



CHAPTER xli

An Act to confer further powers upon the Berkshire County Council and on local and highway authorities in the administrative county of Berks to make provision with regard to markets and fairs in the borough of Abingdon and for other purposes. [31st July 1953.]

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

And whereas it is expedient to confer further powers on the Council and on local authorities within the county with reference to places used for certain classes of public entertainment:

And whereas the mayor aldermen and burgesses of the borough of Abingdon (hereinafter referred to as "the Abingdon Corporation") are the owners of a markets undertaking and it is expedient to confer further powers upon them and to make further provision in regard to that undertaking:

And whereas certain fairs are held in the said borough of Abingdon and it is expedient to alter the days on which and the places in which those fairs or some of them are held and to enact such other provisions in relation to fairs as are in this Act contained:

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

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

And whereas in relation to the promotion of the Bill for this Act the Council and the Abingdon Corporation have each complied with the requirements of Part XIII of the Local Government Act 1933:

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

PART I

PRELIMINARY

Short title. 1. This Act may be cited as the Berkshire County Council Act 1953.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—Highways.

Part IV.—Open spaces camps and pleasure grounds.

Part V.—Public entertainment and public order.

Part VI.—Public health.

Part VII.—Weights and measures.

Part VIII.—Finance.

Part IX.—Miscellaneous.

Part X.—Provisions relating to Abingdon.

Part XI.—General.

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

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

Interpretation. 4.—(1) In this Act the several words and expressions to which meanings are assigned by sections 90 110 220 and 343 of the Act of 1936 (other than those to which different meanings are assigned by this Act) have the same respective meanings unless there be something in the subject or context repugnant to such construction.

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

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

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

- “ the Act of 1936 ” means the Public Health Act 1936 ;
- “ the Act of 1947 ” means the Town and Country Planning Act 1947 ;
- “ the Act of 1950 ” means the Public Utilities Street Works Act 1950 ;
- “ authorised security ” means any mortgage stock bond or other security which the Council are for the time being authorised to grant create or issue or upon or by means of which the Council are for the time being authorised to raise money ;
- “ burial authority ” has the same meaning as in section 11 of the Burial Act 1900 ;
- “ claimed road ” means a county road in respect of which a local authority have claimed under section 32 of the Local Government Act 1929 to exercise and are exercising the functions of maintenance and repair ;
- “ the commission ” means the British Transport Commission and any reference to the commission in relation to any functions of the commission which are for the time being delegated to an executive in pursuance of section 5 of the Transport Act 1947 shall be construed as a reference to that executive ;
- “ contravention ” includes a failure to comply and “ contravene ” shall be construed accordingly ;
- “ the Council ” means the county council of the administrative county of Berks ;
- “ the county ” means the administrative county of Berks ;
- “ county fund ” means the county fund of the Council ;
- “ county road ” has the same meaning as in Part III of the Local Government Act 1929 ;
- “ daily penalty ” means a penalty for each day on which an offence is continued after conviction thereof ;
- “ district ” means a borough or an urban or rural district in the county ;
- “ enactment ” includes this Act and any general or local Act order byelaw or regulation for the time being in force within the county or within a district ;
- “ financial year ” means the period of twelve months commencing on the first day of April in any year and ending on the thirty-first day of March in the next following year ;
- “ food ” has the same meaning as is assigned thereto by section 100 of the Food and Drugs Act 1938 ;

PART I
—cont.

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

“ highway authority ” means—

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

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

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

“ the Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part V of the Act of 1947 by the Lands Tribunal Act 1949 and by this Act ;

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

“ local authority ” means the council of a district ;

“ the Minister ” means the Minister of Housing and Local Government ;

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

“ parish council ” means the parish council of a rural parish in the county or where there is no parish council the parish meeting of such parish ;

“ public service vehicle ” has the same meaning as in the Road Traffic Acts 1930 to 1947 except that it includes a trolley vehicle within the meaning of those Acts ;

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

“ road ” has the meaning assigned to the word “ street ” in the Act of 1936 ;

“ rural district ” means a rural district in the county ;

“ rural district council ” means the council of a rural district in the county ;

“ standing joint committee ” means the Standing Joint Committee of the Berkshire Quarter Sessions and the Council appointed under section 30 of the Local Government Act 1888 ;

“ statutory borrowing power ” means any power whether or not coupled with a duty of borrowing or continuing on loan or reborrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any enactment or sanction of any government department made or given or to be made or given by authority of any enactment but does not include the power to borrow by way of temporary loan or overdraft which is conferred by paragraph (a) of subsection (1) of section 215 of the Act of 1933 ;

“ statutory security ” means any security in which trustees are for the time being authorised by law to invest trust moneys and any mortgage bond debenture debenture stock stock or other security created by the council of any county or county district or by any authority being a local authority as defined by section 34 of the Local Loans Act 1875 but does not include any annuities rentcharges or securities transferable by delivery or in relation to an investment by the Council or the council of a county district in the county any securities created by the authority making the investment ;

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

“ transport undertakers ” means any railway dock canal inland navigation or statutory passenger road transport undertakers or any passenger road transport undertakers providing a regular service or services of public service vehicles ;

“ trolley vehicle ” has the same meaning as in section 121 of the Road Traffic Act 1930 ;

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

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

“ the Windsor Corporation ” means the mayor aldermen and burgesses of the royal borough of New Windsor.

(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 I
—cont.The appointed
day.

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

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

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

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

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

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

(4) Either—

(a) a copy of any such newspaper containing a notice published in pursuance of this section ; or

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

shall be evidence of the publication of the notice and of the date of the 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 200 (Appeals) of this Act.

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

6. The sections of this Act of which the numbers and marginal notes are set out in the First and Second Schedules to this Act shall not be exercisable by or apply to a rural district council unless and until in the case of the sections set out in the said First Schedule they have adopted those sections in accordance

with section 7 (Adoption by rural district councils of certain provisions of Act) of this Act or in the case of the sections set out in the said Second Schedule the sections have been applied to them pursuant to section 8 (Application of certain provisions of Act to rural district councils) of this Act.

PART I
—cont.

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

Adoption by rural district councils of certain provisions of Act.

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

8.—(1) The Minister may on the application of a rural district council by order to be published in the London Gazette or in such other manner as he may direct apply to the district of that council or to any part thereof any of the sections of this Act of which the numbers and marginal notes are set out in the Second Schedule to this Act and upon such order coming into force the provisions of this Act to which it relates shall be in force within the district or within such part thereof from such date as may be specified in that behalf in the order.

Application of certain provisions of Act to rural district councils.

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

9.—(1) Part VI of this Act shall come into operation in urban districts on the first day of April nineteen hundred and fifty-four except that—

Application of certain provisions in urban districts.

(i) in the case of the sections to which section 5 (The appointed day) of this Act applies those sections shall come into operation on such date (not being earlier than the said first day of April) as may be fixed under the said section 5 ;

(ii) in the case of the prescribed urban districts the coming into operation of the provisions of the said Part VI shall be subject to the following provisions of this section ;

(iii) section 94 shall come into operation as provided for in that section.

PART I
—cont.

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

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

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

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

(5) If the result of a poll taken in any of the prescribed urban districts under this section is against Part VI of this Act or any sections therein coming into operation in the district such Part or those sections shall not come into operation therein except as provided in the next succeeding subsection.

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

(7) If the result of any poll taken under subsection (6) of this section is in favour of the coming into operation of any of the sections referred to therein any such sections shall (notwithstanding anything therein providing for any such section to have effect as from the appointed day fixed for the district in which

the poll was taken) come into operation on the expiration of the period of three months after the declaration of the result of the poll.

PART I
—cont.

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

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

(a) the result of a poll demanded under this section in respect of his district;

(b) that no such poll has been demanded; or

(c) that no such poll has been demanded except in reference to the sections mentioned in the certificate;

shall be evidence of the statement contained therein.

(10) In this section—

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

“the prescribed urban districts” means all the urban districts (other than the borough of Abingdon).

PART II

LANDS

10.—(1) The Council 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 powers or duties 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 Council subject to and in accordance with the provisions of section 163 of the Act of 1933 as if it were not required for the purposes for which it was acquired.

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

11.—(1) The Council may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired under this Act with respect to his reinstatement elsewhere. Power to reinstate owners or occupiers of property.

(2) Any such agreement may provide for the exchange of land and for that purpose the Council may pay or receive money for equality of exchange.

PART II

—cont.

Retention and
disposal of
land.

12.—(1) The Council may—

- (a) retain and hold and use for such time as they think fit any land or interest in land acquired by them under this Act ;
- (b) sell lease exchange or otherwise dispose of any such land or interest in such manner and for such consideration and on such terms and conditions as they think fit (whether in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of payment in any other form) ;
- (c) appropriate any such land (not being land acquired under section 10 (Extension of power to acquire land by agreement) of this Act) for any purpose for which they are authorised to acquire land ;
- (d) sell exchange or dispose of any rents reserved on the sale lease exchange or other disposition of any such land or interest ;
- (e) make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition ;
- (f) on any such exchange pay or receive money for equality of exchange :

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

(2) Nothing in this section shall release the Council or any person purchasing or acquiring any land or interest in land from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease or other deed or instrument by which the land or interest has been conveyed or leased to or otherwise acquired by the Council or any persons from or through whom the Council have derived title to it.

Proceeds of
disposal of
surplus land.

13.—(1) Any capital money received by the Council on the resale or exchange of or by leasing any land acquired under this Act may (so far as they consider necessary and subject to the approval of the Minister) be applied by them in the purchase of other land.

(2) Any capital money so received and not so applied shall (subject to the provisions of section 143 (Capital fund) and

section 145 (Consolidated loans fund) of this Act) be applied in or towards the extinguishing of any loan raised by the Council under any enactment.

PART II
—cont.

(3) Any application of money under the last foregoing subsection shall unless the Minister on the application of the Council otherwise directs and subject in that event to such conditions as he may impose be in addition to and not in substitution for such method of extinguishing the loan as may have been adopted by the Council under any enactment.

(4) Any capital money received by the Council on the resale or exchange of or by leasing any land acquired under any enactment other than this Act shall be applied in the same manner as capital money received under that enactment is applicable or in such other manner as may be approved by the Minister.

14.—(1) The Council may (with the consent of the Minister) lay out and develop any land 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 other buildings and construct sewer drain pave channel and kerb streets: Development of land.

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

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

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

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 Council 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 Council 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 ;

PART II
—cont.

- (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 Council 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 Council and to produce to the Council when required the receipts for the premiums paid in respect of the insurance ; or
 - (ii) (if the Council elect themselves to insure the said building against fire) to repay to the Council 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 Council and authorised in writing by the clerk of the Council 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) In this section the expression "lessee" includes a person to whom the Council have agreed to grant a lease and the expression "lease" shall be construed accordingly.

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

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

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

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

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

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

17. The Council when they are required by any enactment to make compensation to any person interested in any land may by agreement with such person make such compensation wholly or partly in works land or money but in the case of land for the alienation of which the consent of any government department is required only with such consent.

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

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

19.—(1) Subject to the provisions of this Act a local authority may exercise the powers contained in the foregoing provisions of this Part of this Act and those provisions shall accordingly have effect with any necessary modifications including the substitution of “ local authority ” for “ Council ”.

PART II
—cont.

Undertakings
and agreements
binding
successive
owners.

Compensation
may be in land.

Application of
Lands Clauses
Acts to
purchases
by agreement.

Application of
certain
provisions
of Part II
to local
authorities.

PART II
—cont.

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

PART III

HIGHWAYS

A. *New streets*Interpretation
of Part III.

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

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

“private street” means a street within the meaning of the Private Street Works Act 1892 or a street to which section 150 of the Public Health Act 1875 applies or land which is deemed to be a private street by virtue of subsection (2) of section 48 of the Act of 1947;

“private street works” means works executed under the Private Street Works Act 1892 or section 150 of the Public Health Act 1875 or in relation to land which is deemed to be a private street as aforesaid works executed under either of those Acts as applied by subsection (3) of the said section 48 or by this Act;

“street byelaws” means any byelaws for the time being in force in any district with respect to the level width and construction 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.

Prohibition of
building until
street defined.

21.—(1) Where a plan and sections of a new street have been deposited with a local authority 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 local authority 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.

22.—(1) Where a plan and sections of a new street deposited with a local authority in pursuance of street byelaws are approved by them they may 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 local authority shall divide the street for the purpose of the notice into lengths not exceeding one hundred yards and each such length shall for that purpose be treated as a separate street.

(2) Any such notice 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 local authority may construct the carriageway and works of sewerage which should have been constructed and recover the expenses of so doing from that person :

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

(4) The execution of any works under the provisions of this section shall not relieve any person from any liability under section 150 of the Public Health Act 1875 or under the Private Street Works Act 1892 or the New Streets Act 1951 or any local Act relating to private street works for the time being in force in the district of the local authority :

PART III
—cont.

Provided that if a notice has been served under this section and at any time before the works have been completed in accordance with the said byelaws the local authority specify in a notice under subsection (1) of section 2 of the said New Streets Act 1951 the sum to be paid or secured in respect of street works the local authority shall by a further notice served under subsection (3) of that section as soon as may be after the completion of the first-mentioned works substitute for the sum so specified such smaller sum as would have been specified if the first-mentioned works had been completed at the date on which the original notice is served under that section or shall if the sum specified in a notice under the said subsection (1) of section 2 of the New Streets Act 1951 has been paid or secured before the first-mentioned works are completed refund or release to the person concerned from the sum so paid or secured such a sum as may be necessary to reduce the sum so paid or secured to such smaller sum as would have been specified if the first-mentioned works had been completed at the date on which the original notice was served under that section.

Termination of
new streets.

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

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

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

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

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

(2) Any such notice—

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

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

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

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

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

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

25.—(1) Where a plan and sections of a new street deposited with a local authority in pursuance of street byelaws are approved by them they may for the purpose of securing the proper laying Adjustment of boundaries of estates in connection with streets.

PART III
—cont.

out or development of any estate through which the street is to run by notice require that such provision shall be made—

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

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

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

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

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

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

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

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

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

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

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

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

- (a) may sell or lease the whole or part of any land so purchased at such time and at such price and on such conditions as they think fit ; or
- (b) may exchange the whole or part of any such land for other land at such time and on such conditions as they think fit and pay or receive money for equality of exchange ; or
- (c) may appropriate any such land for any purpose approved by the Minister ;

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

Provided that a local authority shall not without the consent of the Minister sell or lease any such land at a price or rent or for a consideration of a value less than the current market value of the land but a purchaser or lessee shall not be concerned to inquire whether such consent is necessary or has been obtained.

(11) In this section the expression “estate” includes any parcel of land.

B. Verges and trees

26.—(1) Subject to the provisions of this section the highway authority shall have power—

- (a) to plant trees or shrubs in any street repairable by them 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.

Trees grass
verges and
gardens.

(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.

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—cont.

(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 highway authority or upon land so vested which forms part of a street:

Provided that when carrying out in any street or any part thereof any private street works the authority carrying out such works may exercise any 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 streets maintainable by the highway authority and anything done by the highway authority under that section with respect to such streets 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 highway authority to provide footpaths or grass or other margins under section 58 of the Road Traffic Act 1930.

Verges etc.
of housing
estates.

27.—(1) Where in pursuance of the Housing Acts 1936 to 1952 any grass verge garden or space is provided by the local authority and maintained in an ornamental condition or mown by them they may by notice prohibit persons from entering upon or causing or permitting vehicles to enter upon any such grass verge garden or space.

(2) Any such notice as is referred to in the foregoing subsection shall be conspicuously posted on or in proximity to the grass verge garden or space 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) The powers of this section shall not be exercisable in relation to any grass verge or garden which forms part of a highway repairable by the inhabitants at large.

Damage to
trees etc. on
highways and
in open spaces.

28.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall on any highway or in any open space to which the public have access within the county—

(a) remove or cut any turf; or

(b) pluck any bud blossom flower fruit or leaf of any tree shrub or plant or remove cut or displace any plant if

the tree shrub or plant has been planted by the person having control of the highway or open space for the purpose of improving the amenities thereof and a notice stating the effect of this paragraph is conspicuously placed in the neighbourhood of the tree shrub or plant.

(2) Any person offending against this section shall be liable to a penalty not exceeding forty shillings and to the payment of such further amount as appears to the court reasonable compensation for any damage so committed which last-mentioned amount shall be paid to the person having control of the highway or open space.

(3) Nothing in this section shall—

(a) apply to any open space vested in or under the control of the council of a district a board of conservators or the National Trust for Places of Historic Interest or Natural Beauty ; or

(b) affect any right of any persons authorised by any enactment to open or break up any street or road or any land for the purpose of laying making altering repairing or renewing any main pipe sluice weir sewer electric line duct substation transformer station street-box drain tramway or trolley vehicle equipment or other apparatus.

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

29.—(1) If it appears to the appropriate authority that for the prevention of danger to persons generally or to property or for the prevention or abatement of a nuisance any tree in the district should be removed cut or felled the appropriate authority may serve a notice on the owner of the premises on which the tree is growing or situate requiring him within twenty-one days to remove cut or fell the tree or to execute such other works as the appropriate authority may consider necessary to prevent the danger or to prevent or abate the nuisance.

Power to
require
removal etc. of
dangerous
trees.

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

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

(4) In this section “ the appropriate authority ” means in relation to any tree which endangers or is likely to endanger the safety of any persons using a county road (not being a claimed

PART III
—cont.

road) or of any buildings abutting thereon or in relation to any tree which constitutes a nuisance to any such persons the Council and in any other case the local authority.

Removal of
trees etc. from
streets.

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

C. Improvements

Variation of
width of
carriageways
and footways.

