting the use of the premises for carrying on the trade after the expiration of such period (not being less than twelve months from the service of the notice) as may be specified in the notice.

(2) If any person uses any premises for carrying on an offensive trade in contravention of a notice under this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

PART VI
—cont.

(3) Any person who suffers loss by reason of a prohibition imposed under this section on the use of any premises for carrying on an offensive trade shall be entitled to be paid by the Corporation compensation to be determined in case of dispute in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919.

(4) In determining the amount of compensation under the last preceding subsection regard shall be had to any limitation imposed by virtue of subsection (3) of section 107 of the Act of 1936 or section 14 of the Town and Country Planning Act 1947 on the period for which the trade may be carried on in the premises.

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

(6) In this section the expression "offensive trade" has the same meaning as in section 107 of the Act of 1936.

PART VII

INFECTIOUS DISEASES

Definition of
notifiable
disease.

88. In this Part of this Act the expression "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 the city by virtue of regulations made under section 143 thereof.

Entry into
premises in
case of
notifiable
disease.

89.—(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 the city 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.

(4) Any warrant granted by a justice of the peace in pursuance of section 156 of the Rochester Corporation Act 1936 shall be deemed to have been granted under this section.

90.—(1) On the application of the medical officer the occupier of any building in the city which is used for human habitation 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.

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

(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 the expression “ occupier ” includes—

(a) 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

(b) 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.

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

Restriction on attendance at schools places of assembly 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 ”.

PART VII
—cont.

Compensation
for stopping
employment
to prevent
spread of
disease.

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

- (a) a notifiable disease ; or
- (b) a milk-borne 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 the Corporation may if they think fit compensate him for any loss occasioned by his compliance with the request.

Prohibition of
tuberculous
persons from
handling food.

93.—(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 the city 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 Corporation may request him in writing to discontinue his occupation as aforesaid.

(2) If any person requested as aforesaid complies with the request the Corporation 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 Corporation 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 Corporation.

(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.

PART VIII

FOOD

Slaughter of
animals
otherwise than
for human
consumption.

94.—(1) As from the appointed day the following provisions shall have effect in the city with respect to the slaughter 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

PART VIII
—cont.

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. In the computation of the period of twelve hours referred to in this subsection there shall be excluded any period between five in the afternoon and nine in the morning.

(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 or having effect by virtue of subsection (2) of section 89 of the first-mentioned Act.

(6) In this section—

- (a) the expression “authorised officer” means any officer of the Corporation 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.

Inedible fat.

95. If any person takes or causes to be taken any fat unfit for food into any premises in the city 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 :

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.

Registration
of hawkers of
food and their
premises.

96.—(1) As from the appointed day the following provisions shall have effect in the city :—

- (a) No person shall sell or offer or expose for sale any food from or upon a cart barrow or other vehicle or from or upon a basket pail tray or other receptacle unless he is registered by the Corporation ;
- (b) No premises shall be used as storage accommodation for food intended for sale from or upon a cart barrow or other vehicle or from or upon a basket pail tray or

other receptacle unless the premises are registered by the Corporation :

PART VIII
—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 ;
- (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 or by any person employed by him at any market or fair for which either such person has paid a toll stallage or rent or to the use of any premises in any such market or fair as storage accommodation for food intended for sale by any such person at such market or fair.

(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

PART VIII
—cont.

to be so registered shall be made by the occupier or intending occupier thereof.

(4) If it appears to the Corporation—

- (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 Corporation 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 council 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 Corporation 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 Corporation 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 Corporation 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 the provisions of this section shall be provisions which it is the duty of the Corporation to enforce.

(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.

PART IX

PARKS CEMETERIES AND OTHER MUNICIPAL PROPERTY

97. When any part of a park or pleasure ground provided by or under the management and control of the Corporation 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 Corporation 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 Corporation think fit :

Provided that nothing in this section shall empower the Corporation 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.

98.—(1) For the purpose of providing a parking place under section 68 of the Public Health Act 1925 the Corporation 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.

99.—(1) The Corporation may in any park pleasure ground or open space provided by them or under their management and control provide a boating pool.

(2) The Corporation 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.

PART IX
—cont.

(3) The Corporation 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 powers of the Corporation under subsection (2) of section 44 of the Public Health Acts Amendment Act 1890 with respect to a piece of water in a park or pleasure ground provided by them shall be extended so as to be exercisable with respect to any boating pool provided under this section.

(5) In this section the expression “open space” has the same meaning as in the Open Spaces Act 1906.

Saving for
trusts etc.

100. No power conferred upon the Corporation by the preceding sections of this Part of this Act shall be exercised in such a manner—

- (a) as to be at variance with any trust subject to which any land or building is held or managed or controlled by the Corporation without an order of the High Court or of the Charity Commissioners or of the Minister of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of the donor or that other person; or
- (b) as to contravene any covenant or condition subject to which a gift or lease of any land or building has been accepted by or granted to the Corporation without the consent of the donor grantor lessor or other person entitled in law to the benefit of the covenant or condition.

Agreements
to maintain
graves and
tombstones.

101.—(1) The Corporation may agree with any person in consideration of the payment of a capital sum by him to maintain for a period fixed by the agreement a grave or tombstone in a cemetery provided by the Corporation and the following provisions shall apply in relation to any such agreement:—

- (a) The said sum shall subject to the next following paragraph and any other enactment authorising its application in some other manner be invested in a statutory security;
- (b) If and in so far as the cost of maintaining the grave or tombstone in accordance with the agreement exceeds in any year the interest received on the said sum the cost shall be defrayed out of the capital of the said sum;
- (c) At the expiration of the period fixed by the agreement for the maintenance of the grave or tombstone the

Corporation may apply the capital of the said sum or so much thereof as has not been expended under the last foregoing paragraph in any manner in which capital money may properly be applied by them under any enactment ;

(d) The amount of the capital of the said sum and the interest thereon shall be shown separately in the accounts of the Corporation relating to the cemetery.

(2) In this section—

the expression “ cemetery ” includes a burial ground and a crematorium ;

the expression “ grave ” includes a grave space niche or urn ;

the expression “ tombstone ” includes a monument or other memorial of a deceased person.

102.—(1) In this section the expression “ the aerodrome undertaking ” means the aerodrome established by the Corporation and any auxiliary business in connection therewith. Aerodrome undertaking.

(2) The Corporation may either—

(a) themselves manage the aerodrome undertaking making such reasonable charges in respect thereof as they think fit ; or

(b) subject to the provisions of subsection (6) of section 19 of the Civil Aviation Act 1949 let it or any part thereof for such consideration and on such terms and conditions as they think fit :

Provided that nothing in this subsection shall authorise any variation of a scale of charges approved or prescribed by the Minister of Civil Aviation in pursuance of powers conferred on him by or under the said Act.

(3) The Corporation may make byelaws with respect to the aerodrome undertaking and for maintaining order in and for regulating the use of any premises used in connection therewith. A copy of the byelaws shall be sent to the county council as soon as may be and in any case not later than the date on which they are submitted to the Minister of Civil Aviation for confirmation.

(4) The aerodrome undertaking shall be in the same relation to the Minister of Civil Aviation and subject to the like control by him under the Civil Aviation Act 1949 as if this Act had not been passed.

PART X

PUBLIC ORDER AND PUBLIC SAFETY

Boxing and
wrestling
entertainments.

103.—(1) As from the appointed day the provisions of Part IV of the Public Health Acts Amendment Act 1890 shall in their application to the city extend to any place ordinarily used for any boxing or wrestling entertainment as though any such entertainment were of the like kind with public dancing and music:

Provided that the said provisions shall not extend to any premises licensed under the Theatres Act 1843 if and so long as the conditions attached to the licence under that Act are complied with as though a boxing or wrestling entertainment were a stage play.

(2) For the purposes of this section the expression “boxing or wrestling entertainment” means any public contest or display of boxing or wrestling except such as may be provided or given—

- (a) by travelling showmen at pleasure fairs;
- (b) by bona fide organisations associations clubs or societies whether for juveniles or adults and whether corporate or unincorporate which are not carried on for profit; or
- (c) by any university university college college of a university training college establishment of further education or school.

Touting
hawking etc.

104.—(1) As from the appointed day no person shall at any place in the city to which this section applies without the consent of the Corporation which may be given on such terms and conditions as they think fit hawk sell or offer for sale any article or commodity:

Provided that the Corporation shall not withhold their consent under 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.

(2) This section applies to any place—

- (a) in or on any esplanade or public walk;
- (b) in any other street or part of a street to which this section may be applied by byelaws made by the Corporation under this section;
- (c) in any parking place for vehicles or station for public service vehicles provided or appointed by the Corporation.

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

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

PART X
—cont.

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

(6) The provisions of this section shall not prevent the wardens and assistants or any person with their consent exercising any rights which they could have exercised if this section had not been enacted.

PART XI

SUPERANNUATION PENSIONS ETC.

105. In this Part of this Act—

Interpretation
of Part XI
of Act.

“ Act of 1937 ” means the Local Government Superannuation Act 1937 ;

“ regulations ” means the National Health Service (Superannuation) Regulations 1950 ;

“ superannuation fund ” means the superannuation fund of the Corporation ;

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.