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

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

(3) The highway authority shall not exercise the powers of this section in relation to so much of any street as is situate upon a bridge over any railway canal or inland navigation or upon the approaches to any such bridge without the consent in writing of the railway canal or inland navigation undertakers concerned:

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

Enforcement of
improvement
line.

32.—(1) At any time after an improvement line of any street in the royal borough of New Windsor or the borough of Wallingford has been prescribed under section 33 of the Public Health Act 1925 the highway authority may by notice require the owner of any building which or any part of which was beyond or in front of the improvement line when it was prescribed to demolish set back or alter the said building within such reasonable period as may be prescribed by the notice not being less than twelve months from the service of the notice so that it shall not project beyond or in front of the improvement line.

(2) Where any building is demolished set back or altered in compliance with a notice under this section the highway authority shall pay compensation to any owner or tenant thereof for any damage or loss sustained by him in consequence of the compliance and the amount of such compensation shall in default of

agreement be determined by arbitration in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919.

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

(a) he has an interest in land abutting on so much of the improvement line as immediately before the service of the said notice intersected or abutted on the building or land occupied in connection therewith; and

(b) the value of his said interest is enhanced by reason of the widening or improvement of the street;

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

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

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

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

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

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

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

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

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

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

PART III
—cont.

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

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

(7) Nothing in this section shall be taken to dispense with the consent of any government department to any appropriation exchange or other disposition of any land of the highway authority in any case in which the consent of that department would have been required if this Act had not been passed.

(8) In this section the expression "ratepayer" means a person who is liable to any rate in respect of property in the district in which the land is situate entered in any valuation list and includes an occupier of such property who pays rent inclusive of rates.

*D. Stopping up*Stopping up
and diversion
of highways.

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

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

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

(2) An application or order under this section—

(a) may provide for the stopping up or diversion of a highway for the purposes of all traffic or subject to the reservation of a bridle-way or footway;

(b) may be made with respect to any part of a highway;

(c) may be made with respect to two or more highways or parts of highways which are connected with each other;

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

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

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

(a) has at least twenty-eight days before the date on which the application is made been served on the local planning authority and on the local authority and parish council concerned and on the owners or reputed owners and the occupiers of all land abutting on the highway and also when the application relates to a classified road on the Minister of Transport ; and

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

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

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

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

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

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

(7) An appeal against a decision of a court of summary jurisdiction under this section may be brought to quarter sessions by any person (including the highway authority the local planning authority the local authority and the parish council) who was entitled under the last foregoing subsection to be and was or claimed to be heard on the application and for the purposes

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—cont.

of the provisions of the Summary Jurisdiction Act 1879 with respect to appeals to quarter sessions—

- (a) a refusal by a court of summary jurisdiction to make an order under this section shall be deemed to be an order ;
- (b) where more than two persons were heard or claimed to be heard in opposition to the application it shall be sufficient if a notice of appeal against a refusal to make an order upon that application is served upon any two of those persons in addition to the clerk of the court but without prejudice to the right of any of those persons to appear as respondents to the appeal ;
- (c) any appeal under this section whether against an order or against a refusal to make an order shall be in the nature of a rehearing.

(8) (a) The highway authority shall on the application of a person who is interested in any land abutting on or served by a highway consider the expediency of making an application under this section for the stopping up or diversion (as the case may be) of the highway and if they determine to make the application any expense they may incur or for which they may become liable in connection with the application (including any expenses of the Postmaster-General recoverable under paragraph (c) of subsection (3) of section 63 (For protection of Postmaster-General) of this Act and any expenses which are repaid to undertakers under paragraph (4) of section 210 (For protection of certain statutory undertakers) of this Act) shall be repaid to them by such person.

(b) Any person who repays to the highway authority under the foregoing paragraph their expenses of making an application to stop up or divert a highway shall not be liable to make any payment under the next succeeding subsection.

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

(b) Any amount due to the highway authority under the foregoing provisions of this section shall be payable either—

- (i) as a lump sum ; or
- (ii) by annual payments of such amount and continuing for such number of years as may be agreed or determined as aforesaid.

(10) Every order made under this section—

PART III
—cont.

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

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

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

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

(12) The provisions of the Highways Act 1835 relating to the stopping up and diversion of highways shall cease to apply to highways in the county (other than any highway being a trunk road or a public path within the meaning of Part IV of the National Parks and Access to the Countryside Act 1949) but subject to the foregoing provisions of this subsection the provisions of this section shall be in addition to and not in derogation of any other provisions relating to the stopping up and diversion of highways.

(13) In this section the expression "clerk of the peace" means—

(a) if the highway is situated within a borough having a separate court of quarter sessions the clerk of the peace of the court of quarter sessions held in and for that borough ; or

(b) if the highway is not so situated as aforesaid the clerk of the peace of the county.

E. Erections etc. in highways

35.—(1) The highway authority may place and keep in repair on any road fences and posts for the safety of persons using such road. Power to fence roads.

(2) The Council may contribute to the expenses incurred by the council of an urban district under this section in placing and keeping in repair fences and posts placed on so much of any road as is adjacent to any land or premises owned occupied or maintained by the Council.

(3) The powers of this section shall not be exercised so as to interfere with the existing vehicular access to land or premises from such road.

36.—(1) Where the forecourt of any premises abutting upon a street in a district is unfenced and is habitually used or is open to use by the public as part of the footway of such street the Maintenance of forecourts to which the public have access.

PART III
—cont.

local authority may by notice require the owner or occupier of the forecourt to carry out such work as may be necessary to make good any want of repair to the forecourt or to remove any source of danger to persons using the same.

(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:

Provided that—

(a) for the purposes of paragraph (c) of subsection (3) of the said section 290 if the owner or occupier of a forecourt in respect of which a notice has been served under subsection (1) of this section elects to fence the forecourt and informs the local authority of his intention to do so the effective fencing of the forecourt so as to prevent its use by the public shall be a reasonable alternative work;

(b) the local authority may remit in whole or in part as they may think fit the amount of any expenses incurred by them in executing works under subsection (6) of the said section 290.

(3) The powers of this section shall be exercisable in relation to the forecourt of any premises being premises in respect of which a justices' licence for the sale of intoxicating liquor for consumption on the premises is in force only in respect of so much of such forecourt as is used solely by persons proceeding on foot either as part of the footway or for the purpose of access to the premises.

Forecourts
injurious to
amenities
of street.

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

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

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

38.—(1) The Council and any parish council or person with the consent of the highway authority and subject to such conditions as the highway authority may impose may in proper and convenient situations in any road or roadside waste thereof provide and erect and maintain seats for the use of the public. Public seats
in roads.

(2) The Council may contribute to the expenses incurred by any parish council in exercising the powers of this section.

39.—(1) In any street in the county or on land belonging to them and abutting on any such street the Council the local authority or the parish council 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 :

Provided that the powers of this section for the erection of barriers shall not be exercisable in any district in which bye-laws under section 75 of the Public Health Act 1925 are for the time being in force.

(2) The Council the local authority or parish council 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 undertakers concerned—

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

(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.

(c) 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) A local authority or parish council shall not exercise the powers of this section without the consent of the Council in any street being a county road (not being a claimed road) or on land abutting on any such street.

PART III
—cont.

(4) 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 Council local authority or parish council (as the case may be) 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.

(5) 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 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.

(6) The Council the local authority or the parish council may enter into and carry into effect agreements with any person authorised to run public service vehicles within the county in relation to the erection maintenance and use of any shelter or other accommodation for persons intending to travel by such vehicles or any such barriers as are mentioned in paragraph (b) of subsection (1) of this section and as to the contributions to be made by any such person towards the cost of the provision and maintenance thereof.

Riverside
shelters.

40.—(1) A local authority or a parish council whose area or any part thereof abuts on the river Thames may erect and maintain shelters on any part of the riverside which is owned by them or on any street abutting on the said river or on any land owned by them in proximity thereto.

(2) The provisions of subsections (2) to (5) of the last preceding section shall apply in relation to the exercise of the powers of this section as they apply in relation to the exercise of the powers of that section.

Milk stands
in roads.

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

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

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

42.—(1) Any parish council may erect and maintain direction posts of such size and type as may be approved by the Council in or adjacent to public footpaths (not being footpaths at the side of a highway repairable by the inhabitants at large) and bridle-paths with the consent of the owner in fee simple of the land in which it is proposed to erect the same and of any person having the control or management of such land. As to direction posts relating to rights of way.

(2) The Council may contribute to the expenses incurred by any parish council in exercising the powers of this section.

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

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

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

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

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

PART III
—cont.

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

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

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

“appropriate authority” means a court of summary jurisdiction except that in relation to a building mentioned in the first column of the following table it means the Minister specified in relation thereto in the second column of that table:—

1.	2.
Building forming part of an aerodrome licensed pursuant to an order made under the Civil Aviation Act 1949 or any enactment repealed by that Act.	The Minister of Civil Aviation.
Building which— (i) is subject to a building preservation order made under section 29 of the Act of 1947; or (ii) is included in a list of buildings of special architectural or historic interest compiled or approved under section 30 of the last-mentioned Act; or (iii) is alleged by the owner thereof to be a building of special architectural or historic interest.	The Minister.
Building owned by a highway authority or railway canal dock or inland navigation undertakers.	The Minister of Transport.
Building owned by electricity or gas undertakers.	The Minister of Fuel and Power.
Building owned by statutory water undertakers.	The Minister.

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

“owner” means—

(a) in relation to a building occupied under a tenancy for a term of years whereof five years or

more remain unexpired and not forming part of such an aerodrome as aforesaid the occupier of the building ;

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

(c) in relation to any other building the person who is receiving the rack-rent or who would receive the rack-rent if the building were let at a rack-rent;

and the expression " owned " shall be construed accordingly.

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

44.—(1) No part of any awning over the footway of a street in the county being a highway repairable by the inhabitants at large shall project over any part of the footway which is less than two feet from the outer edge of the footway. Awnings over footways.

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

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

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

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

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

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

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

PART III
—cont.

- (b) as respects any county road (not being a claimed road) without the consent of the Council ;
- (c) as respects 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 so as to obstruct or interfere with the access to or exit from any such station dock wharf or depot without the consent of those undertakers ;
- (d) so as to deprive foot-passengers bona fide going to or from any building or land abutting on the street of reasonable access to the building or land.

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

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

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

46.—(1) The owner or occupier of any premises situated under or abutting on a pavement forming part of a street in the county may with the consent of the highway authority provide means for the admission of light or air to the premises through the pavement.

(2) In giving their consent under this section the highway authority may attach thereto such terms and conditions as they think fit and such terms and conditions shall be binding on successive owners and occupiers of the premises and shall be treated as a local land charge for the purposes of the Land Charges Act 1925.

(3) Before giving their consent under this section the highway authority shall notify any statutory undertakers whom they reasonably believe to have apparatus in or under the pavement.

(4) Anything done before the passing of this Act which would have been lawfully done under this section if done after the passing thereof is hereby ratified.

F. Protection of highways

47.—(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 materials 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—

PART III
—cont.

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

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

(3) Any person aggrieved by the refusal of the local authority to approve any plans sections and 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 local authority or where the local authority are not the highway authority the highway authority may by notice to the owner or occupier require him to execute such work as may be necessary to prevent it being liable as aforesaid and the provisions of section 290 of the Act of 1936 shall apply in relation to such a notice as they apply in relation to the notices mentioned in subsection (1) of that section.

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

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

Means of
access to
buildings.

PART III
—cont.

inhabitants at large or has been laid out and constructed in accordance with street byelaws.

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

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

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

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

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

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

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

49.—(1) Where in any highway repairable by the inhabitants at large any danger or obstruction is caused or is likely to be caused to persons or vehicles using such highway by reason of the erection thereon or thereover of any hoarding or scaffolding or the deposit thereon or therein of any material or of the presence thereon or therein of any defective gully grid grating manhole or other cover step area grate or other fitting or structure of whatsoever character or description (all of which are in this section included in the expression “defective fitting or structure”) the surveyor to the highway authority may cause proper boards or fences to be put up for the protection of persons or vehicles and may cause such hoarding or scaffolding or such boards or fences to be lighted during the hours of darkness.

(2) Any expenses reasonably incurred by the highway authority in erecting or removing any such board or fence or in lighting any such hoarding scaffolding board or fence shall be recoverable from the owner of such hoarding scaffolding or material or of the defective fitting or structure or from the person

or persons responsible for the erection of the hoarding or structure or for the deposit of the material on over or in the highway or for the condition of the defective fitting or structure.

PART III
—cont.

(3) The provisions of this section shall not apply in cases where there is a duty to secure the observance of the requirements of paragraphs (a) to (e) of subsection (1) of section 8 of the Act of 1950.

G. Private streets

50.—(1) The Council as respects a rural district and elsewhere the local authority may in any street not being a highway repairable by the inhabitants at large execute such repairs as are in their opinion urgently required to prevent or remove danger to persons or vehicles using the street and may themselves pay the cost of the repairs out of the county or general rate fund:

Urgent repairs
of private
streets.

Provided that the cost of the repairs executed in any street in any period of three consecutive years under this section shall not exceed forty pounds for each one hundred yards of the length of the street.

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

51.—(1) If—

- (a) any owner of land fronting adjoining or abutting on a private street in the county transfers the part or any portion of the part of that land which fronts adjoins or abuts on that street ; and
- (b) any expenses of private street works or of repairs under section 19 of the Public Health Acts Amendment Act 1907 in or in relation to that street are apportioned on that part or portion of the land ; and
- (c) the highway authority are unable to recover those expenses in whole or in part from the person to whom that part or portion of the land was transferred or by the sale thereof ; and
- (d) a court of summary jurisdiction is satisfied that the transfer was intended for the purpose of evading the payment of any expenses of private street works or of repairs under section 19 of the Public Health Acts Amendment Act 1907 ;

Evasion by
owners of
private street
works
expenses.

then the expenses so apportioned or so much thereof as has not been recovered by the highway authority may to such extent as

PART III
—cont.

the court may determine be recovered from the owner in the same manner as expenses of private street works or of repairs under section 19 of the Public Health Acts Amendment Act 1907 may be recovered as though he had not made the transfer.

(2) In this section “transfer” includes any disposal of land whether by way of sale lease exchange gift or otherwise and “transfers” and “transferred” shall be construed accordingly.

Carriage-
crossings at
ends of private
streets.

52.—(1) Where the termination of a new street not being a highway repairable by the inhabitants at large abuts on any highway so repairable and the use of such street involves passage across or interference with any part of such highway the highway authority may require the person by whom such street has been or is being laid out or constructed to construct across such part of the highway a carriage-crossing of such materials and in such manner as they may prescribe.

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

(3) If the highway authority require the construction of any carriage-crossing across any part of a highway repairable by the inhabitants at large they may but no other person shall execute such works as may be necessary to secure compliance with such requirement and recover the expenses of so doing from the person by whom such street has been or is being laid out or constructed.

(4) Nothing in this section shall impose on the person by whom such street has been or is being laid out or constructed any obligation to maintain any crossing constructed in pursuance of a requirement under this section.

(5) Nothing in this section shall extend or apply to any such new street as aforesaid in any case where a certificate of the surveyor of the highway authority made before or after the passing of this Act certifies that such street had before the passing of this Act been completed in accordance with plans and specifications approved and required by the highway authority as a condition of declaring the street to be a highway repairable by the inhabitants at large but had not before the passing of this Act been taken over by the highway authority.

Application of
Act of 1892
to parts of
public streets.

53.—(1) Where in any district the Private Street Works Act 1892 is applicable and it appears to the private streets authority that a new street has been formed by reason of additions made to an existing footpath bridle-path or other right of way repairable by the inhabitants at large (not being or comprising a carriageway) otherwise than by the giving up for the purpose by such private streets authority of lands owned by them the private streets authority may notwithstanding anything in the said Act

of 1892 carry out private street works in respect of such street or any part of such street and apportion the expenses thereof on the premises fronting adjoining or abutting on such street or such part thereof as if no part of the said street was so repairable.

(2) Notwithstanding anything in the said Act of 1892 the private streets authority may in any district where that Act is applicable carry out private street works throughout the width of a street notwithstanding that part of the width consists of a highway repairable by the inhabitants at large but save in a case falling within the provisions of subsection (1) of this section the private streets authority shall be entitled to apportion against the premises liable to be charged therewith only such part of the expenses as relates to the portion of the street which is not so repairable.

(3) For the purposes of any apportionment under subsection (2) of this section premises fronting adjoining or abutting on a street shall be deemed to front adjoin or abut on the portion of the street which is not repairable by the inhabitants at large.

(4) In this section—

“private street works” means works executed under the said Act of 1892;

“private streets authority” means the Council and any local authority entitled to exercise the powers of the said Act of 1892.

54. The power of a highway authority under section 15 of the Private Street Works Act 1892 to contribute the whole or a portion of the expenses incurred by them in executing private street works with respect to any street or part of a street shall be extended so as to cover also the contribution of the whole or any portion of the amount which would otherwise be apportioned and charged under that Act in respect of the said expenses against any premises of which only a flank fronts adjoins or abuts on such street or part of a street and the amount which would otherwise so be apportioned and charged against any such premises shall be reduced by the amount of the contribution made by the highway authority under this section in respect of such premises.

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

H. Footpaths

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

Crossings over footways.

PART III
—cont.

authority may by notice to the owner or occupier as the case may be either—

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

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

(3) If the highway authority make any requirement under paragraph (a) or paragraph (b) of subsection (1) of this section they may but no other person shall execute such works as may be necessary to secure compliance with that requirement and may recover the expenses of so doing from the owner or occupier.