106.—(1) Any person who—

Extension and
modification
of Act of 1937.

(a) at the appointed day is ; or

(b) after the appointed day becomes ;

a contributory employee in relation to the superannuation fund may within six months after the appointed day or the date on which he becomes a contributory employee (as the case may be) give notice in writing to the Corporation that he desires that this section shall apply to him and thereupon the following provisions of this section shall extend and apply in relation to him for so long as he remains a contributory employee in relation to the superannuation fund. A person who gives notice under this subsection is hereinafter in this section referred to as an “ electing employee ”.

(2) The Act of 1937 shall extend and apply in relation to any electing employee as if in consideration of the contributions

PART XI
—cont.

required thereby there were substituted for any title accruing in respect of service reckonable under the Act of 1937 to a superannuation allowance lump sum retiring allowance injury allowance or death gratuity a title to such benefits as are conferred by regulations 7 to 9 inclusive (as modified by regulation 34) and regulation 12 of the regulations and there were conferred by the Act of 1937 in addition or in substitution for any similar benefits to which any electing employee might become entitled thereunder and under the Rochester Corporation Act 1936 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:

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 references to the age of compulsory retirement references in regulations 6 (1) (a) and 19 (1) to such an age as is thereafter mentioned shall be construed as references to the age of compulsory retirement and references to forty-five years or forty-five-eightieths respectively shall be construed as references to forty years and forty-eightieths respectively;

(c) the amount of any retiring allowance to which an electing employee 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 electing employee shall be further modified to provide that the employing authority may on any annual pension lump sum retiring allowance or death gratuity becoming payable to or in respect of the electing employee 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 but not larger than the fraction applicable under the regulations in respect of every year of contributing service:

Provided that any extra charge resulting from any resolution passed by an employing authority under this subsection shall be repaid by that authority to the superannuation fund.

(4) The Act of 1937 in its application to any electing employee 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 cent. with yearly rests shall be construed as a reference to the calculation of interest at the rate of three per cent. per annum with half-yearly rests and with any other necessary modifications.

107.—(1) Subject to the provisions of this section where a person entitled to receive from the Corporation any sum to which this section applies is lawfully detained as a person of unsound mind in accordance with the Lunacy Act 1890 the Corporation may pay the whole of that sum or so much thereof as they think fit to the person having the care of the person so detained as aforesaid and may pay or apply the whole or so much as they think fit of the surplus (if any) thereof to or for the maintenance or benefit of the wife or husband or relations of the person so detained as aforesaid.

Payment of
pension etc.
of person of
unsound mind.

(2) Subject to the provisions of this section where a person entitled to receive from the Corporation any sum to which this section applies is in the opinion of the Corporation through mental infirmity incapable of managing his affairs the Corporation may pay or apply the whole or so much as they think fit of that sum to or for the maintenance or benefit of such person or of the wife or husband or relations of such person.

(3) This section applies to any sum payable by the Corporation to an employee or former employee or pensioner of the Corporation or the widow or a child of a deceased employee or pensioner by way of salary wages pension superannuation or other allowance gratuity or annuity or by way of repayment

PART XI
—cont.

with or without interest of contributions made to any superannuation or other fund but the amount to be paid in pursuance of this section to or in respect of any such employee former employee or pensioner shall not exceed one hundred pounds in any year.

(4) Not less than fourteen days before exercising their power under this section for the first time in relation to any person the Corporation shall give to the Master in Lunacy notice in writing of their intention in that behalf specifying the name and address of that person and the amount and nature of the sums in respect of which the Corporation intend to exercise the said power and in relation to any person to whom subsection (2) of this section applies the Corporation shall at the same time give notice to that person in a form approved by the Master in Lunacy:

Provided that the Corporation may with the approval of the Master in Lunacy exercise the powers of this section in respect of any person notwithstanding that the said period of fourteen days has not expired.

(5) If at any time the Master in Lunacy gives to the Corporation notice in writing that he objects to the exercise by the Corporation of the said power in relation to any person the said power shall as from the date of the receipt by the Corporation of the notice cease to be exercisable by the Corporation in relation to that person unless and until the master withdraws the notice.

(6) The Corporation shall be discharged from all liability in respect of any payment or application of money effected by them in the exercise of the said power.

As to proof
of continued
existence of
pensioners.

108. Notwithstanding anything in the Local Government Superannuation Acts 1937 and 1939 the Corporation shall not be required to make any payment by way of superannuation allowance or pension under those Acts or under the Pensions (Increase) Acts 1944 and 1947 or under the Pensions (Increase) Act 1952 or any other superannuation pension compensation or other such payment under any statutory authority to or for the benefit of any person unless satisfactory proof is given to the Corporation in such manner and at such times as they may from time to time require of the continued existence of such person.

As to
payments due
to deceased
employees.

109.—(1) On the death of an employee (which expression in this section includes a former employee or pensioner) of the Corporation to whom or to whose legal personal representative a sum not exceeding one hundred pounds is due on account of salary wages superannuation allowance gratuity grant or repayment of contributions to any superannuation or other fund with or without interest if probate of the will of the employee or

letters of administration to his estate are not produced within such time (not being less than one month after his death) as the Corporation may think reasonable then at the expiration of that time the Corporation may pay the sum to the person or persons entitled to the residuary estate of the employee in accordance with the provisions of paragraphs (i) to (vi) inclusive of subsection (1) of section 46 of the Administration of Estates Act 1925 and section 9 of the Legitimacy Act 1926:

Provided that if the Corporation receive notice in writing of any claim against the estate of the deceased employee at any time before they shall have paid the whole of such sum in accordance with the provisions of this subsection they shall not (except in any case in which the provisions of paragraph (vi) of subsection (1) of section 46 of the Administration of Estates Act 1925 are applicable) pay such sum or the balance thereof in their hands to any person other than to the personal representative of the deceased employee unless and until such claim has been satisfied disproved or withdrawn.

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

- (a) a statutory declaration or (when payment is made to the Crown or to the duchy of Lancaster or to the duchy of Cornwall) a statement by the person or one of the persons to whom the Corporation may pay and propose to pay such sum or any part thereof to the effect that the total estate of the deceased employee (including such sum but after deduction of debts and funeral expenses) does not exceed four hundred pounds; or
- (b) the production of a certificate from the Commissioners of Inland Revenue to the effect that no death duties are payable in respect of such moneys or that any duties so payable have been paid.

PART XII

FINANCE

110.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums requisite for those purposes and they shall pay off all moneys so borrowed within such periods as the Corporation

Power to
borrow.

PART XII
—cont.

may determine not exceeding those respectively mentioned in the second column of the said table (namely):—

1	2
Purpose	Period for repayment
(a) For making any payment to any authority under or in pursuance of this Act or under or in pursuance of any enactment the provisions of which are applied thereby.	Forty-five years from the date or dates of borrowing.
(b) For paying any capital sum under the provisions of section 39 (Compensation to existing officers) of this Act.	Twenty years from the date or dates of borrowing.
(c) For paying the costs charges and expenses of this Act.	Five years from the passing of this Act.

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

Saving for powers of Treasury.

111. It shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the powers of borrowing for paying the costs charges and expenses of this Act) otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945 or of any order for the time being in force made under section 1 (Treasury control of borrowing etc.) of the Borrowing (Control and Guarantees) Act 1946.

Renewal and repairs fund.

112.—(1) The Corporation may (if they think fit) establish a fund to be called “the renewal and repairs fund” for the purpose of defraying the expenditure to be incurred from time to time in repairing maintaining and renewing any buildings works plant tools machinery appliances horses carts vehicles boilers and equipment and apparatus in connection therewith office machinery furniture fittings and appliances or things and in maintaining and repairing paths and apparatus in public walks and pleasure grounds and may from time to time apply any fund so established or any part thereof in defraying such expenditure but this section shall not apply to any buildings works plant appliances or things for the purposes of any undertaking of the Corporation in respect of which they are authorised to provide a reserve fund or to any building in respect of which they are required by the Acts relating to housing to keep a housing repairs account.

(2) The Corporation may from time to time pay out of the general rate fund such sums as they think fit into a fund to be established under this section.

(3) When the renewal and repairs fund shall amount to the sum of fifty thousand pounds or such larger sum as may from time to time be approved by the Minister the Corporation shall cease to make payments into the said fund but if the said fund is at any time reduced below the sum of fifty thousand pounds or such larger sum as aforesaid the Corporation may recommence and continue payments until the said fund be restored to the sum of fifty thousand pounds or such larger sum as aforesaid.

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

(b) Any income arising from the investment of the moneys in the renewal and repairs fund in manner provided by this subsection shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (3) of this section) an amount equivalent to such income shall be credited to the renewal and repairs fund.

(5) The renewal and repairs fund established in pursuance of section 179 of the Rochester Corporation Act 1936 shall form part of the fund established in pursuance of this section.