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

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

(6) Section 18 of the Public Health Acts Amendment Act 1907 shall if in force in a district cease to be in force therein and if not in force in a district shall not be declared to be in force therein and the following provisions of this subsection shall have effect in lieu thereof as respects streets in such district which are repairable by the inhabitants at large:—

- (a) Any person desiring to form a carriage-crossing across a grass verge or footway in any such street or to strengthen or adapt a part of any such footway as a carriage-crossing shall apply in writing to the highway authority giving particulars of the work proposed ;
- (b) The highway authority may approve the work proposed either with or without modifications or propose alternative work or reject the application ;
- (c) The highway authority shall give the applicant notice of their decision under the foregoing paragraph and if

they approve the work proposed or propose alternative work shall furnish him with an estimate of the cost of the work as approved or proposed by them ;

(d) The applicant may deposit with the highway authority the amount of the said estimate and require them to execute the work as approved or proposed by them but shall not himself execute any such work ;

(e) As soon as practicable after such a deposit has been made the highway authority shall execute the work as approved or proposed by them and any difference between the sum deposited and the actual cost of the work shall be paid to or by the highway authority by or to the applicant as the case may require.

56.—(1) The owner of every house fronting adjoining or abutting on a highway which is not repairable by the inhabitants at large shall maintain the footpath on the frontage of such house and the approach to such house from the highway (exclusive of so much of such footpath or approach as passes through the garden of or through any land within the curtilage of such house) in accordance with the reasonable requirements of the Council as respects rural districts and elsewhere the local authority. Maintenance of footpaths etc.

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

(3) Any person who contravenes the provisions of this section after the expiration of a period of twenty-eight days (or such longer period as may be allowed by the Council or the local authority) from the receipt of notice from the Council or the local authority shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(4) Nothing in this section shall be deemed to relieve a highway authority of their obligations under the National Parks and Access to the Countryside Act 1949 to repair public paths (as defined in Part IV of the said Act of 1949).

I. Miscellaneous

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

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

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

PART III
—cont.Summary
recovery of
damages for
negligence.

58. Any compensation recoverable by the Council or any local authority or highway authority or a joint board or committee of local authorities or a parish council 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 one hundred pounds be recoverable summarily as a civil debt.

Exercise by
Council of
powers with
respect to
county roads.

59.—(1) The Council shall with respect to county roads (not being claimed roads) and roads constructed by the Council or by some person under agreement with them which when completed are intended to become county roads have the functions of an urban district council or a local authority under the enactments mentioned in this section and those enactments shall apply accordingly.

(2) The enactments referred to in this section are as follows:—

The Towns Improvement Clauses Act 1847 (as incorporated with the Public Health Act 1875)—

- Section 68 (Houses projecting beyond line of street when taken down to be set back);
- Section 69 (Future projections of houses etc. to be removed on notice);
- Section 70 (Commissioners may cause existing projections to be removed and compensation to be made);
- Section 71 (Doors in future to be made to open inwards);
- Section 72 (Doors opening outwards may be altered by commissioners);
- Section 73 (Coverings for cellar doors to be made by occupier);
- Section 74 (Waterspouts to be affixed to houses or buildings);
- Section 75 (Ruinous or dangerous buildings to be taken down or secured by owners etc.);
- Section 76 (The expenses to be levied by distress on the owner);
- Section 77 (If owner cannot be found commissioners may take the house or ground making compensation provided by 8 & 9 Vict. c. 18);

Section 78 (Commissioners may sell the materials restoring to the owner overplus arising from the sale);

PART III
—cont.

Section 81 (Penalty for not lighting deposits of building materials or excavations);

Section 82 (Penalty for continuing deposits of building materials or excavations an unreasonable time);

Section 83 (Dangerous places to be repaired or inclosed):

The Town Police Clauses Act 1847 (as incorporated with the Public Health Act 1875)—

Section 28 (Penalty on persons committing any of the offences herein named) so far as it relates to the following offences:—

Every person who places or leaves any furniture goods wares or merchandise or any cask tub basket pail or bucket or places or uses any standing place stool bench stall or show-board on any footway or who places any blind shade covering awning or other projection over or along any such footway unless such blind shade covering awning or other projection is eight feet in height at least in every part thereof from the ground;

Every person who places hangs up or otherwise exposes to sale any goods wares merchandise matter or thing whatsoever so that the same project into or over any footway or beyond the line of any house shop or building at which the same are so exposed so as to obstruct or incommode the passage of any person over or along such footway:

The Public Health Acts Amendment Act 1890—

Section 35 (As to repair of cellars under streets):

The Public Health Acts Amendment Act 1907—

Section 30 (Dangerous places to be repaired or enclosed);

Section 31 (Fencing lands adjoining streets):

The Public Health Act 1925—

Section 24 (Projections against or in front of houses or buildings).

PART III
—cont.

(3) The Council shall not in the exercise of the powers of this section perform or discharge any of the functions under the enactments mentioned in this section in any district in which such enactments are for the time being in force except at the request of and by agreement with the local authority of such district and during the continuance of such agreement such functions shall cease to be exercisable by such local authority in relation to the road to which the agreement applies:

Provided that nothing in this subsection shall prevent the Council from exercising any powers conferred on them by any other enactment.

(4) Any agreement made under the provisions of this section may relate to any one or more roads in a district.

(5) The functions conferred on the Council under the enactments referred to in this section shall not be exercised with respect to or so as to affect any advertisement. For the purpose of this section "advertisement" has the same meaning as in section 119 of the Act of 1947.

Defacing of
road surface
etc.

60.—(1) No person (except in the execution of some act which he has lawful authority to perform) shall—

(a) deface the surface of a highway or any wall adjoining a highway or any fence post or any traffic sign erected or placed under section 48 of the Road Traffic Act 1930 or any other structure or erection on or adjoining a highway by inscribing or painting thereon any letter sign device or other mark;

(b) remove obliterate deface or obscure any such traffic sign.

(2) Any person offending against this section shall be liable to a penalty not exceeding forty shillings.

(3) The highway authority may themselves cleanse and reinstate the surface of the highway and any such wall and may remove any such letter sign device or other mark and may recover the cost thereof from the person offending.

(4) Nothing in this section shall affect any right of any persons authorised by any enactment to open or break up any street or road or any land for the purpose of laying making altering repairing or renewing any main pipe sluice weir sewer electric line duct substation transformer station street-box drain tramway or trolley vehicle equipment or other apparatus.

Decorations
in streets.

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

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

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

62.—(1) The highway authority may without being required to obtain any such approval as is mentioned in section 263 of the Act of 1936 for the purpose of carrying away water from the surface of the highway wholly or partially fill up any watercourse or ditch adjoining the highway and substitute therefor a pipe drain or culvert with all necessary gullies and other means of conveying surface water into and through it upon giving to the owner or occupier thereof twenty-eight days' notice of their intention and upon paying the owner or occupier for the damages which he shall sustain thereby the amount of such damages to be settled in default of agreement in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919: Piping etc.
of roadside
ditches.

Provided that—

- (a) the highway authority shall make reasonable provision for the reception into any such pipe drain or culvert of any water other than foul water which at the time of the exercise of the powers of this subsection drained from the adjoining land into the said watercourse or ditch ;
- (b) the powers of this subsection shall not be exercised in relation to any watercourse or ditch which forms part of the river Thames and the watercourses which are respectively to be treated as and deemed to be the main river and parts thereof and are shown by distinctive colours on the map of the river Thames (above Teddington Lock) catchment area prepared in pursuance of section 5 of the Land Drainage Act 1930 and for the time being in force without the consent in writing of the conservators of the river Thames which consent may be given subject to such reasonable terms and conditions as the said conservators may think fit but such consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld or whether any such terms and conditions are or are not reasonable shall be determined by the Minister of Agriculture and Fisheries.

PART III
—cont.

(2) All pipes laid by the highway authority under the powers of the foregoing subsection shall remain the property of the highway authority and shall be maintained by them and the highway authority shall indemnify any owner or occupier in respect of any claim against such owner or occupier arising from the existence on the land belonging to or occupied by him (as the case may be) of any pipe laid under the powers of the said subsection.

(3) (a) Where the owner or occupier of any land adjoining the highway in a rural district in the county desires to lay a pipe in any ditch which adjoins and carries away water from the surface of the highway he shall give notice of his intention to the Council.

(b) Within twenty-one days of the receipt of such notice the Council may by notice specify the diameter of the pipe to be used by the owner and may impose such conditions as they think necessary to secure the adequate drainage of surface water from the highway.

(c) If the owner shall lay a pipe without giving the notice required by paragraph (a) of this subsection or shall lay a pipe of a diameter other than that specified or fail to comply with conditions imposed by the Council the Council may by notice require the removal of the pipe or the taking of such measures as may be necessary to comply with the conditions imposed by the Council.

(d) The provisions of subsection (3) of section 263 of the Act of 1936 shall apply to any notice given to the Council under this subsection as if such notice were plans and sections submitted to a local authority under the said section 263.

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

(4) This section shall not apply to a ditch vested in a highway authority.

(5) The powers of subsection (1) of this section shall not be exercised without the consent of the commission in relation to any ditch vested in the commission and used by them for the purpose of their railway or canal undertaking and subsection (3) of this section shall not apply to any such ditch.

For protection
of Postmaster-
General.

63.—(1) Where pursuant to section 33 (Adjustment of boundaries of streets) of this Act the highway authority enter into an agreement with a person having a legal interest in land adjoining any street for the conveyance to that person of the site of any part of the street and immediately before the date

on which the site ceases to be part of the street there was under in upon over along or across such site any telegraphic line belonging to or used by the Postmaster-General the Postmaster-General shall continue to have the same powers in respect of that line as if such site had remained part of the street but nothing in Part I of the Act of 1950 shall have effect in relation to those powers:

PART III
—cont.

Provided that if any person in whom such site is vested desires that such telegraphic line should be altered paragraphs (1) to (8) of section 7 of the Telegraph Act 1878 shall apply to the alteration and accordingly shall have effect subject to any necessary modifications as if references therein to undertakers included references to the said person desiring the alteration.

(2) As between the highway authority and the Postmaster-General nothing in the foregoing subsection shall affect the operation of Part II of the Act of 1950 or the rights of the Postmaster-General and the highway authority thereunder.

(3) Where any highway or portion of a highway is stopped up in pursuance of an order made under section 34 (Stopping up and diversion of highways) of this Act the following provisions shall unless otherwise agreed in writing between the highway authority and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such highway or portion of a highway at the time of such stopping up:—

- (a) The power of the Postmaster-General to remove the line shall be exercisable notwithstanding the stopping up of the highway or portion of the highway so however that the said power shall not be exercisable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in subsection (4) of this section unless before the expiration of that period the Postmaster-General has given notice to the highway authority of his intention to remove the line or that part thereof as the case may be;
- (b) The Postmaster-General may by notice to the highway authority in that behalf abandon the said line or any part thereof and shall be deemed as respects the line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;
- (c) The Postmaster-General shall be entitled to recover from the highway authority the expense of providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in conse-

PART III
—cont.

quence of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster-General may require ;

(d) Where under paragraph (b) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the highway authority and the provisions of the Telegraph Acts 1863 to 1951 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

(4) As soon as the whole or any portion of any highway has been stopped up the highway authority shall send by post to the Postmaster-General a notice informing him of such stopping up and the period of three months mentioned in subsection (3) of this section shall commence to run from the date on which such notice is sent.

(5) In this section the expressions “alter” “alteration” and “telegraphic line” have the same meanings as in the Telegraph Act 1878.

PART IV

OPEN SPACES CAMPS AND PLEASURE GROUNDS

Interpretation
of Part IV.

64. In this Part of this Act unless the context otherwise requires—

“camping ground” means any area of land on which movable dwellings are situated or which is provided for the placing of movable dwellings ;

“movable dwelling” includes—

(a) any tent ;

(b) any structure capable of being moved from place to place ; and

(c) any van cart carriage truck tramcar railway-carriage motor car caravan trailer omnibus or other vehicle ;

used or intended to be used for the purpose of human habitation (whether temporarily or otherwise) but does not include—

(i) any tent structure or vehicle temporarily used by shepherds labourers or other persons for farming agricultural or other like purposes or in connection with building operations ;

(ii) any tent structure or vehicle temporarily used for the service of the Council or of any local authority or other public authority ;

(iii) any canal boat or any other boat ;

(iv) any shelter provided for the treatment of tuberculosis or used in connection with an open-air school ;

(v) any vehicle used by the commission in connection with the maintenance and repair of their undertaking ; or

(vi) any van or similar vehicle belonging to any statutory undertakers and any trailers drawn by such van if and so long as the van and trailers are used by those undertakers for the purposes of their undertaking ;

“ occupier ” in relation to a movable dwelling shall be deemed to include an owner ;

“ open space ” has the same meaning as in the Open Spaces Act 1906.

PART IV
—cont.

A. Parks and open spaces

65. The Council may contribute towards the expenses incurred by a parish council or joint board or committee of any local authorities or any trustees or public bodies in connection with the acquisition laying out and maintenance of land as and for any open space for public use and recreation.

Power for
Council to
contribute to
open spaces.

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

Power to let
parks etc. for
games.

(a) any portion of the part set apart as aforesaid ; and

(b) the whole or any part of any pavilion convenience refreshment room or other building provided under that section ;

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

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

(i) more than one-third of the area of any park or pleasure ground ; or

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

PART IV
—cont.

Boating pools.

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

(2) A local authority or a parish council 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.

(3) A local authority or a parish council 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) (a) If section 44 of the Public Health Acts Amendment Act 1890 is in force in a district the powers of the local authority or a parish council under subsection (2) of that section 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.

(b) If the said section 44 is not in force in a district the local authority may either themselves provide and let for hire or may license any person to let for hire any pleasure boats on a boating pool provided under this section and may make byelaws for regulating the numbering and naming of such boats the number of persons to be carried therein the boathouses and mooring places for the same and for fixing rates of hire and the qualifications of boatmen and for securing their good and orderly conduct while in charge of any boat.

Parking places
in parks etc.

68.—(1) For the purpose of providing a parking place under section 68 of the Public Health Act 1925 a local authority may notwithstanding anything in any enactment to the contrary utilise any part of a park pleasure ground or open space provided by them or under their management and control or of any pleasure or recreation ground or open space provided by a parish council:

Provided that—

(a) the powers of this section shall not be exercised without the consent of the Minister and where it is proposed to utilise any part of a pleasure or recreation ground or open space provided by a parish council without the consent of that parish council;

(b) the part of any park pleasure or recreation 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" does not include a consecrated burial ground in which interments have taken place.

B. Movable dwellings camping grounds and fairs

69.—(1) Where it appears to a local authority—

(a) that the amenities of any part of their district are prejudicially affected by the presence of or conditions arising from any movable dwelling or movable dwellings in their district; or

(b) that annoyance is caused to the residents in or visitors to any part of their district by reason of the noisy indecent or other offensive conduct of the occupiers of or persons frequenting any movable dwelling or movable dwellings in their district;

Court may prohibit movable dwellings in certain areas.

the local authority may make complaint to a court of summary jurisdiction and the court may by order—

(i) require the removal by the occupier or occupiers thereof within such period as may be prescribed by the order of the movable dwelling or of all or any particular one or more of the movable dwellings to which the complaint relates; and

(ii) prohibit any movable dwelling being placed on or limit the number or define the class of movable dwellings to be at any one time situate within the whole or some part of an area to be specified in the order.

(2) Any person aggrieved by any order made by a court of summary jurisdiction under subsection (1) of this section may appeal to the next practicable court of quarter sessions holden in or for the county.

(3) An order made by a court of summary jurisdiction under subsection (1) of this section prohibiting any movable dwelling being placed or limiting the number or defining the class of movable dwellings shall take effect as from the expiration of fourteen days from the first publication of the terms of the order in the local newspaper under subsection (4) of this section and the area specified in such order shall not extend beyond the distance of two hundred yards from the movable dwelling or all of the movable dwellings to which the complaint related and no limitation or definition in such an order shall operate so as to prevent the retention on the area specified in the order of any movable dwelling not being a movable dwelling to which the complaint related.

PART IV
—cont.

(4) As soon as practicable after the making of an order under subsection (1) of this section prohibiting any movable dwelling being placed or limiting the number or defining the class of movable dwellings the terms of the order shall be published by the local authority or local authorities of the district or districts within which the area specified in the order is situate in one or more local newspapers circulating in their district or districts and by placards posted in conspicuous positions in or near to some part of that area and such placards shall be left so posted so long as the order is in force.

(5) (a) Any occupier of a movable dwelling who fails to comply with any order of the court made under subsection (1) of this section requiring the removal of a movable dwelling within the period prescribed by the order shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds and the local authority on whose complaint the order was made may themselves at any time after the expiration of the said period enter on the land and remove the movable dwelling and recover the expense of so doing from the occupier or occupiers.

(b) Any person who places or retains any movable dwelling in contravention of any order of the court made under subsection (1) of this section prohibiting any movable dwelling being placed or limiting the number or defining the class of movable dwellings shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds and the local authority on whose complaint the order was made may themselves enter on the land and remove the movable dwelling in respect of which the offence has been committed and recover the expense of so doing from the person guilty of the offence.

(6) (a) Where a court of summary jurisdiction has made an order under subsection (1) of this section prohibiting any movable dwelling being placed or limiting the number or defining the class of movable dwellings an application for the rescission of the order may be made to the court—

- (i) at any time by the local authority on whose complaint the order was made ; or
- (ii) at any date not being less than three years from the date on which the order was made by any person deeming himself aggrieved by it provided he gives to the local authority not less than fourteen days' notice of his intended application ;

and the court may on the hearing of any such application rescind the order.

(b) If the court rescinds the order notice of the rescission of the order shall as soon as practicable be published by the local

authority or local authorities of the district or districts within which the area to which the order related is situate in one or more local newspapers circulating in their district or districts and the local authority or local authorities shall forthwith take down and remove all placards previously posted by them in or near to that area in pursuance of subsection (4) of this section.

(7) An order made under this section shall not operate so as to prohibit any development or require the discontinuance of any use for which planning permission under Part III of the Act of 1947 has already been granted otherwise than by a development order but without prejudice to the power of the court by order to require the removal of any particular one or more movable dwellings with respect to which the local authority have complained on any of the grounds mentioned under paragraph (b) of subsection (1) of this section.

70.—(1) A local authority for the purpose of securing the amenities of their district in relation to the use of camping grounds and movable dwellings situate thereon may make byelaws with respect to any camping grounds within their district whether provided by the local authority or not—

- (a) for preventing the amenities of their district being prejudicially affected by the state or condition of any such camping ground ;
- (b) for securing the good and orderly conduct of persons frequenting any such camping ground and of the occupiers of the movable dwellings situate thereon ;
- (c) for preventing annoyance to the residents in or visitors to their district by the conduct of the occupiers of or persons frequenting movable dwellings situate on any such camping ground.

(2) (a) A copy of any byelaws made by a local authority under this section shall be appended to any licence granted by them under section 269 of the Act of 1936.

(b) A local authority in granting any licence under the said section 269 shall not attach any condition which is inconsistent with any byelaws made by them under this section.

71. The last two preceding sections of this Act shall not apply to—

- (a) any movable dwelling or camping ground provided by or belonging to or used by any duly constituted religious or charitable society ;
- (b) any movable dwelling or camping ground provided by or belonging to or used by any association incorporated by royal charter or any organisation constituted by any such last-mentioned association in pursuance of their charter ;

Saving from
last two pre-
ceding sections.

PART IV
—cont.

- (c) any camping ground provided by or belonging to or used by members of any other duly constituted society or body operating throughout Great Britain which by their rules undertake for the management of the camping grounds provided by or belonging to them and used by their members and for the good conduct of their members when in camp ;
- (d) any movable dwelling situate on any such camping ground as is referred to in the foregoing paragraph (c) while the dwelling is occupied or used by the members of any society or body referred to in that paragraph ;
- (e) any movable dwelling which is used by a member of any duly constituted society or organisation which by their rules undertake the responsibility for the good conduct of their members when in camp and for their proper use of movable dwellings ; or
- (f) any movable dwelling which belongs to a person who is the proprietor of a travelling circus roundabout amusement fair stall or store (not being a pedlar hawker or costermonger) and which is regularly used by him in the course of travelling for the purpose of his business :

Provided that—

- (i) the exemptions conferred by the foregoing paragraphs (a) and (b) in respect of any movable dwelling or camping ground referred to in those paragraphs shall apply only for so long as the society association or organisation by or to which such movable dwelling or camping ground is provided or belongs or is used shall continue to make and enforce reasonable arrangements for the maintenance of good order amongst the persons using the movable dwelling and for the proper management of the camping ground ;
- (ii) the exemptions conferred by the foregoing paragraphs (c) and (d) in respect of any camping ground or movable dwelling referred to in those paragraphs shall only apply so long as the society or body by or to which such camping ground is provided or belongs or is used or by the members of which such movable dwelling is occupied or used are duly exercising responsibility for the management of the camping ground and for the good conduct of their members when in camp thereon ;
- (iii) the exemption conferred by the foregoing paragraph (e) in respect of a movable dwelling used by a member of a society or organisation shall apply only so long as that society or organisation continues to enforce good conduct among its members and their proper use of movable dwellings ;

- (iv) the exemption conferred by the foregoing paragraph (f) on any person referred to in that paragraph shall apply only so long as such person is not guilty of any misconduct ; and
- (v) if any society association or organisation referred to in the said paragraphs (a) and (b) are using any camping ground provided by a local authority or if any person being a member of any such society association or organisation or a person referred to in the said paragraph (f) is occupying or using a movable dwelling situate on any camping ground so provided the members of such society association or organisation or such person shall while camping on or occupying or using any movable dwelling situate on that camping ground comply with any byelaws made by the local authority under this Part of this Act respecting that camping ground.

72.—(1) A local authority may subject to the approval of the Minister by agreement purchase or take on lease land within their district and use the same or any other land for the time being belonging to them for the purpose of providing camping grounds for any or for any particular class or number of movable dwellings as may be prescribed from time to time by the local authority.

Provision
of camping
grounds by
local
authorities.

(2) A local authority may provide such buildings equipment and services and may execute such works as may be necessary or expedient in connection with the provision of a camping ground under this section.

(3) The local authority before applying for the approval of the Minister of the purchase taking on lease or use by them of any land under this section shall give notice of their proposal to every owner of land contiguous to the land proposed to be purchased taken on lease or used by them and also by advertisement in a local newspaper circulating in their district and in such other manner (if any) as the Minister may direct.

The said notice shall state the matters mentioned in paragraph (d) of subsection (4) of this section and a date (not being less than twenty-one days from the date of the notice) by which and the manner in which any person aggrieved by the proposal may make representations thereon to the Minister and shall require that any such person shall at the same time send a copy of his representations to the clerk of the local authority.

(4) Before signifying approval of the purchase taking on lease or use by a local authority of any land under this section the Minister shall consider any representations on the proposal of

PART IV
—cont.

the local authority which may be duly made with respect to any relevant circumstances and particularly as to—

- (a) the general interests of the public and the neighbourhood in relation to such proposal including the effect of the provisions of the proposed camping ground on the amenities of surrounding properties ;
- (b) the ability of the occupiers of movable dwellings to comply with any byelaws respecting the use of camping grounds made by the local authority under this Part of this Act ;
- (c) the distance between and area of camping grounds in the neighbourhood whether provided by the local authority under this section or not ; and
- (d) the area and situation of the proposed camping ground and the arrangements for providing a supply of water sanitation and other services with respect thereto ;

and may subject to the provisions of this section signify approval of the said proposal with or without modifications or may withhold such approval.

(5) Before signifying such approval the Minister may and if any representation is duly made and is not withdrawn shall (unless the representation appears to him to be frivolous) direct a local inquiry to be held and subject to the provisions of the next succeeding subsection the provisions of subsections (2) to (5) of section 290 of the Act of 1933 shall apply accordingly.

(6) The local authority shall give at least fourteen days' notice of the intention to hold such inquiry by advertisement in a local newspaper circulating in their district and shall also give similar notice in writing to every person who has duly made any representation and has not withdrawn the same.

(7) Where a local authority have provided under this section a camping ground they may permit the occupier of any movable dwelling to encamp upon that camping ground on payment of such fee as may be prescribed by the local authority.

C. *Miscellaneous*Provision of
bins for litter.

73.—(1) The Council or a parish council may provide and place and maintain on any road or roadside waste adjacent thereto or on any open space park or recreation ground belonging to or maintained by the Council or parish council and on any other land within the county to which the public have access bins or other receptacles for the reception or deposit of litter and may from time to time empty and cleanse any such bins or receptacles :

Provided that the powers of this section shall not be exercised—

PART IV
—cont.

(a) as respects a road without the consent of the highway authority ;

(b) as respects an open space park or recreation ground without the consent of the Council local authority or parish council to whom the open space park or recreation ground belongs or by whom it is maintained ;

(c) as respects other land to which the public have access without the consent of the owner thereof.

(2) The Council may contribute to the expenses incurred by a parish council in exercising the powers of this section and to those of a local authority exercising the powers of section 76 of the Act of 1936 :

Provided that no contribution shall be made by the Council to the expenses incurred by the council of an urban district in exercising the powers of the said section 76 except in relation to the provision of receptacles for refuse in streets repairable by the Council and public places other than public places vested in the council of an urban district.

PART V

PUBLIC ENTERTAINMENT AND PUBLIC ORDER

74.—(1) As from the commencement of this section a place in a district or part of a district in which this section is in force shall not be kept or used for the purposes of public dancing singing music or other public entertainment of the like kind (all or any part of which are in this section referred to as “entertainment purposes”) without a licence from the Council under this section (in this section referred to as “a licence”).

Music and
dancing
licences.

(2) The Council may grant licences to such persons as they think fit to keep or use places specified in the licence for entertainment purposes on such terms and conditions and subject to such restrictions as they by the licence prescribe and may renew such licences.

(3) In this section “entertainment purposes” shall not include the keeping of or the use of any place for the purposes of a travelling fair or circus.

(4) A licence granted under this section unless cancelled or revoked as hereinafter provided shall be in force for such period not exceeding twelve months as the Council on the issue of the licence shall determine :

Provided that the Council may if they think fit grant a licence (in this section referred to as an “occasional licence”) for the use of any place for entertainment purposes on such particular occasions only as may be specified in the licence.

PART V
—cont.

(5) The Council may transfer any licence granted under this section to such person as they think fit.

(6) (a) An applicant for the grant or transfer of a licence under this section shall give not less than twenty-eight days' notice of his intention to make such application to the Council and to the superintendent of police of the police division in which the place is situate and the applicant shall also furnish such particulars and give such other notices as the Council may prescribe.

(b) An applicant for the renewal of a licence or for the grant or renewal of an occasional licence shall give to the Council not less than fourteen days' notice of his intention to make such application.

(7) A person when making application under this section shall pay to the Council such fee as the Council may fix not exceeding—

	£	s.	d.
(a) in respect of an application for the grant or renewal of a licence (other than an occasional licence) for any period not less than one year	1	0	0
(b) in respect of an application for the grant or renewal of a licence for any period less than one year five shillings for every month or part thereof so however that the aggregate of the fees payable in any one year in respect of the same premises shall not exceed	1	0	0
(c) in respect of an application for the grant or renewal of an occasional licence		5	0
(d) in respect of an application for the transfer of a licence		5	0

and the fees paid on any application for the grant renewal or transfer of a licence may be retained by the Council whether such licence is or is not granted renewed or transferred:

Provided that fees shall not be payable by any applicant for the grant renewal or transfer of any licence—

- (i) for the purposes of an entertainment which in the opinion of the Council has been organised or arranged for a charitable or similar object;
- (ii) in the case of premises vested in a parish council; or
- (iii) in respect of such particular premises or class or classes of premises as may from time to time be prescribed by the Council.

(8) Any place licensed under this section for entertainment purposes may be open for those purposes after the hour stated in the licence—

(a) with the written permission of the Council ; or

(b) on any special occasion when a special order of exemption shall have been granted under section 57 of the Licensing (Consolidation) Act 1910 in respect of that place ;

until the hour specified in such permission or special order (as the case may be) as the hour for closing.

(9) On and after the first day of April nineteen hundred and fifty-four Part IV of the Public Health Acts Amendment Act 1890 shall cease to be in force in any part of the county where that Part was in force immediately before the first day of April nineteen hundred and fifty-four and thereafter shall not be adopted by the local authority of any district or be declared to be in force therein.

(10) Nothing in this section shall affect the validity of any licence granted in respect of any place within any district under the said Part IV of the Public Health Acts Amendment Act 1890 and any such licence shall have effect as if it had been duly granted under this Act and shall subject to the provisions of this Act continue in force until the expiration of the period for which it was granted.

(11) Nothing in this section shall prejudice or affect the provisions of section 7 of the Cinematograph Act 1952.

75.—(1) As from the commencement of this section in any district or part thereof the provisions of this Part of this Act with respect to places kept or used for entertainment purposes shall in their application to the district or part thereof extend to any place kept or used for any boxing or wrestling entertainment as though any such entertainment were of the like kind with public dancing and music.

(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.

PART V
—cont.

Provisions
applicable to
last two pre-
ceding sections
of Act.

76.—(1) (a) The provisions of the last two preceding sections shall come into force in an urban district on the first day of April nineteen hundred and fifty-four.

(b) The Council on such date as they may fix not being earlier than the said first day of April shall bring the said two sections or either of them into force in a rural district or part thereof on being required to do so by the council of the rural district concerned and notwithstanding that they are not so required may bring the said two sections or either of them into force if after consultation with the said council they are satisfied that it is expedient so to do.

(c) In each of the said two sections the expression “the commencement of this section” shall be construed accordingly.

(2) One month at least before the said sections or either of them come into force in any district or part thereof the Council shall cause to be published in a local newspaper circulating in the said district or part thereof notice—

- (a) of the coming into force of the said sections or either of them in the said district or part thereof; and
- (b) of the general effect of the provisions of the said sections or section so coming into force.

(3) Either—

- (a) a copy of any such newspaper containing a notice published in pursuance of this section; or
- (b) a photostatic or other reproduction certified by the clerk of the Council 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 the publication.

(4) A copy of any notice published under the last foregoing subsection shall be sent to the Secretary of State.

(5) It shall be lawful for any person who—

- (a) immediately before the coming into force of the said sections or either of them kept or used a place for entertainment purposes; and
- (b) had before the coming into force of the said sections or either of them applied to the Council for a licence thereunder;

to continue to keep or use such place for such purposes 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 200 (Appeals) of this Act.

(6) Neither of the last two preceding sections of this Act shall apply 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 the entertainment purposes or the boxing or wrestling entertainment in respect of which the licence is granted as the case may be were a stage play.

PART V
—cont.

77. Any person who—

Penalties.

- (a) provides an entertainment to which the foregoing provisions of this Part of this Act apply without a licence appropriate for such entertainment under this Part of this Act; or
- (b) being the occupier or rated as occupier of any premises keeps or uses those premises or allows them to be kept or used for any such entertainment without a licence appropriate for such entertainment under this Part of this Act; or
- (c) being a person to whom a licence has been granted or transferred under this Part of this Act in respect of any premises keeps or uses those premises or allows them to be kept or used in contravention of the terms conditions or restrictions on or subject to which the licence was granted or transferred;

shall be liable—

- (i) in respect of an offence under paragraph (a) or (b) of this section to a penalty not exceeding fifty pounds; and
- (ii) in respect of an offence under paragraph (c) of this section to a penalty not exceeding twenty pounds;

and in either case to a daily penalty not exceeding five pounds.

78. In the event of death of the holder of a licence under this Part of this Act then the person carrying on at the premises the functions in respect of which the licence was granted shall be deemed to be the holder of the licence until the licence expires or a new licence is granted to some other person whichever of those events first occurs.

Transmission
in case of
death.

79. The Council may upon receiving from the holder of a licence under this Part of this Act for the time being in force a written request in that behalf accompanied by the licence cancel the licence.

Cancellation
of licences.

80. Except in the case of an occasional licence under this Part of this Act there shall be affixed and kept up in some conspicuous place on or immediately over the outer side of the main

Notice to be
affixed.

PART V
—cont.

entrance of every premises licensed under this Part of this Act an inscription so as to be easily legible in the following terms:—

“ Licensed in pursuance of Act of Parliament for ”
with the addition of words showing the purpose or purposes for which the same are licensed.

Powers of
entry and
inspection.

81.—(1) A police officer a duly authorised officer of the Berkshire and Reading Fire Authority or any person appointed for the purpose by the Council may at all reasonable times enter any premises licensed under this Part of this Act in which there is reason to believe that an entertainment to which the foregoing provisions of this Part of this Act apply is being or is about to be given with a view to seeing whether the provisions of this Part of this Act applicable to such an entertainment and the terms conditions or restrictions on or subject to which any licence under this Part of this Act has been granted are complied with.

(2) A police officer a duly authorised officer of the Berkshire and Reading Fire Authority or any person appointed for the purpose by the Council may if he shall be authorised in that behalf by a warrant granted by a justice of the peace enter any premises in respect of which there is reason to suspect that an offence under this Part of this Act is being committed.

(3) Every person who refuses to permit any such officer or person to enter or inspect any such premises in accordance with the provisions of this section shall for every such offence be liable to a penalty not exceeding twenty pounds.

Power to
revoke licences.

82. If the holder of a licence granted renewed or transferred under this Part of this Act be convicted of any breach or disregard of any of the terms conditions or restrictions on or subject to which the licence has been granted renewed or transferred the licence may be revoked by the Council.

Initial appeals
under Part V.

83. Any person aggrieved by the refusal of the Council to grant renew or transfer a licence under this Part of this Act or by the revocation by the Council of a licence or by any terms conditions or restrictions attached to such licence may appeal to a court of summary jurisdiction.

Police
telephone call
boxes and
shelters.

84.—(1) Subject to the provisions of this section the standing joint committee may provide—

(a) such police telephone call boxes and installations; and

(b) such shelters or boxes for the use of police constables;

in such positions in any street park or public place in the county as they think fit.

(2) Nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

(3) The standing joint committee shall not exercise the powers of this section—

(a) without the consent of the highway authority in any street ;

(b) without the consent of the local authority in any park or public place belonging to such local authority ;

(c) without the consent of the undertakers concerned—

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

(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 such undertakers ;

(d) 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.

(4) 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 standing joint committee shall remove any box or shelter 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.

(5) 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 box or shelter 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 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.

85.—(1) If any person wilfully and without the consent of the standing joint committee or the Berkshire and Reading Fire Authority (as the case may be)—

(a) obstructs the access to any police telephone call box or installation provided by the standing joint committee or any shelter or box so provided for the use of police constables ;

Offences in respect of telephone boxes fire hydrants etc.

PART V
—cont.

(b) removes, obliterates, alters, defaces or obscures any plate or mark provided by the standing joint committee or the Berkshire and Reading Fire Authority (as the case may be) for indicating the position of any such call box installation shelter or box or the position of any fire hydrant; or

(c) interferes with the equipment in any such call box installation shelter or box;

he shall be liable to a penalty not exceeding five pounds and the standing joint committee or the Berkshire and Reading Fire Authority (as the case may be) may recover from him the expenses of removing the obstruction or replacing or making good the plate or mark.