113. The Corporation may pay—

- (a) reasonable subscriptions (whether annually or otherwise) to the funds of any scientific or other society or body (not carrying on business for profit) which or the members of which are engaged in investigations or the keeping of records of use or value to the Corporation and any reasonable expenses of the attendance of any officers or nominees of the Corporation at conferences or meetings of any such association society or body and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings ;
- (b) reasonable expenses in connection with the provision of public entertainments on the occasion of public ceremony or rejoicing ;
- (c) reasonable expenses in connection with official and courtesy visits by or on behalf of the Corporation and payments for travelling expenses and for expenses

Subscriptions to local government associations etc. and other expenses.

PART XII
—cont.

reasonably incurred by or on behalf of any member or officer of the Corporation in connection therewith ;

- (d) reasonable expenses in connection with the presentation of the freedom of the city to persons whom they may resolve to admit as honorary freemen and in connection with the reception and entertainment of distinguished persons residing in or visiting the city.

Contributions
to cultural
bodies.

114.—(1) The Corporation may upon and subject to such terms and conditions (if any) as may be agreed between them and any body rendering public service to the inhabitants of the city by means of cultural activities carried on either wholly or partly within the city contribute such sum or sums as they may from time to time determine in the circumstances of the case to be reasonable to the funds or towards the expenses of such body.

(2) In this section the expression—

“body” includes an association institution society or similar organisation and a company howsoever constituted ; and

“cultural activities” includes the provision of public entertainment having cultural value.

(3) The provisions of this section shall be in addition to and not in derogation of the provisions of any other enactment (including an enactment in this Act) enabling the Corporation to provide or contribute towards the provision of music or any entertainment :

Provided that the amount of any sum or sums contributed by the Corporation under this section for the purpose of or in connection with the provision of any entertainment when added to the net amount of any expenditure incurred by the Corporation under section 132 of the Act of 1948 shall not in any one year exceed the net amount of the expenditure which the Corporation may incur in any year under the said section 132.

Receipt in
case of persons
not sui juris.

115.—(1) If any money is payable by the Corporation to any employee (other than wages or salary) creditor or holder of any authorised security and the person entitled to such payment is a minor the receipt of the guardian shall be a sufficient discharge to the Corporation.

(2) In this section the expression “authorised security” means any mortgage stock bond or other security which the Corporation are for the time being authorised to grant create or issue or upon or by means of which the Corporation are for the time being authorised to raise money.

PART XIII

MISCELLANEOUS

116.—(1) As from the appointed day no person shall carry on the business of a hairdresser or barber on any premises in the city unless he and those premises are registered by the Corporation. Hairdressers
and barbers

(2) Subject to the provisions of this section any person who makes an application in that behalf and furnishes the Corporation with particulars of his name and residence and of the premises in respect of which he desires to be registered shall be registered in respect of those premises by the Corporation in a book kept for the purpose and on so registering any person the Corporation shall issue to him a certificate of registration.

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

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

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

(4) If any person carries on business in contravention of subsection (1) of this section or contravenes any byelaw made under subsection (3) of this section he shall be liable—

(a) in the case of a contravention of subsection (1) to a penalty not exceeding twenty pounds and a daily penalty not exceeding five pounds ; and

(b) in the case of a contravention of a byelaw to a penalty not exceeding five pounds ;

and in either case the court by which he is convicted may (in lieu of or in addition to imposing a penalty) order the suspension or the cancellation of his registration.

(5) Where the registration of any person is cancelled by order of a court under the last preceding subsection—

(a) he shall within seven days deliver up to the Corporation his certificate of registration and if he fails to do so he shall be liable to a penalty not exceeding twenty shillings and a daily penalty not exceeding ten shillings ; and

(b) he shall not again be registered by the Corporation under this section except in pursuance of a further order of a court of summary jurisdiction made on his application.

PART XIII
—cont.

(6) A person registered under this section shall keep a copy of the said byelaws and of his certificate of registration displayed in the premises in respect of which he is registered and if he fails to do so he shall be liable to a penalty not exceeding twenty shillings and a daily penalty not exceeding ten shillings.

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

Prizes for
garden
competitions.

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

Summary
recovery of
damages for
negligence.

118. Any compensation recoverable by the Corporation 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.

Powers to use
ladders etc.
for entry or
inspection.

119.—(1) Any power conferred on an officer of the Corporation by an enactment to enter upon and inspect any building or works in course of construction shall include a power to use free of expense for the purpose of the entry or inspection any ladders scaffolding and plant in or about the building or works.

(2) If the builder of or contractor for any such building or works or any person employed by him in or about the building or works—

(a) refuses to give to such an officer all reasonable assistance in the exercise of the powers conferred by this section ; or

(b) otherwise obstructs such an officer in the exercise of those powers ;

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

Application
of Lands
Clauses Acts
to purchases
by agreement.