(2) If any person—

(a) telephones or causes to be telephoned from any such call box any statement which he knows to be false; or

(b) for the purpose of requiring the services of the police, the fire brigade or an ambulance telephones or causes to be telephoned any such statement from a telephone call box provided in the county by the Postmaster-General;

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

Prohibition on solicitation of school children to sell or exchange articles etc. at schools.

86.—(1) While any child is entering or leaving any school provided or maintained by the Council as the local education authority or is entering or leaving any yard or playground appurtenant to any such school or is in any such yard or playground no person shall solicit such child—

(a) to sell to such person any article or thing; or

(b) to exchange with such person any article or thing for any other article or thing.

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

(3) In this section the expression “child” has the meaning assigned to it by section 114 of the Education Act 1944.

Provisions as to motor vehicles let for hire.

87. Where the provisions of the Town Police Clauses Act 1847 relating to hackney carriages are in force in any district or part of a district such provisions shall extend to empower the local authority to make byelaws for declaring that to the extent determined by such byelaws those provisions and the byelaws of such local authority in force with respect to hackney carriages shall apply to every motor vehicle standing or plying for hire notwithstanding that such vehicle stands or plies for hire on private premises only:

Provided that this section shall not apply to any such vehicle which is kept by any company firm or person in connection with any business carried on by such company firm or person as funeral directors or owners of funeral vehicles available for hire and used wholly or mainly in connection with such business or is kept and used ordinarily for the purpose of being let on hire by the day or for longer periods of hire or to a public service vehicle or to any vehicle belonging to or used by the commission for the purpose of carrying passengers and their luggage to or from any of their railway stations or railway premises or to the drivers or conductors of such vehicles:

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

88. As from the appointed day in any district section 2 of the Control of Steam Whistles Act 1872 shall in its application to the district be read and have effect as if the words “mechanically operated whistle trumpet siren or hooter” were therein substituted for the words “steam whistle or steam trumpet”. sirens etc. used in factories etc.

PART VI

PUBLIC HEALTH

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

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

“notifiable disease” means—

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

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

“river or stream” for the purposes of section 126 (For preventing obstruction to streams by culverts etc.) section 127 (Cleansing of rivers and streams) and section 128 (Entry for purposes of last two preceding sections) of this Act means any watercourse within the meaning of that expression in the Land Drainage Act 1930 but shall not include the river Thames and the water-courses which are respectively to be treated as and

PART VI
—cont.

deemed to be the main river and parts thereof and are shown by distinctive colours on the map of the river Thames (above Teddington Lock) catchment area prepared in pursuance of section 5 of the Land Drainage Act 1930 and for the time being in force.

A. Sewers and drains

Recovery of expenses of sewerage public highway.

90.—(1) Where the local authority—

- (a) resolve to construct a sewer in a street or part of a street in their district being a street or part which is repairable by the inhabitants at large and has not been previously sewerage; 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 Third Schedule to this Act shall have effect as respects the apportionment and recovery by the local authority of the expenses incurred in constructing the sewer:

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

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

(3) Either—

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

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

Recovery of expenses of sewerage prospective street.

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

Provided that where compensation due to the owner of any land in respect of damage sustained by reason of the construction

therein of the length of sewer has been diminished by setting off any sum on account of the enhancement in value of the land by reason aforesaid this section shall not apply to so much of the length of sewer as has been constructed in that land.

PART VI
—cont.

92.—(1) If on a complaint by a local authority 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 in their district (hereafter 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 Third 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 VI
—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 local authority at different times.

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

Recovery
of cost of
maintaining
public sewers.

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

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

Power to
require
communication
of premises
with public
sewer in
certain cases.

94.—(1) (a) This section shall apply—

- (i) as from the passing of this Act to the Maidenhead Corporation in respect of the borough of Maidenhead;
- (ii) as from the passing of this Act to each of the rural district councils of Bradfield Cookham and Windsor in respect of the specified part of their district and as from the prescribed date in respect of any other part of their district;
- (iii) to any other local authority in respect of their district or part thereof as from the prescribed date.

(b) This section shall not apply to any part of the district of any of the said rural district councils (other than the specified part of their district) or to the districts or parts thereof of the local authorities referred to in sub-paragraph (iii) of the preceding paragraph unless the provisions of section 8 (Application of certain provisions of Act to rural district councils) of this Act have been complied with and for that purpose this section shall

be deemed to be one of the sections the numbers or marginal notes of which are set out in the Second Schedule to this Act.

PART VI
—cont.

(c) In this section—

“ the specified part of their district ” in relation to—

(i) the rural district council of Bradfield means that part of the parish of Purley known as “ the Purley Park River Estate ” being the enclosure numbered 80 on the 1/2500 ordnance map Berkshire sheet No. XXIX.9 (edition of 1934) and containing 33.619 acres or thereabouts ;

(ii) the rural district council of Cookham means the parishes of Bisham Bray Cookham and Hurley ;

(iii) the rural district council of Windsor means so much of the parish of Old Windsor as lies to the north and north-east of an imaginary straight line drawn from the point on the boundary between the said parish and the royal borough of New Windsor where it crosses the highway known as Sheet Street Road in a south-easterly direction to the point on the boundary between the county and the administrative county of Surrey where the boundary crosses the highway known as Crimp Hill ;

“ the prescribed date ” means such date as the Minister may by order prescribe.

(2) In any case where a local authority to whom this section applies after the date on which it is applied under subsection (1) of this section are providing or about to provide as part of a main drainage scheme a public sewer for serving an area in the district being an area to which this section then applies for which a public sewer (within the meaning of section 20 of the Act of 1936) was not previously provided the local authority by notice to the owner of any building in that area who is entitled to drain such building into such sewer but cannot be required under section 39 of the Act of 1936 so to drain the same by reason of the existence of other satisfactory provision for the drainage thereof may require such owner within a reasonable time specified in the notice to drain such building into such sewer by means of a proper drain to the satisfaction of the local authority :

Provided that the local authority shall not be entitled to serve such notice unless—

(a) the sewer will be within one hundred feet of the site of the building and at a level which makes it reasonably practicable to construct at a reasonable cost a drain for communication between the building and the sewer ;

PART VI
—cont.

- (b) the value of the building has been increased or is likely to be increased through the availability of the public sewer and the main drainage scheme for the service thereof ;
- (c) the drainage of the building to the public sewer will add to the amenity of the building or is needed for contributing to the general amenity of the area to be served by the sewer ; and
- (d) the land intervening between the building and the sewer is land through which such owner is entitled to construct a drain.

Any dispute between the local authority and the owner as to any matter provided for or referred to in this subsection or in such notice shall be determined by a court of summary jurisdiction.

(3) Every notice given by the local authority in pursuance of subsection (1) of this section shall set forth the provisions of the proviso to subsection (1) of this section and shall also have endorsed thereon notice of the right to appeal against such notice.

(4) If any owner to whom a notice is given by the local authority in pursuance of subsection (1) of this section shall fail to comply therewith the local authority may themselves execute the works necessary for complying therewith and may recover from him the expenses reasonably incurred by them in so doing.

(5) Upon completion of the works required by the notice so as to cause the building to drain satisfactorily into the sewer the use of any cesspool or pail collection system or other means previously used for disposing of foul drainage from the building shall be discontinued.

Separate sewers for foul water and surface water.

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

Delegation of power to examine and test drains etc.

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

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

- (a) that a sanitary convenience drain private sewer or 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 proper condition the local authority shall as soon as possible reinstate any ground which has been opened by the medical officer or the sanitary inspector and make good any damage done by him.

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

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

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

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

- (a) whether any requirement contained in a notice served under this section or any work done by the local authority was reasonable ; and
- (b) whether the expenses incurred by the local authority in doing the work or any part thereof ought to be borne wholly or partly by the person on whom the notice was served ;

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

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

98. A local authority may on the application of the owner or occupier of any premises in their district undertake the cleansing of any drains water-closets sinks or gullies in or connected with the premises and may make such charge if any for so doing as they think fit. Power to cleanse drains etc.

PART VI
—cont.Power to repair
drains and
private sewers.**99.**—(1) If any drain or private sewer in a district—

- (a) is not sufficiently maintained and kept in good repair to the satisfaction of the local authority ; and
- (b) can in the opinion of the local authority be sufficiently repaired at a cost not exceeding fifty pounds ;

the local authority may after giving not less than seven days' notice to the person or persons concerned, 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 person or persons concerned in such proportions (if there is more than one such person) as the surveyor may determine :

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

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

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

(3) In this section the expression "person concerned" in relation to a drain or private sewer means any person owning any premises drained by means of the drain or sewer and also in the case of a sewer the owner thereof.

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

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

(2) A person charged with an offence under this section (hereafter in this section referred to as "the original defendant") shall upon information duly laid by him and on giving to the prosecutor not less than three clear days' notice of his intention be entitled to have any other person being his agent servant or

workman to whose act or default he alleges the offence was due brought before the court at the time appointed for the hearing of the charge and—

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

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

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

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

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

101. For the purposes of section 44 of the Act of 1936 any part of a building in a district being a part occupied as a dwelling shall be treated as a separate building and where two or more parts of such a building are occupied as dwellings by separate families each such part shall be treated as a separate building: Closet accommodation for separate dwellings.

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

C. *Verminous premises etc.*

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

“(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

PART VI
—cont.

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.

103.—(1) If a local authority serve notice under subsection (3) of section 83 of the Act of 1936 as amended by the last preceding section 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 local authority give the occupier further notice that the premises can safely be reoccupied ; and

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

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

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

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

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

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

PART VI
—cont.

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

(a) prepare for sale ;

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

(c) deposit for sale or preparation for sale ;

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

Prohibition
of sale of
verminous
articles.

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

(a) being prepared or offered by a dealer for sale ; or

(b) exposed by a dealer for sale or deposited by a dealer for sale or preparation for sale ;

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

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

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

(5) For the purposes of this section—

(a) the expression “dealer” means a person who trades or deals in any household article ;

(b) the expression “household article” means an article of furniture bedding or clothing or any similar article ;

(c) the expression “preparation for sale” shall not include disinfestation.

D. Buildings and structures

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

Ruinous and
dilapidated
buildings and
neglected sites

PART VI
—cont.

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

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

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

as may be necessary for remedying the cause of complaint.

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

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

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

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

Cellars and
rooms below
subsoil water
level.

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

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

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

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

- (a) he shall be liable to a penalty not exceeding twenty pounds ; and
- (b) the local authority may by notice require him within such reasonable time as may be specified in the notice either to alter the cellar or room so that its construction will no longer contravene the said subsection or conditions or if he so elects to fill it in or otherwise make it unusable and if he fails to comply with any such notice the local authority may themselves fill in the cellar or room or otherwise make it unusable and recover from him the expenses of so doing.

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

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

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

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

Extension of powers under section 9 of Housing Act 1936.

- (a) if it is not kept repaired and painted sufficiently to prevent the dilapidation thereof and to secure reasonable amenities for the occupiers thereof ; or
- (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 VI
—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 control of the house ” have the same meanings as in the Housing Act 1936.

Further provisions as to means of escape from fire in case of certain buildings.

108.—(1) Section 60 of the Act of 1936 shall in its application to a district have effect as if the following were substituted for subsection (4) thereof :—

“ (4) This section applies to any building which exceeds one storey in height and in which the floor of any upper storey is more than twenty feet above the surface of the street or ground on any side of the building and which—

- (a) is let in flats or tenement dwellings ; or
- (b) is used as an inn hotel boarding-house hospital nursing home boarding school children’s home aged persons’ home or similar institution or as a restaurant shop store office or warehouse.”

(2) Where expenditure is incurred by an owner in executing any works required to be executed in pursuance of a notice given under subsection (1) of section 60 of the Act of 1936 in relation to—

- (a) any building let in flats or tenement dwellings ; or
- (b) premises referred to in paragraph (b) of subsection (4) of the said section 60 as amended by this section ;

not being a building or premises in respect of which a notice could have been given under the said section before the coming into operation of this section the following provisions shall apply and have effect :—

- (i) In the case of expenditure incurred in relation to any such building as aforesaid let in flats or tenements such expenditure shall for the purpose of paragraph (a) of subsection (1) of section 2 of the Increase of Rent and Mortgage Interest (Restrictions) Act 1920 be deemed to be expenditure on the improvement of the dwelling-houses within such building and the owner of the building may apply to the county court for an order apportioning such expenditure between the several dwelling-houses comprised in such building and the court may

on such application make such order as may be just and equitable in all the circumstances ;

- (ii) In the case of expenditure incurred in relation to any such premises as aforesaid, if the owner thereof alleges that any tenant of the premises should meet or contribute to meeting such expenditure he may (without prejudice to any right of appeal against the notice served on him in pursuance of section 60 of the Act of 1936) apply to the county court for an order making such variations of the terms of the tenancy of the premises as may be reasonable having regard to the expense incurred in executing the works and to other relevant circumstances and the court may on such application make such order as may be just and equitable in all the circumstances.

(3) In this section and in subsection (4) of section 60 of the Act of 1936 as modified by subsection (1) of this section in its application to a district "flat" has the same meaning as in section 188 of the Housing Act 1936.

109.—(1) If it appears to a local authority that for the purpose of preventing fire to any building in their district to which section 59 of the Act of 1936 applies or for the purpose of preventing injury or danger to persons resorting thereto—

Further provision for public and other buildings.

- (a) the apparatus or fittings for lighting or heating the building require alteration ; or
- (b) the arrangement of the chairs and seating requires alteration ; or
- (c) any floor requires strengthening in order to prevent overloading ; or
- (d) any of the materials from which any fireplaces flues chimney vents or other like parts of such building are constructed require alteration ;

the local authority may by notice require the owner of the building to make such provision in regard to the matters aforesaid as may be necessary :

Provided that—

- (i) this subsection shall not apply to premises in respect of which a licence under the Theatres Act 1843 or the Cinematograph Acts 1909 and 1952 is for the time being in force ;
- (ii) nothing in this section shall affect the operation of the Factories Act 1937 or any regulation or order made thereunder.

PART VI
—cont.

(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.

Height of new
chimneys.

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

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

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

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

*E. Nuisances*Discharge of
steam and
waste gas.

111.—(1) No person shall cause or permit to be discharged from any premises in a district so as to be prejudicial to health or a nuisance—

- (a) any steam or waste gas ejected from any stationary engine or the boilers or condensers thereof ; or
- (b) any condensing water above a temperature of one hundred and ten degrees Fahrenheit so ejected ; or
- (c) any spent or ejected steam arising or produced in the course of any trade or business.

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

(3) Nothing in this section shall apply to steam gas or water discharged from a railway locomotive.

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

PART VI
—cont.

Silencers for
internal
combustion
engines.

(2) If any person uses any such engine in contravention of the foregoing subsection or causes or permits any such engine to be so used the local authority may give him notice that the engine is being used or has been so used and if after the elapse of such time from the service of the notice as may be reasonably sufficient for remedying the cause of complaint he uses the engine as aforesaid or causes or permits it to be so used he shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings.

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

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

(b) to inspect and test any silencer on the exhaust of any such engine found on the premises and for that purpose to require the silencer to be taken off ;

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

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

(4) In exercise of the powers of subsection (3) of this section in relation to any premises occupied or used by the North Thames Gas Board the Southern Gas Board or the South Western Gas Board in connection with the manufacture storage or supply of gas an authorised officer of the local authority shall observe any precautions reasonably required by the gas board concerned in the interests of safety and for preventing interference with the supply of gas.

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

Noise
nuisance.

Provided that—

(a) in any proceedings brought by virtue of this section under the said Part III in respect of a noise occasioned in the course of any trade or business it shall be a

PART VI
—cont.

defence for the defendant to prove that he has used the best practicable means for preventing or mitigating the noise having regard to the cost and to other relevant circumstances ;

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

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

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

Smoke from
industrial
furnaces.

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

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

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

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

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

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

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

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

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

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

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

F. Infectious diseases

115.—(1) On the application of the medical officer the occupier of any building in a district 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—

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

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

(4) In this section references to a notifiable disease include references to food poisoning.

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

Restriction on attendance at public places etc.

“ (b) having the care of a person—

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

PART VI
—cont.

(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 ”.

Exclusion of children from places of entertainment or assembly.

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

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

Provided that in any proceedings under this subsection it shall be a defence to prove that there were reasonable grounds for believing that the person admitted had attained the prescribed age.

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

Compensation for stopping employment to prevent spread of disease.

118. 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 local authority may if they think fit compensate him for any loss occasioned by his compliance with the request.

Entry into premises in case of notifiable disease.

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

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

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

PART VI
—cont.

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.

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

Prohibition of
tuberculous
persons from
handling food.

- (a) that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state; and
- (b) that he is occupied in the cooking preparation or handling of food in a district intended for consumption by persons other than himself or members of his household; and
- (c) that his continuance in that occupation would in the judgment of the medical officer be a danger to the health of other persons;

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

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

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

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

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

PART VI

—cont.

Inedible fat.

G. Food

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

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.

122.—(1) As from the appointed day in any district the following provisions shall have effect therein:—

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

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

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 at any market held in pursuance of any statute royal licence royal charter or letters patent or as of right from time immemorial where such person shall be entitled to trade by virtue of the payment by himself or by his employer of a toll stallage or rent or to the use of any premises in any such market as storage accommodation for food intended for sale by a person at such market.

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

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

(4) If it appears to the local authority—

- (a) that the public health is or is likely to be endangered by any act or default of a person who has applied to be or is registered under this section being an act or default in relation to the quality storage or distribution of food ; or
- (b) that any premises in respect of which an application has been made for registration under this section or which are registered under this section do not satisfy the requirements of subsection (1) of section 13 of the Food and Drugs Act 1938 or are otherwise unsuitable for use as storage accommodation for food intended for sale as aforesaid ;

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

- (i) stating the place and time (not being less than seven days after the date of the service of the notice) at which it is

PART VI
—cont.

proposed that a committee of the local authority shall take the matter into consideration ; and

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

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

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

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

Notification of
premises for
sale etc. of food.

123.—(1) As from the appointed day in any district any person intending to use any premises for—

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

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

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

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

be liable to a penalty not exceeding ten pounds.

(3) Nothing in this section shall apply to—

- (a) the sale or offer or exposure for sale or the storage for the purposes of sale in any premises used as a theatre music hall or cinematograph theatre of ice-cream or sugar confectionery ; or
- (b) premises in respect of which there is a justices' licence for the sale of intoxicating liquor for consumption on the premises ;
- (c) premises used exclusively for agricultural purposes within the meaning of the Act of 1947 ;
- (d) premises required to be registered under section 14 of the Food and Drugs Act 1938.

PART VI
—cont.

H. Animals and meat

124.—(1) As from the appointed day in any district the following provisions shall have effect 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. Slaughter of animals otherwise than for human consumption.

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

- (a) He shall not less than twenty-four 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 twenty-four 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 twenty-four hours he shall retain the carcase intact until the expiration of twenty-four 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 twenty-four 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 take all reasonable precautions in the handling and disposal of the carcase to prevent the spread of disease ;

PART VI
—cont.

(e) 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) Nothing in paragraphs (b) and (c) of the preceding subsection shall prevent a veterinary surgeon or veterinary practitioner at any time after the slaughter of an animal from—

- (a) sending with the consent of the owner the whole carcase or any specimens taken therefrom to a laboratory for examination ; or
- (b) retaining in his possession any such specimens with such consent :

Provided that a veterinary surgeon or veterinary practitioner taking action in pursuance of this subsection shall—

- (i) before the expiration of twenty-four hours notify an authorised officer of the action taken ; and
- (ii) be under the same duty to comply with paragraph (e) of the preceding subsection as the owner of the animal slaughtered.

(4) Notwithstanding anything in paragraphs (b) and (c) of subsection (2) of this section contained it shall be competent to the owner or other person responsible for the slaughter of any animal in a knacker's yard within the meaning of subsection (1) of section 100 of the Food and Drugs Act 1938 or the slaughter of any animal whereof the carcase is immediately thereafter removed to such a knacker's yard to remove or cause to be removed from the carcase at any time after slaughter such parts or organs as in the opinion of such owner or other person it is necessary to remove in order to prevent or minimise the risk of nuisance or of deterioration of the said carcase and in any such case the expression "intact" in the said paragraphs (b) and (c) shall be construed accordingly :

Provided that—

- (a) all such parts or organs shall be retained for the same period as that for which the entire carcase may be required to be retained upon the premises in which removal thereof from the carcase is effected and in such manner as to identify the same with such carcase ; and
- (b) nothing in this subsection shall relieve the owner or other person responsible for the slaughter of an animal from the obligations imposed by subsection (2) of this section to give any notice.

(5) 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 (e) of that subsection information which he knows to be false ;

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

(6) 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.

(7) In this section—

(a) the expression “ authorised officer ” means any officer of a local authority who is by virtue of the Food and Drugs Act 1938 an authorised officer for the purpose of the examination and seizure of meat under the provisions of that Act relating to unsound food ;

(b) the expression “ Public Health (Meat) Regulations ” means regulations for the time being in force under section 8 of the Food and Drugs Act 1938 or having effect by virtue of subsection (3) of section 101 of that Act as if they had been made under the said section 8.

125.—(1) As from the appointed day in any district where the slaughter of an animal intended for human consumption shall take place outside a slaughterhouse and the carcass of the animal shall be brought into a slaughterhouse within the district such carcass and all the organs thereof shall be retained and kept apart from any other meat intended for human consumption until such carcass and organs have been inspected or their removal has been authorised in accordance with the provisions of the Public Health (Meat) Regulations.

Animals
slaughtered
outside
slaughter-
houses.

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

(3) In this section—

(a) 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 ;

(b) “ animal ” “ slaughterhouse ” and “ meat ” have the same respective meanings as in the Public Health (Meat) Regulations.

PART VI
—cont.

For preventing
obstruction to
streams by
culverts etc.

I. Rivers and streams

126.—(1) Where any obstruction is or may be caused to any river or stream by any inadequate or insufficient culvert channel or other work a local authority may within their district reconstruct improve repair or remove such culvert channel or work or may construct and maintain a proper and sufficient or enlarged culvert channel or other work.

(2) A local authority and any other local authority or person may enter into and carry into effect agreements for and with respect to the carrying out of any works of construction reconstruction improvement repair maintenance or removal for the purposes of this section.

(3) Nothing in this section shall be deemed to—

(a) restrict the exercise by the local authority of their powers in relation to culverts channels or other works ; or

(b) impose upon the local authority any liability to maintain a culvert channel or other work.

(4) Nothing in this section shall authorise the local authority to execute any works in through or under or so as to affect any lands or works belonging to the commission and used by them for the purposes of their railways canals or inland navigations without the consent of the commission but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

(5) (a) Nothing in this section shall authorise the local authority to execute any works or agree with any person for the execution of any work under the provisions of this section if the effect of those works is injuriously to affect the river Kennet the river Pang or the Kennet and Avon Canal or the supply quality or fall of water contained in either of those rivers or that canal (as the case may be) without the consent of the Reading Corporation if the Reading Corporation would if this section had not been enacted have been entitled by law to prevent or be relieved against the injurious affection of or of the supply quality or fall of water contained in either of those rivers or that canal (as the case may be).

(b) Any difference of opinion which may arise under this subsection between a local authority and the Reading Corporation as to whether the supply quality or fall of water in either of the said rivers or in the said canal is injuriously affected by the execution of such works as aforesaid shall be determined by arbitration.

Cleansing of
rivers and
streams.

127.—(1) If any river or stream or any part thereof within a district is or becomes in such a state that the proper flow of water along the same is obstructed or impeded the local authority

may by notice require the owner or occupier of any lands abutting on any part of such river or stream which is in such a state as aforesaid or any person by whose act or default the proper flow of water in such river or stream is obstructed or impeded to cleanse or put in proper order such river or stream or part thereof so as to allow the proper flow of water in such river or stream:

PART VI
—cont.

Provided that a local authority shall not enforce a notice given under this section unless the owner or occupier has obtained any consent of the conservators of the river Thames which he is required to obtain under subsection (1) of section 4 of the Rivers (Prevention of Pollution) Act 1951.

(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) Nothing in this section shall authorise the local authority to execute or require the commission to execute any works in through or under or so as to affect any lands or works belonging to the commission and used by them for the purposes of their railways canals or inland navigations without the consent of the commission but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

128.—(1) Any authorised officer of a local authority shall on producing if so required some duly authenticated document showing his authority have a right to enter any premises at all reasonable hours for the purpose of—

Entry for purposes of last two preceding sections.

- (a) inspecting any river or stream or any culvert channel or other work;
- (b) ascertaining whether or not circumstances exist which would authorise or require the local authority to take any action or execute any work under the last two preceding sections;
- (c) taking any action or executing any work authorised or required by the last two preceding sections to be taken or executed by the local authority:

Provided that admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) The provisions of this section shall not authorise any officer of the local authority to enter any lands or works belonging to the commission and used by them for the purposes of their railways canals or inland navigations without the consent of the commission but such consent shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by arbitration.

J. Miscellaneous

129.—(1) As from the appointed day in any district no premises in that district shall be used for carrying on the business of a hairdresser or barber unless those premises and the person carrying on the business are registered by the local authority of that district.

(2) Subject to the provisions of this section any person who makes an application in that behalf and furnishes the local authority 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 local authority in a book kept for the purpose and on so registering any person the local authority shall issue to him a certificate of registration.

(3) The local authority 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 uses any premises for carrying on the business of a hairdresser or barber in contravention of subsection (1) of this section or contravenes or fails to comply with 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 or failure to comply with 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 local authority 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 local authority under this section except in pursuance of a further order of a court of summary jurisdiction made on his application.

(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.

PART VI
—cont.

(7) For the purpose 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 local authority to enforce.

PART VII

WEIGHTS AND MEASURES

A. *Sale of coal coke and wood*

130. In this Part of this Act the expression "coke" includes Interpretation coke and any solid fuel derived from coal or of which coal or of Part VII. coke is a constituent.

131. In their application within the county the provisions of sections 20 to 22 and 24 to 29 of the Weights and Measures Act 1889 and any byelaws made by the Council thereunder shall extend to coke and (except section 28 and the byelaws made thereunder) to wood fuel subject to and in accordance with the following provisions:—

Application and amendment of Weights and Measures Act 1889.

- (a) The references in subsection (1) of section 21 and subsection (1) of section 22 to any quantity of coal exceeding two hundredweights shall include references to any quantity of coke or wood fuel exceeding two hundredweights;
- (b) The reference in section 24 to coal in any quantity not exceeding two hundredweights shall include a reference to coke in any quantity not exceeding two hundredweights and to wood fuel in any quantity exceeding fourteen pounds but not exceeding two hundredweights;
- (c) Any other reference to coal in the said sections 20 to 22 and 24 to 29 and any byelaws made thereunder shall include a reference to coke and (except in section 28 and the byelaws made thereunder) to any quantity of wood fuel exceeding fourteen pounds.

132. The Council may make byelaws—

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

Byelaws relating to wood fuel.

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—cont.

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

Penalty on
fraudulent sale.

133. If in the county any person wilfully makes any false statement as to the weight of any coke or wood fuel which is being sold delivered or offered or exposed for sale or as to the tare weight of a vehicle used for the delivery of coke or wood fuel or wilfully increases the weight of any such coke or wood fuel by damping the same or wilfully does any other act by which the seller or the purchaser or prospective purchaser of coke or wood fuel is or may be defrauded he shall be liable for every such offence to a penalty not exceeding five pounds and in respect of any subsequent offence to a penalty not exceeding ten pounds and in respect of any such subsequent offence the court may in lieu of or in addition to inflicting a penalty impose any term of imprisonment not exceeding two months.

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

134. Proviso (a) to section 27 of the Weights and Measures Act 1889 relating to the weighing of coal and vehicles in its application to the county shall be read and have effect as if in that proviso the words "two miles" were substituted for the words "half a mile".

As to sale in
sacks of coal or
coke in
quantities
exceeding two
hundred-
weights.

135.—(1) Where in the county—

(a) any quantity of coal or coke exceeding two hundredweights is carried by means of any one vehicle on any one journey for delivery to a purchaser or to more than one purchaser; or

(b) any person sells or intends to sell or exposes or offers for sale coal or coke from or on any vehicle in quantities exceeding two hundredweights;

and such coal or coke is carried on such vehicle in sacks the net weight of coal or coke in any one sack shall be equal to one of the following weights:—

two hundredweights;

one hundredweight;

one-half of a hundredweight;

one-quarter of a hundredweight;

and each sack shall be legibly marked so as to show the net weight of coal or coke carried in such sack.

(2) If default is made in complying with any of the requirements of subsection (1) of this section or the net weight of coal or coke in any such sack is less than the weight shown thereon or stated in the ticket or note referred to in section 21 of the

Weights and Measures Act 1889 the seller of the coal or coke and the person responsible for loading the coal or coke on such vehicle and the person in charge of such vehicle shall severally be liable to a penalty not exceeding five pounds.

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—cont.

(3) In addition to the matters which in accordance with the said section 21 and the Third Schedule to the said Act of 1889 are required to be stated on the ticket or note referred to in that section there shall in all cases in which subsection (1) of this section applies be stated on such ticket or note the number of sacks carried on the vehicle to which the ticket or note refers and the net weight of coal or coke in each of such sacks and the said section 21 in its application to the county shall be read and have effect accordingly.

136.—(1) The foregoing provisions of this Part of this Act shall come into operation on but not until the first day of January one thousand nine hundred and fifty-four. Notice of Part VII.

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

(b) No evidence shall be required in any proceedings that the provisions of this subsection have been complied with.

B. Weighbridges and weighing-machines

137. A local authority may in any premises belonging to or occupied by them provide and maintain weighing-machines for ascertaining the weight of persons and may charge for the use thereof. Local authority may provide weighing-machines.

138. Any person keeping or who acts as a keeper of a weigh-bridge or other machine in the county for the purpose of ascertaining the weight of any vehicle or the loading thereof (hereinafter in this Part of this Act called a "weighing-machine") who shall— Offences by weighing-machine keepers and others.

(a) during ordinary business hours (which expression for the purposes of this section means from eight o'clock in the morning till five o'clock in the afternoon on weekdays other than Saturdays and from eight o'clock in the morning till twelve noon on Saturdays) wilfully neglect on application duly to weigh any vehicle with or without loading that shall come to the machine kept by him to be weighed ;

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

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—cont.

- (c) not deliver to the purchaser of any such loading or any person interested therein on application a ticket or account containing the true weight of such loading ;
- (d) give to the driver of any such vehicle a false ticket or account of the weight of such vehicle or the loading thereof ;
- (e) weigh any vehicle knowing that anything has been added to the loading thereof so as to increase the weight of the same or that the wheels thereof have been changed between the time of the same being weighed with its loading and the time of its coming back to be again weighed without its loading and shall not give immediate notice thereof to the person interested therein ; or
- (f) knowingly assist in or connive at any fraud committed or attempted concerning the weighing of any such vehicle or the loading thereof or shall make or connive at making any false representation of the weight of the same respectively ;

shall be liable to a penalty not exceeding ten pounds and in respect of any subsequent offence to a penalty not exceeding fifty pounds and in respect of any such subsequent offence the court may in lieu of or in addition to inflicting a penalty impose any term of imprisonment not exceeding six months :

Provided that paragraphs (a) and (b) of this section shall not impose an obligation to weigh any vehicle upon any railway gas canal or inland navigation undertakers or upon the Council or a local authority so far as the said paragraphs relate to a weighing-machine not available for the public or upon the keeper of any such weighing-machine.

Drivers of
vehicles to take
them to
weighing-
machines on
request.

139.—(1) The driver of any vehicle in the county loaded with any goods (excepting coal coke or wood fuel) to be sold by reference to the weight of such loaded vehicle shall at the request of the buyer or seller of any such goods or the person on whose behalf the same shall be consigned or of any of their respective agents or of an inspector of weights and measures of the Council or other officer appointed for the purpose by the Council take such vehicle with or without the loading thereof to be weighed by the nearest suitable and available weighing-machine stamped by an inspector of weights and measures.

(2) If such vehicle shall be required to go a greater distance from the regular course of the road by which it would be otherwise necessary to pass than one mile the owner of such vehicle shall be paid sixpence for every half-mile that such vehicle shall be taken out of the direct road as aforesaid.

(3) All charges for carriage made under subsection (2) of this section together with the tolls or fees to be paid for weighing any

such vehicle shall be paid by the person requiring the same to be weighed and such charges for carriage shall if demanded be paid before the driver of such vehicle shall be obliged to go out of his way for the purpose of having the same weighed.

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—cont.

(4) The driver of any such vehicle who shall not upon being requested and paid such charges as aforesaid (if demanded) take such vehicle to such weighing-machine as hereinbefore is directed shall be liable to a penalty not exceeding ten pounds and the driver of any such vehicle who shall refuse to assist in the weighing of the same in such manner as the drivers of vehicles are used and accustomed to do shall be liable to a penalty not exceeding five pounds.

(5) The provisions of this section shall not apply with respect to any vehicle of the commission other than a vehicle loaded with goods to be sold as aforesaid and consigned for delivery within the county.

(6) For the purposes of this section the word "driver" includes the owner driver or person in charge of any vehicle.

140.—(1) The Council or any local authority may erect and maintain on any open space or public place on or adjoining any highway in the county or their district (as the case may be) such weighing-machines and offices in connection therewith as they may consider necessary or desirable for the use of the public.

Power to erect
weighing-
machines.

(2) The Council or the local authority may make such reasonable charges as they may determine for and in respect of the use of any such weighing-machine.

(3) Any person shall on payment of the proper charges in respect thereof be entitled to use any of the weighing-machines erected by the Council or any local authority under the provisions of this section.

(4) The powers of this section shall not be exercised in such a manner as to obstruct or interfere with the access to or exit from any station wharf or depot of any railway canal or inland navigation undertakers.

(5) The Council or the local authority shall not exercise the powers of this section in relation to a trunk road without the consent of the Minister of Transport.

141.—(1) In addition to their powers under section 137 (Local authority may provide weighing-machines) and section 140 (Power to erect weighing-machines) of this Act the Newbury Corporation and the Windsor Corporation shall exercise the provisions of this Part of this Act in the boroughs of Newbury

Application of
certain
provisions of
Part VII to
Newbury
Corporation
and Windsor
Corporation.

PART VII
—cont.

and Windsor and those provisions shall accordingly have effect with any necessary modifications including the substitution of—

- (a) “the Newbury Corporation” or “the Windsor Corporation” as the case may be for “the Council”; and
- (b) “the borough of Newbury” or “the borough of Windsor” as the case may be for “the county”.

(2) The powers conferred by the said provisions shall not be exercised by the Council in the boroughs of Newbury or Windsor otherwise than by agreement under section 52 of the Weights and Measures Act 1878.

PART VIII

FINANCE

A. *Financial provisions relating to funds of the Council*Power to
borrow.

142.—(1) The Council shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow—

- (a) such sums as may be necessary for any of the purposes of this Act;
- (b) without the consent of any sanctioning authority such sums as may be necessary for paying the costs charges and expenses of this Act (other than those payable by the Abingdon Corporation);
- (c) such sums as may be requisite for the purpose of lending to a local authority under section 148 (Power to Council to lend money to local authorities) of this Act.