120. For the purpose of any enactment empowering the acquisition by the Corporation of land by agreement for a purpose for which they may 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 Corporation shall be deemed to be the promoters of the undertaking.

121. For the protection of the gas board the following provisions shall unless otherwise agreed in writing between the Corporation and the gas board apply and have effect:—

(1) In this section—

“ apparatus ” means mains pipes or other apparatus belonging to or maintained by the gas board and includes any structures constructed for the lodging therein of such mains pipes or other apparatus ;

“ in ” in a context referring to apparatus includes under over across along or upon :

(2) For the purposes of section 56 (Prohibition of building until street defined) of this Act land shall not be deemed to be occupied in connection with a building by reason only of the existence of apparatus in such land :

(3) Nothing in section 57 (Prohibition of building until street formed and sewered) of this Act shall prevent the gas board before a new street is constructed or sewered in accordance with street byelaws from beginning to erect or proceeding with the erection for the purposes of their undertaking of a pressure governor house abutting on such new street :

(4) Nothing in the following sections of this Act shall relieve the Corporation from liability for damage caused by them to any apparatus in the exercise of the powers of the said sections and the Corporation shall so exercise those powers as not so far as reasonably practicable to render less convenient the access to any apparatus:—

Section 58. (Trees grass verges and gardens) ;

Section 59 (Shelters etc. for passengers on public service vehicles) ;

Section 60 (Guard rails in private streets) ;

Section 67 (Decorations in streets):

(5) Where the Corporation in exercise of the powers of section 66 (Temporary stoppage of streets etc.) of this Act stop up temporarily any street in which any apparatus is situate they shall provide reasonable access for the gas board for the purpose of enabling them to inspect repair and renew any such apparatus or to lay down or place new apparatus :

(6) Nothing in section 73 (Power to repair drains and private sewers) of this Act shall authorise the Corporation to execute any works in any operational lands within the meaning of the Town and Country Planning Act 1947 of the gas board without the consent of the

PART XIII
—cont.

gas board but such consent shall not be unreasonably withheld and any question whether such consent is unreasonably withheld shall be determined by arbitration:

- (7) No byelaw under section 85 (Tipping of spoil and refuse) of this Act shall extend to regulate or control the tipping of spoil or refuse by the gas board on any lands used by them in connection with the manufacture of gas:
- (8) Any difference or dispute which may arise between the Corporation and the gas board under this section shall be referred to and determined by an arbitrator to be agreed upon between the parties or in default of such agreement appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to the arbitration.

For protection
of Mid Kent
Water
Company.

122. For the protection of the Mid Kent Water Company (hereinafter called "the company") the following provisions shall unless otherwise agreed in writing between the Corporation and the company apply and have effect:—

- (1) In this section unless the context or subject otherwise requires—

"apparatus" means any mains pipes or other apparatus belonging to the company in connection with their water undertaking and includes any structure constructed for the lodging therein of such mains pipes or other apparatus;

"in" in a context referring to apparatus includes under over across along or upon:

- (2) If damage is caused to any apparatus by anything done in exercise of the powers of section 58 (Trees grass verges and gardens) of this Act the company shall unless the damage was caused or contributed to by the negligence of the company or their officers or servants be entitled to recover compensation therefor from the Corporation:
- (3) The Corporation shall so exercise the powers of section 59 (Shelters etc. for passengers on public service vehicles) of this Act as not so far as reasonably practicable to render less convenient the access to any apparatus:
- (4) Where the Corporation in exercise of the powers of section 66 (Temporary stoppage of streets etc.) of this

Act stop up temporarily any street in which any apparatus is situate they shall provide reasonable access for the company their officers servants and workmen for the purpose of enabling them to inspect and renew any such apparatus or to lay down or place new apparatus :

PART XIII
—cont.

- (5) Any difference or dispute which may arise between the Corporation and the company under this section shall be referred to and determined by an arbitrator to be agreed upon between the parties or in default of such agreement appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to the arbitration.

PART XIV
GENERAL

123. 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 99 (Boating pools)	Secretary of State.
Section 102 (Aerodrome undertaking)... ..	Minister of Civil Aviation.
Section 104 (Touting hawking etc.)	Secretary of State.

124.—(1) For the purposes of this Act (except Part I (Preliminary) and Part II (Extension of city) thereof) the expression “the appointed day” means such day as may be fixed by resolution of the council subject to and in accordance with the provisions of this section. The appointed day.

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

(3) The Corporation shall cause to be published in a local newspaper circulating in the city 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.

PART XIV
—cont.