(2) The Council shall pay off all moneys borrowed under paragraph (b) of the foregoing subsection within such period as the Council may determine not exceeding five years from the passing of this Act.

(3) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act and the period fixed under this section for the repayment of any money borrowed under subsection (1) of this section shall as respects that money be the fixed period for the purpose of the said Part IX.

Capital fund.

143.—(1) The Council may (if they think fit) establish a fund to be called “the capital fund” to which they may pay—

- (a) any sums derived from the sale of any property of the Council;
- (b) the balance or any part of the balance of the revenue moneys of the county fund (not required by law to be carried forward for any other purpose) on the thirty-first day in March in any year; and

- (c) such other sums being revenue moneys from the county fund (in addition to a sum equal to the interest earned on the capital fund and any income arising from the application of that fund to the purposes authorised) as the Council may by resolution direct:

Provided that—

- (i) the aggregate amount paid to the capital fund under paragraphs (b) and (c) of this subsection (exclusive of the sum equal to the interest earned on the capital fund and any income arising from the application of the fund to the purposes authorised) shall not except with the consent of and to such extent as may be approved by the Minister exceed in any year the equivalent of three times the product of a penny rate as ascertained or estimated for the purpose of section 9 of the Rating and Valuation Act 1925; and
- (ii) payments into the capital fund shall not be made during any period in which that fund amounts to two hundred and fifty thousand pounds or such greater sum as may from time to time be approved by the Minister.

(2) The Council may apply any moneys in the capital fund to an amount not exceeding in any one transaction the sum of twenty-five thousand pounds or such greater sum as may be allowed by the Minister in any case in defraying any expenditure to which capital is properly applicable (including the exercise of any statutory borrowing powers) or in providing money for repayment of loans (but not in making the annual payment required to be made therefor).

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

(b) Any income arising from the investment or use of the moneys in the capital fund in the manner provided by the foregoing paragraph of this subsection together with any income arising from the application of the capital fund to the purposes authorised shall be carried to and form part of the county fund and (subject to the limitation imposed by proviso (ii) to subsection (1) of this section) an amount equivalent to such income shall be credited to the capital fund.

(4) All moneys derived from the sale of any land which are applied from the capital fund under the provisions of this section shall and all other moneys which are applied from the capital fund may if the Council think fit be repaid from the account to which such moneys were advanced by such annual instalments with or without interest and within such period as may be determined by the Council.

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—*cont.*
**Renewal and
repairs fund.**

144.—(1) The Council may 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 renewing and replacing any buildings works plant tools machinery appliances vehicles boilers and equipment and apparatus in connection therewith office machinery furniture fittings and appliances or things and may from time to time apply any fund so established or any part thereof in defraying such expenditure.

(2) The Council may from time to time pay out of the county fund such sums as they think fit into the renewal and repairs fund.

(3) The maximum amount standing to the credit of the renewal and repairs fund shall not at any time exceed two hundred thousand pounds or such larger sum as the Minister may from time to time approve.

(4) (a) Pending the application of moneys forming part of the renewal and repairs fund to the purposes authorised in subsection (1) of this section such moneys shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities.

(b) Any income arising from the investment or use of the moneys in the renewal and repairs fund in the manner provided by this subsection together with any income arising from the application of the renewal and repairs fund to the purposes authorised shall be carried to and form part of the county 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.

**Consolidated
loans fund.**

145.—(1) Notwithstanding anything contained in any other enactment the Council may establish a fund to be called “the consolidated loans fund” to which (except so far as may be provided by the scheme hereinafter mentioned) shall be paid—

(a) all moneys borrowed by the Council by the issue of any authorised securities together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power ;

(b) all moneys of a capital nature received by the Council whether from the sale of capital assets or otherwise except such as are paid to the capital fund established by the Council under section 143 (Capital fund) of this Act or are applied by the Council with due authority to another capital purpose ; and

(c) the appropriate sums provided in each year out of other funds of the Council to comply with the terms and conditions as to repayment attaching to their several

borrowing powers or otherwise provided for the repayment of debt:

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

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

- (a) in the redemption of authorised securities the purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Council;
- (b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund and account of the Council; and
- (c) in lending money to any local authority in accordance with section 148 (Power to Council to lend money to local authorities) of this Act:

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

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

(4) The Council may pay into the consolidated loans fund any moneys forming part of any reserve capital renewal and repairs depreciation contingency insurance superannuation or other similar fund (in this section respectively referred to as "the lending fund") and not for the time being required for the purposes for which the lending fund was established and such moneys shall be deemed to be moneys borrowed by the Council within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

- (a) the moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the lending fund was established; and
- (b) there shall be paid out of the consolidated loans fund to the county fund an amount equal to the interest on

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—cont.

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

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

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

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

General
insurance fund.

146.—(1) The Council may establish a fund to be called “ the insurance fund ” with a view to providing a sum of money which shall be available for making good all such losses damages costs and expenses as may from time to time be specified in a resolution of the Council (in this section referred to as “ the specified risks ”).

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

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

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

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

(4) When the insurance fund shall amount to the prescribed amount (as hereinafter defined) the Council may (if they think fit) discontinue the yearly payments to the fund but if the fund

is at any time reduced below the prescribed amount the Council shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the prescribed amount.

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

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

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

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

(7) (a) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Council in respect of the specified risks in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Council may with the sanction of the Minister borrow at interest under and subject to the provisions of Part IX of the Act of 1933 such sums of money as will be necessary to make up the deficiency.

(b) The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the county fund and charged in

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—cont.

the accounts of the Council under the separate headings or divisions in respect of such undertakings departments or services of the Council and in such proportions as the Council may determine having regard to the risks through which such deficiencies arise.

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

Scheme for
equated
periods.

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

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

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

(4) The loans referred to collectively in any scheme under general headings in accordance with a classification approved by the Minister may be consolidated and dealt with in the accounts of the Council as if the aggregate amount of the several loans relative to each heading were one loan raised under one statutory borrowing power and if approved by the Minister separate consolidations may be made of all or any of the loans included under such general headings.

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

*B. General*Power to
Council to lend
money to local
authorities.

148.—(1) The Council may lend to any local authority and the local authority may borrow from the Council such money as the Council think fit to lend and as the local authority are authorised to borrow for the purpose for which such money is proposed to be borrowed.

(2) The provisions of the County Councils (Advances to Parish Councils) Order 1934 or any other order made by the Minister for the time being in force under section 201 of the Act of 1933 shall apply to any money lent under the powers of this section as if any local authority were a parish council.

(3) For the purposes of this section the expression "local authority" means the council of any county or county district and any authority being a local authority as defined by section 34 of the Local Loans Act 1875 and includes any river board or drainage board and any joint board or joint committee if all the constituent authorities are such local authorities as aforesaid.

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

(2) The persons who on the date on which the transfer book or register is closed are entered therein as holders of any security of the class to which such transfer book or register relates shall be entitled to the interest next payable thereon.

150.—(1) In addition to any other form of borrowing the Council may exercise any statutory borrowing power by the issue of bonds (in this Act referred to as "bonds") in accordance with the provisions of this Act. Power to issue bonds.

(2) Where the Council raise money by the issue of bonds the following provisions of the Act of 1933 shall apply as if the money had been raised by borrowing on mortgage under that Act and bonds were mortgages within the meaning of that Act:—

- Section 209 (Notice of trusts);
- Section 210 (Receipts on behalf of joint holders and infants);
- Section 211 (Appointment of receiver);
- Section 212 (Repayment of moneys borrowed on mortgage);
- Section 213 (Sinking fund);
- Section 214 (Adjustments of sinking fund).

(3) The provisions set out in the Fourth Schedule to this Act shall have effect with regard to bonds.

(4) Bonds shall be deemed to be loan capital or funded debt within the meaning of section 8 of the Finance Act 1899.

(5) The provisions of section 115 of the Stamp Act 1891 (which relates to the composition for stamp duty) shall with the necessary adaptations apply in the case of bonds as if those bonds were stock or funded debt within the meaning of that section.

PART VIII
—cont.Expenses of
public
entertainment.

151. The Council may make reasonable payments for or in connection with—

- (a) the reception and entertainment by way of official courtesy of distinguished persons residing in or visiting the county and persons representative of or connected with local government services and the supply of information to any such persons ;
- (b) refreshments for representatives or members of the Council local authorities or other bodies or for other persons attending meetings of or conferences convened by the Council or held at the Shire Hall ;
- (c) visits by way of official courtesy by or on behalf of the Council ; and
- (d) the arrangement and conduct of ceremonies relative to or arising out of the statutory functions of the Council.

Interest
warrants
by post.

152.—(1) The Council may give notice to any person being registered as a holder of any authorised security (other than stock) that they intend to send interest to him by post if he does not object and if such person does not within fourteen days from the receipt of such notice give notice to the Council of such objection the Council may from time to time send orders for the payment of interest or warrants by post to the address of such person appearing in the register :

Provided that if such person give notice to the Council that he desires such orders or warrants to be sent to another person at a given address the Council may from time to time send the same by post to such other person at such address.

(2) Where more persons than one are registered as joint holders of any authorised security any one of them may for the purpose of this section be regarded as the holder of the security unless contrary notice has been given to the Council by any other of them.

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

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

Payment of
pension etc. of
person of
unsound mind.

153.—(1) Subject to the provisions of this section where a person entitled to receive from the Council any sum to which this section applies is lawfully detained as a person of unsound mind in accordance with the Lunacy Act 1890 the Council 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.

(2) Subject to the provisions of this section where a person entitled to receive from the Council any sum to which this section applies is in the opinion of the Council through mental infirmity incapable of managing his affairs the Council 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 Council to an employee or former employee or pensioner of the Council 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 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 Council 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 Council intend to exercise the said power and in relation to any person to whom subsection (2) of this section applies the Council shall at the same time give notice to that person in a form approved by the Master in Lunacy:

Provided that the Council 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 Council notice in writing that he objects to the exercise by the Council of the said power in relation to any person the said power shall as from the date of the receipt by the Council of the notice cease to be exercisable by the Council in relation to that person unless and until the master withdraws the notice.

(6) The Council 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.

154. Notwithstanding anything in the Local Government Superannuation Acts 1937 to 1953 the Council 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 any other superannuation pension compensation or other such payment under any statutory

As to proof of continued existence of pensioners.

PART VIII
—cont.

authority to or for the benefit of any person unless satisfactory proof is given to the Council in such manner and at such times as they may from time to time require of the continued existence of such person.

C. *Financial provisions relating to local authorities*

Capital fund
of local
authorities.

155.—(1) The provisions of section 143 (Capital fund) of this Act shall extend and apply to a local authority as if—

- (a) the local authority were therein referred to in lieu of the Council ;
- (b) the general rate fund were therein referred to in lieu of the county fund ;
- (c) the equivalent of twice the product of a penny rate were therein referred to in lieu of the equivalent of three times the product of a penny rate ; and
- (d) such respective sums as the Minister may prescribe were therein referred to in lieu of the respective sums of two hundred and fifty thousand pounds and thirty thousand pounds :

Provided that any sum derived from the sale of any corporate land of the council of a borough as defined by section 305 of the Act of 1933 and paid into the capital fund shall not except with the consent of the Minister be applied otherwise than in the purchase or acquisition of other corporate land.

(2) The said section 143 in its application to a local authority shall be read and have effect as if—

- (a) in paragraph (a) of subsection (1) thereof after the word “ Council ” there were inserted the words “ (other than sums derived from the sale of any property forming part of any passenger road transport or water undertaking) ” ;
- (b) in subsection (2) thereof after the word “ powers ” there were inserted the words “ but not including any expenditure incurred in connection with any passenger road transport or water undertaking ”.

Renewal and
repairs fund
of local
authorities.

156. The provisions of section 144 (Renewal and repairs fund) of this Act shall extend and apply to a local authority as if—

- (a) the local authority were therein referred to in lieu of the Council ;
- (b) the general rate fund were therein referred to in lieu of the county fund ; and
- (c) such sum as the Minister may prescribe were therein referred to in lieu of the sum of two hundred thousand pounds :

Provided that the provisions of the said section 144 shall not extend and apply to any expenditure of the local authority in connection with any buildings works plant appliances or things for the purposes of any undertaking of the local authority 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.

157. With the consent of the Minister the provisions of section 145 (Consolidated loans fund) of this Act shall extend and apply to a local authority as if—

Consolidated
loans fund of
local
authorities.

- (a) the local authority were therein referred to in lieu of the Council ;
- (b) the general rate fund were therein referred to in lieu of the county fund ; and
- (c) paragraph (c) of subsection (2) were omitted from that subsection.

158.—(1) With the consent of the Minister the provisions of section 146 (General insurance fund) of this Act shall extend and apply to a local authority as if—

General
insurance
fund of local
authorities.

- (a) the local authority were therein referred to in lieu of the Council ;
- (b) the general rate fund were therein referred to in lieu of the county fund :

Provided that the Minister when giving his consent to a local authority to establish an insurance fund or at any time thereafter may determine the sum which for the purposes of the said section in its application to such local authority shall be “ the prescribed amount ”.

(2) Two or more local authorities having power to exercise the provisions of the said section may with the consent of the Minister exercise that power jointly in accordance with a scheme made by such local authorities and approved by the Minister who may prescribe such modifications as appear to him desirable when giving his consent.

(3) Any moneys standing to the credit of any existing insurance fund of a local authority shall be carried to the credit of the insurance fund of such local authority authorised by this section.

159.—(1) A local authority may establish a reserve fund in respect of any undertaking of the local authority from which revenue is derived by setting aside such an amount as they may from time to time think reasonable and (unless the amounts so set aside are applied in any other manner authorised by any

Reserve fund
of local
authorities.

PART VIII
—cont.

enactment) investing the same in statutory securities until the fund so provided amounts to the maximum reserve fund for the time being prescribed.

(2) A local authority may subject to the approval of the Minister determine the sum which for the purposes of this section shall be the maximum prescribed.

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

- (a) in making good any deficiency at any time happening in the income of the local authority from the undertaking in connection with which it is formed ; or
- (b) in meeting any extraordinary claim or demand at any time arising against the local authority in respect of that undertaking ; or
- (c) in or towards the payment of the cost of renewing improving or extending any works buildings machinery plant or conveniences forming part of the undertaking or otherwise for the benefit thereof ;

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

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

(5) If and when the local authority establish a reserve fund under this section in respect of any such undertaking as aforesaid any moneys standing to the credit of any reserve fund or contingency or depreciation fund provided by the local authority in respect of that undertaking and in existence at the date of the passing of this Act shall be carried to and form part of the reserve fund provided under this section in respect of that undertaking.

Power to local
authorities to
issue bonds.

160. With the consent of the Minister the provisions of section 150 (Power to issue bonds) of this Act shall extend and apply to a local authority as if—

- (a) the local authority were therein referred to in lieu of the Council ; and
- (b) the financial officer were referred to in lieu of the treasurer in paragraph 4 of the Fourth Schedule to this Act.

Application of
general rate
fund for certain
purposes.

161. If in respect of any financial year the moneys received by a local authority on account of the revenue of any of their undertakings (including the interest and other annual proceeds received by the local authority in that year on the investments

representing or forming part of any authorised fund provided in connection with the undertaking) shall exceed the moneys expended or applied by the local authority in respect of that undertaking properly chargeable to revenue the local authority may in respect of that year (if they think fit) apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes:—

PART VIII
—cont.

- (a) in the reduction of capital moneys borrowed for the purpose of the undertaking; or
- (b) in the renewal construction extension or improvement of any works and conveniences for the purposes of the undertaking; or
- (c) towards the provision of any reserve fund in respect of the undertaking which the local authority are authorised to provide.

162. A local authority may pay—

- (a) reasonable expenses of the local authority in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting their district;
- (b) reasonable expenses in connection with official and courtesy visits by or on behalf of the local authority and payments for travelling expenses and for expenses reasonably incurred by or on behalf of any member or officer of the local authority in connection therewith; and
- (c) reasonable expenses in providing refreshments for members or representatives of the local authority or other bodies or for other persons attending meetings of or conferences convened by the local authority or held at the offices of the local authority;
- (d) if the local authority is the council of a borough reasonable expenses in connection with the presentation of the freedom of the borough to persons whom the local authority may resolve to admit as honorary freemen.

Expenses of public ceremonies etc. by local authority.

163. If a justice is satisfied on complaint by any officer of a local authority duly authorised that any person is quitting or about to quit any premises in the district and has failed to pay on demand any general rate water rate or water charge which may be due from him to such local authority and intends to evade payment of the same by departing from the said premises the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the person named therein forthwith to enter the premises and to

Recovery of rate etc. from persons removing.

PART VIII
—cont.

seize sufficient goods and chattels of the person in default to meet the claim of the local authority and to detain them until the complaint is determined upon the return of the summons.

Recovery of rates from certain owners.

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

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

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

(3) This section shall not apply to any hereditaments to which subsection (1) of section 11 of the Rating and Valuation Act 1925 applies by virtue of a resolution of the local authority.

As to recovery of rates from tenants and lodgers.

165. For the purposes of section 15 of the Rating and Valuation Act 1925 the rates due from the person rated for any hereditament within the district shall be deemed to be in arrear if such rates are not paid within two months after lawful demand in writing has been made for the same.

Service of demand notes.

166. The provisions of section 59 of the Rating and Valuation Act 1925 relating to the sending or service of demand notes shall apply to demand notes for any charges made in connection with any undertaking department or service of a local authority.

Power to local authorities to borrow.

167.—(1) A local authority shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow such sums as may be necessary for any of the purposes of this Act.