(4) Either—

- (a) a copy of such a newspaper containing any such notice ;
or
- (b) a photostatic or other reproduction certified by the town 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.

(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 126 (Appeals) of this Act.

Restriction
of right to
prosecute.

125. Proceedings in respect of an offence created by or under this Act shall not without the written consent of the Attorney-General be taken by any person other than a party aggrieved or the Corporation.

Appeals.

126.—(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 Corporation 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 ;

PART XIV
—cont.

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 Corporation themselves execute the work or take the action ; and
- (ii) that person may carry on that business and use those premises for that purpose.

127. When any compensation costs damages or expenses is or are by this Act or by any local Act or Order for the time being in force in the city 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.

128. Where under the provisions of this Act or any local Act or Order for the time being in force in the city the Corporation shall execute any works of common benefit to two or more buildings belonging to different owners the expenses which under those Acts or Orders or any of them are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the Corporation or in case of dispute by a court of summary jurisdiction.

Apportionment
of expenses
in case of
different
owners.

129. 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.

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

Inquiries by
Ministers.

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

Application of
provisions of
Act of 1936.

Section 271 (Interpretation of “provide”);

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

PART XIV
—cont.

- Section 276 (Power of local authority to sell certain materials);
- Section 277 (Power of councils to require information as to ownership of premises);
- Section 283 (Notices to be in writing; forms of notices &c.);
- Section 284 (Authentication of documents);
- Section 285 (Service of notices &c.);
- Section 286 (Proof of resolutions &c.);
- Section 287 (Power to enter premises);
- Section 288 (Penalty for obstructing execution of Act);
- Section 289 (Power to require occupier to permit works to be executed by owner);
- Section 291 (Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments);
- Section 293 (Recovery of expenses &c.);
- Section 294 (Limitation of liability of certain owners);
- Section 295 (Power of local authority to grant charging orders);
- Section 296 (Summary proceedings for offences);
- Section 297 (Continuing offences and penalties);
- Section 328 (Powers of Act to be cumulative);
- Section 329 (Saving for certain provisions of the Land Charges Act 1925):

Provided that the said sections 277 287 288 289 291 293 294 295 and 329 shall only apply to the provisions contained in Part IV (Streets) Part V (Sanitation and buildings) Part VI (Nuisances and offensive trades) Part VII (Infectious diseases) and Part VIII (Food) and in section 116 (Hairdressers and barbers) of this Act.

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

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

Repeal.

132. The following provisions of the Rochester Corporation Act 1936 are hereby repealed:—

- Section 90 (As to urgent repairs of private streets);
- Section 91 (Planting of trees in private streets);

- Section 98 (Erection of retaining walls);
- Section 111 (Provision as to forecourts);
- Section 112 (Food storage accommodation);
- Section 113 (Dilapidated and neglected buildings);
- Section 116 (Further provisions as to working-class houses);
- Section 117 (Cellars not to be constructed below subsoil water level);
- Section 133 (Window blinds &c.);
- Section 142 (Information to be furnished in case of infectious disease);
- Section 152 (Power to prohibit persons in advanced stage of tuberculosis from selling &c. food);
- Section 156 (Entry into premises in case of infectious disease);
- Section 179 (Renewal and repairs fund);
- Section 186 (Power to Corporation to advance money for erection of buildings);
- Section 188 (Proof of continued existence of pensioners);
- Section 191 (Payment of pension &c. of person of unsound mind);
- Section 192 (As to payments due to deceased employees);
- Section 194 (Maintenance of graves in perpetuity);
- Section 195 (Prizes for garden competitions);
- Section 197 (Aerodrome undertaking);
- Section 207 (Subscriptions to local government associations and other expenses);
- Section 221 (Apportionment of expenses in case of joint owners);
- Section 232 (Compensation how to be determined).

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

134. The costs charges and expenses preliminary to and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation. Costs of Act.

SCHEDULES

FIRST SCHEDULE

PART I

LOCAL ACTS

Session and chapter	Title or short title
49 Geo. 3. c. xl	An Act for better assessing and collecting the Poor and other Rates in the Parish of Saint Nicholas in the City of Rochester in the County of Kent and regulating the Poor thereof.
43 & 44 Vict. c. cxix.	The Rochester City Improvement Act 1880.
3 Edw. 7. c. cc	The Rochester Corporation Tramways and Improvements Act 1903.
26 Geo. 5. & 1 Edw. 8. c. lxxv.	The Rochester Corporation Act 1936.

PART II

CONFIRMATION ACTS AND ORDERS

Session and chapter	Short title	Order thereby confirmed
39 & 40 Vict. c. cci.	The Local Government Board's Provisional Order Confirmation (Bath &c.) Act 1876.	The Rochester Order 1876.
54 & 55 Vict. c. lxxix.	The Local Government Board's Provisional Orders Confirmation (No. 6) Act 1891.	The Rochester Order 1891.
4 & 5 Geo. 5. c. cxxxvii.	The Local Government Board's Provisional Orders Confirmation (No. 17) Act 1914.	The Rochester and Chatham Joint Sewerage Order 1914.
10 & 11 Geo. 5. c. cxii.	The Ministry of Health Provisional Orders Confirmation (No. 5) Act 1920.	The Rochester and Chatham Order 1920.
13 & 14 Geo. 5. c. xxxviii.	The Ministry of Health Provisional Orders Confirmation (No. 5) Act 1923.	The Rochester and Chatham Joint Sewerage Order 1923.
16 & 17 Geo. 5. c. xix.	The Ministry of Health Provisional Orders Confirmation (No. 1) Act 1926.	The Rochester and Chatham Joint Sewerage Order 1926.
24 Geo. 5. c. xii	The Ministry of Health Provisional Order Confirmation (Rochester Chatham & Gillingham Joint Sewerage District) Act 1934.	The Rochester Chatham and Gillingham Joint Sewerage Order 1933.

SECOND SCHEDULE

APPORTIONMENT AND RECOVERY OF EXPENSES OF CONSTRUCTING SEWERS

1. The sum apportionable shall not exceed the sum certified by the surveyor 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 the city 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 Corporation not exceeding the sum so apportionable shall be apportioned by the Corporation 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 Corporation 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 Corporation 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 Corporation 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 Corporation 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

2ND 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 Corporation 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 Corporation 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 Corporation 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 Corporation 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 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 68 (Recovery of expenses of sewerage public highway) of this Act in pursuance of a resolution of the council the date when the resolution became operative ; and

(ii) in relation to an apportionment under section 69 (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.

*Table of statutes referred to in this Act other than those included
in the First Schedule*

Short title	Session and chapter
Theatres Act 1842	6 & 7 Vict. c. 68.
Lands Clauses Consolidation Act 1845	8 & 9 Vict. c. 18.
Larceny Act 1861	24 & 25 Vict. c. 96.
Public Health Act 1875	38 & 39 Vict. c. 55.
Local Loans Act 1875	38 & 39 Vict. c. 83.
Lunacy Act 1890	53 & 54 Vict. c. 5.
Public Health Acts Amendment Act 1890	53 & 54 Vict. c. 59.
Private Street Works Act 1892	55 & 56 Vict. c. 57.
Local Government Act 1894	56 & 57 Vict. c. 73.
Burial Act 1900	63 & 64 Vict. c. 15.
Open Spaces Act 1906	6 Edw. 7. c. 25.
Public Health Acts Amendment Act 1907	7 Edw. 7. c. 53.
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5. c. 57.
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.
Rating and Valuation Act 1925	15 & 16 Geo. 5. c. 90.
Law of Property (Amendment) Act 1926	16 & 17 Geo. 5. c. 11.
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.
Sunday Entertainments Act 1932	22 & 23 Geo. 5. c. 51.
Local Government Act 1933	23 & 24 Geo. 5. c. 51.
Housing Act 1935	25 & 26 Geo. 5. c. 40.
Restriction of Ribbon Development Act 1935	25 & 26 Geo. 5. c. 47.
Public Health Act 1936	26 Geo. 5. & 1 Edw. 8. c. 49.
Housing Act 1936	26 Geo. 5. & 1 Edw. 8. c. 51.
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.
Food and Drugs Act 1938... ..	1 & 2 Geo. 6. c. 56.
Local Government Superannuation Act 1939	2 & 3 Geo. 6. c. 18.
Pensions (Increase) Act 1944	7 & 8 Geo. 6. c. 21.
Local Authorities Loans Act 1945	8 & 9 Geo. 6. c. 18.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6. c. 58.
Pensions (Increase) Act 1947	10 & 11 Geo. 6. c. 7.
Town and Country Planning Act 1947	10 & 11 Geo. 6. c. 51.
Local Government Act 1948	11 & 12 Geo. 6. c. 26.
Criminal Justice Act 1948	11 & 12 Geo. 6. c. 58.

Short title	Session and chapter
Civil Aviation Act 1949	12 & 13 Geo. 6. c. 67.
Representation of the People Act 1949	12 & 13 Geo. 6. c. 68.
Arbitration Act 1950	14 Geo. 6. c. 27.
Shops Act 1950	14 Geo. 6. c. 28.
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.
Pensions (Increase) Act 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 45.

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