(2) The provisions of Part IX of the Act of 1933 so far as they are not inconsistent with this Part of this Act shall extend and apply to money borrowed under this section as if it were borrowed under Part IX of that Act.

Application of certain sections of Part VIII to local authorities.

168.—(1) A local authority may exercise the powers contained in the provisions of this Act hereinafter mentioned and those provisions shall accordingly have effect with any necessary modifications including the substitution of “a local authority” for “the Council”.

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

PART VIII
—cont.

Section 147 (Scheme for equated periods);

Section 149 (Closing of registers);

Section 152 (Interest warrants by post);

Section 153 (Payment of pension etc. of person of unsound mind);

Section 154 (As to proof of continued existence of pensioners).

PART IX

MISCELLANEOUS

169. Notwithstanding anything contained in paragraph 3 of Part V of the Third Schedule to the Act of 1933 or in any other enactment or rule of law to the contrary the minutes of the proceedings of meetings of the Council or of any committee thereof may be recorded on loose leaves consecutively numbered the minutes of the proceedings of any meeting being signed and each leaf comprising those minutes being initialled at the same or next ensuing meeting of the Council or committee as the case may be by the person presiding thereat and any minutes purporting to be so signed shall be received in evidence without further proof.

As to minutes of Council meetings etc.

170.—(1) The Council may acquire by agreement any picture or sculpture and may erect and maintain or contribute towards the provision erection and maintenance of any picture or sculpture in any place provided by or vested in the Council under section 125 of the Act of 1933 and may from time to time enter into and carry into effect a contract for the production of a picture or sculpture and for the purchase thereof by the Council when completed.

Acquisition of pictures etc. by Council.

(2) For the purpose of providing for the accommodation exhibition and preservation of pictures or sculptures or objects of historical antiquarian or other public interest which may for the time being be in the possession of the Council by virtue of this section or of any gift loan or discovery the Council may adapt furnish and maintain any premises given to and for the time being vested in the Council for the purposes of this section.

(3) The Council may let any building vested in them as aforesaid on such terms and conditions as to payment or otherwise as they think fit and may make charges for admission to any such building which may for the time being be under their management and control.

171.—(1) The council of an urban district may erect and maintain any picture or sculpture which may be in their possession by virtue of any gift loan or discovery in any place provided by or vested in the council under section 125 of the Act of 1933.

Maintenance of pictures etc. by local authorities.

PART IX
—cont.

(2) For the purpose of providing for the accommodation exhibition and preservation of pictures or sculptures or objects of historical antiquarian or other public interest which may for the time being be in the possession of the council of an urban district as aforesaid the local authority may adapt furnish and maintain any premises given to and for the time being vested in the council for the purposes of this section.

As to warning
posts and signs.

172.—(1) The Council a local authority or parish council may erect and maintain such posts and signs as may be necessary for the purpose of warning persons of dangerous conditions existing in the vicinity of such posts and signs with the consent of the owner in fee simple of the land in which it is proposed to erect the same and of any person having the control or management of such land.

(2) The Council may contribute to the expenses incurred by a local authority or parish council in exercising the powers of this section.

(3) Nothing in this section shall be in derogation of any order or regulations made by the Minister of Transport in respect of traffic signs or any general or special directions given by him in pursuance of section 48 of the Road Traffic Act 1930.

Flood
precautions
and provision
of life-saving
apparatus.

173.—(1) For the purpose of preventing or reducing loss of life and property resulting from and alleviating distress caused by the flooding of land and buildings by the overflowing of the river Thames or any of its tributaries a local authority may provide—

- (a) boathouses garages drying rooms store rooms hostels and other premises ;
- (b) means of communication for the public between buildings or between buildings and streets by bridges platforms and handrails and other ways ; and
- (c) boats vehicles and other appliances.

(2) A local authority may if they think fit make and recover charges for the use of any premises and appliances provided under the preceding subsection.

(3) For the purpose of saving life on any river lake or water in their district to which the public have access a local authority may provide boats boathouses and store rooms.

(4) A local authority may employ such number of persons as they may think fit for any of the purposes referred to in subsections (1) and (3) of this section.

(5) The Council may contribute towards the cost of the provision equipment and maintenance of premises and appliances under this section and the employment of persons in connection therewith.

(6) Nothing in this section shall authorise a local authority to manufacture boats or vehicles.

174.—(1) Any burial authority in the county 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 burial authority and the following provisions shall apply in relation to any such agreement:—

Agreements to
maintain
graves and
tombstones.

(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 statutory securities;

(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 burial authority 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 burial authority 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.

175.—(1) The powers of a burial authority in the county in relation to a burial ground provided by them or a closed or disused burial ground maintainable by them shall include power to put and keep in order any grave or tombstone and remove

Extension of
power to
maintain burial
grounds.

PART IX
—cont.

the kerbs surrounding a grave therein subject to the following provisions:—

- (a) Before exercising the powers of this section the burial authority shall give notice of their intention so to do—
- (i) by publishing the notice once in each of two successive weeks in a local newspaper circulating in the area affected with an interval between each publication of not less than six clear days; and
 - (ii) by displaying the notice in a conspicuous position in the burial ground;
- (b) Any such notice shall—
- (i) contain a description of the works intended to be executed; and
 - (ii) specify the date on which it is intended that those works will be commenced which shall not be earlier than the fourteenth day after the last publication of the notice in a newspaper as aforesaid or the twenty-first day after the notice is first displayed in the burial ground as aforesaid; and
 - (iii) state the effect of paragraph (c) of this subsection;
- (c) If notice of objection to the execution of any such works and of the ground thereof is given to the burial authority before the date so specified and is not withdrawn before the expiration of fourteen days from that date the works to which the objection relates shall not be executed without the consent of the Minister;
- (d) All kerbs removed by the burial authority under the powers of this section shall remain the property of the owner of the grave space from which they have been removed and if such owner does not claim them within a period of three months after the first publication of the advertisement referred to in sub-paragraph (i) of paragraph (a) of this subsection the burial authority may put the kerbs to such use as they may deem appropriate or they may destroy them;
- (e) Where any kerbs constitute a memorial the burial authority may (if requested so to do) after consultation with any known next-of-kin at their own expense in substitution therefor erect a memorial stone of a value not exceeding twenty-five pounds;
- (f) The burial authority shall cause to be made a record of any kerb surrounding a grave space removed under the powers of this section showing the particulars respecting each kerb so removed as a separate

entry and a copy of such record shall be deposited at the General Register Office Somerset House London with the miscellaneous records in the custody of the Registrar-General.

PART IX
—cont.

(2) The powers conferred by this section with respect to the levelling of any grave or the removal of any kerb surrounding a grave shall not be exercisable in a closed churchyard unless the sanction of a licence or faculty from the consistory court of the diocese in which the churchyard is situate is first obtained and where in the case of any such churchyard such licence or faculty has been obtained the requirements of paragraphs (a) (b) and (c) of subsection (1) of this section shall not apply.

(3) In this section—

the expression “burial ground” includes a cemetery;

the expression “grave” includes a grave space;

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

176.—(1) The Maidenhead Corporation may provide a golf course and for that purpose may by agreement acquire whether by way of purchase lease or exchange land whether situated within or without their district. Golf courses.

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

(3) The Maidenhead Corporation may either—

(a) themselves manage any golf course 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 Maidenhead Corporation may—

(a) at any such golf course provide and sell refreshments of all kinds subject to the provisions of all enactments relating thereto;

(b) enter into any agreement or arrangement for the provision and sale of refreshments as aforesaid;

(c) grant upon such terms and conditions and for such period as they think fit the right so to provide and sell refreshments;

PART IX
—cont.

(d) by themselves or any person appointed by them in that behalf apply for and hold licences for the sale of beer intoxicating liquors and tobacco at any such golf course.

(5) The Maidenhead Corporation may make byelaws for regulating the use of golf courses provided under this section whether within or without their district and the conduct of persons using them or resorting thereto.

Supply of
goods by
Council
to other
authorities.

177.—(1) The Council may purchase and store and supply to an authority any goods or materials required for the discharge of the functions of that authority and for those purposes the Council and any authority may enter into and carry into effect agreements and do all such other acts as may be necessary or convenient.

(2) For the purposes of this section the expression “authority” means an authority discharging functions within the county of Berks being—

- (a) the council of a district or of a parish or a joint committee appointed by two or more such councils ;
- (b) any statutory or other body or persons discharging functions in pursuance of any statutory enactment or regulation made thereunder.

Floral
decorations.

178.—(1) The council of an urban district may let on hire to a hiring authority floral decorations for use on premises owned occupied or maintained by the hiring authority and may make such charges therefor as they think fit :

Provided that no floral decorations let on hire under the provisions of this section shall be used otherwise than by the hiring authority in connection with the discharge of their powers and duties but for the purposes of this section such powers and duties shall not include the reletting on hire of any such floral decorations as aforesaid.

(2) In this section—

“floral decorations” includes plants and flowers ;

“hiring authority” means the Council a local authority or a parish council.

Subscriptions
to scientific
bodies and
other expenses.

179. The Council may pay 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 is or are engaged in investigations or the keeping of records of use or value to the Council and any reasonable expenses of the attendance of any members or officers of the Council at or of persons nominated by the Council to attend

conferences or meetings of such society or body and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings:

PART IX
—cont.

Provided that the payments to be made by the Council under this section shall not in any financial year exceed the equivalent of one-tenth of the product of a rate of one penny in the pound as ascertained or estimated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act 1925.

180.—(1) A committee lawfully authorised by the Council to exercise any powers of the Council under any enactment may subject to any direction of the Council appoint such sub-committees consisting either wholly or partly of members of the committee as the committee think fit and subject as aforesaid may delegate with or without restrictions or conditions any of their functions to a sub-committee so appointed. Delegation of powers to sub-committees.

(2) Except in pursuance of powers conferred by any enactment a majority of the members of any such sub-committee shall be members of the Council.

(3) The powers of this section shall be in addition to the powers of any committee of the Council to appoint sub-committees under any other enactment.

181.—(1) Notwithstanding anything in any enactment or in any rule of law or otherwise to the contrary the terms of a mortgage to which the Council are a party may be varied by an endorsement in writing on the deed by which such mortgage was originally granted where the variation consists of an extension of the time for the repayment of the principal moneys secured by the mortgage or of an alteration of the rate of interest payable by the mortgagor on the principal moneys so secured and for the time being not repaid or both of such extension of time and of such alteration of rate of interest. Modification of mortgages by endorsement under hand.

(2) For the purposes of this section an endorsement by the clerk of the Council or his duly authorised representative shall be deemed to be an endorsement by the Council and if any other body corporate is also a party to the mortgage an endorsement by any person duly authorised by them shall be deemed to be an endorsement by them.

182.—(1) For the better performance of their respective powers or duties provision may be made by agreement in the case of the Council between the Council and a local authority or in the case of a local authority between the local authority on the one hand and the Council or some other local authority Provision of reciprocal services etc. by Council and local authority.

PART IX
—cont.

on the other for the taking by either party thereto of action of the following kinds:—

- (a) the undertaking by one party for the other of any administrative clerical professional or technical services;
- (b) the use or maintenance by one party of any vehicle plant equipment or apparatus of the other party and if it appears convenient the services of any staff employed in connection therewith;
- (c) the carrying out of works of maintenance by one party in connection with land or buildings for the maintenance of which the other is responsible.

(2) For the purposes of this section the expression "local authority" shall include the Berkshire and Reading Fire Authority but any agreement with that authority made under this section which if it had been made under the Fire Services Act 1947 would have required the consent of the Secretary of State shall not be valid unless that consent is obtained.

(3) Where provision could be made either by an agreement under this section or by virtue of the powers conferred by section 271 of the Act of 1936 it shall be made under the said section 271 and not under this section.

False
statements
to obtain rent
rebate etc.

183.—(1) If any person for the purpose of obtaining for himself or any other person the occupation of any house belonging to a local authority or a rebate in the rent of any house belonging to the local authority or a reduction in the amount of any other payment due to the local authority under any enactment whether passed before or after the passing of this Act—

- (a) knowingly makes to the local authority or any of their employees a false statement or false representation relating to his or that other person's need for accommodation or ability to pay the rent or make the payment; or
- (b) produces or furnishes or knowingly allows to be produced or furnished to the local authority or any of their employees any document or information relating as aforesaid which he knows to be false in a material particular;

he shall be liable to a penalty not exceeding fifty pounds or to imprisonment for a term not exceeding four months or to both such penalty and imprisonment.

(2) If any person is convicted of an offence under this section the court may order him to pay to the local authority the amount of the rebate or reduction so obtained or (as the case may be) may terminate the tenancy of the house.

(3) In any case in which proceedings can be taken either under this section or under some other corresponding enactment those proceedings shall be taken under that enactment and not under this section.

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—cont.

184.—(1) A local authority may exercise the powers contained in the provisions of this Act hereinafter mentioned and those provisions shall accordingly have effect with any necessary modifications including the substitution of “local authority” for “Council”. Application of certain provisions of Part IX to local authorities

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

- Section 169 (As to minutes of Council meetings etc.);
- Section 179 (Subscriptions to scientific bodies and other expenses);
- Section 180 (Delegation of powers to sub-committees);
- Section 181 (Modification of mortgages by endorsement under hand).

(3) The Berkshire and Reading Fire Authority may exercise the powers contained in the provisions of section 169 (As to minutes of Council meetings etc.) of this Act.

PART X

PROVISIONS RELATING TO ABINGDON

185. In this Part of this Act unless the subject or context otherwise requires— Interpretation of Part X.

- “the borough” means the borough of Abingdon;
- “market-house” means market-house market building or market premises of the Abingdon Corporation;
- “market stand” means stand stall bench shed pen table compartment standing room station or space in any market-house market-place or cattle market;
- “the markets undertaking” means the markets undertaking of the Abingdon Corporation.

186. The Abingdon Corporation without prejudice to any other powers vested in them shall have the following powers in relation to their markets and fairs (namely):— Powers of corporation as to markets and fairs.

- (1) (a) Subject to the provisions of section 191 (Further provisions as to fairs) of this Act they may continue the markets and fairs held at the passing of this Act and may from time to time—

- (i) by order made and submitted to the Minister of Transport for confirmation by him prescribe or alter streets or parts of streets in which the markets are or may respectively be held;

PART X
—cont.

(ii) alter the places in which the markets are or may respectively be held ; and

(iii) establish and hold new markets and discontinue any existing or new markets :

Provided that the power to discontinue any existing or new market shall not be exercised unless and until the same shall be sanctioned by the Minister ;

- (b) The Abingdon Corporation shall consult with the Council before making an order under sub-paragraph (i) of paragraph (a) of this subsection ;
- (c) The provisions of the Fifth Schedule to this Act shall apply to the submission and confirmation of orders under sub-paragraph (i) of paragraph (a) of this subsection :
- (2) They may continue and from time to time provide market-places and market-houses for the sale of any animals poultry or other articles and places for fairs together with all such market stands buildings offices approaches appliances conveniences and things as may be necessary or proper or incidental to the carrying on of any such matters :
- (3) They may alter enlarge improve extend reconstruct and rebuild their existing market-houses and buildings or they may erect or provide and maintain new buildings therefor and in connection with or as part of such market-houses or new buildings or any market-place or any of their markets or the markets undertaking they may maintain and may erect or provide offices shops stores warehouses toll-houses or other premises for receipt of tolls and other tenements or buildings :
- (4) They may for the aforesaid purposes or any of them or for any purpose of or in connection with any of their markets or the markets undertaking appropriate and use any lands for the time being vested in or belonging to them :

Provided that at least three months before the Abingdon Corporation alter any place in which markets are held under the powers of this Act they shall publish in one or more local newspapers circulating in the borough and in the London Gazette notice of the intention to alter such market.

Byelaws as to
markets
and fairs.

187.—(1) The Abingdon Corporation may make byelaws for all or any of the following purposes (that is to say):—

- (a) for fixing the days and the hours during each day on which the market shall be held ;

(b) for fixing the hours during which fairs may be held and the days and hours during which the fairs and any apparatus stalls or things used or intended to be used for the purpose of or in connection with the fairs may be set up placed in position dismantled and removed.

(2) The Abingdon Corporation shall—

(a) not less than one month before making byelaws under this section furnish the Showmen's Guild of Great Britain with a draft of the proposed byelaws ;

(b) on submitting the byelaws to the Minister for confirmation furnish him with a copy of any representations made to the Abingdon Corporation in writing by the Showmen's Guild of Great Britain and a statement showing the effect if any given to any such representations.

188.—(1) The Abingdon Corporation may grant leases (with the right if they think fit of assigning the same with their consent) of the markets market-houses market-places weighing-houses weighing-places and weighing-machines from time to time under the management of the Abingdon Corporation or any of them and the tolls or any of them and any of the market stands and other conveniences in the markets of the Abingdon Corporation or in any market-house or market-place for the time being belonging to them or under their management to any person for any period not exceeding seven years and may grant leases (with a similar right) of any office shop catering establishment store warehouse tenement cellar or building situate in any of the markets of the Abingdon Corporation or forming part of or acquired or erected in connection with the markets undertaking including any premises not used for the time being in connection with the markets undertaking to any person for such period as the Abingdon Corporation may think fit.

(2) The Abingdon Corporation may upon such terms and conditions and for such period as they may think fit lease to any person the right to collect and retain tolls in respect of any fair or any part of a fair lawfully held in any streets or market-places in the borough.

189.—(1) The person in charge of any vehicle in which and any person by whom animals poultry or other articles are brought for sale in the markets of the Abingdon Corporation shall give to any authorised market officer such information as to their number and kind or in the case of articles on which tolls are chargeable by reference to weight as to their weight as that officer may call for.

Information as to number weight etc. of animals and articles brought to market.

PART X
—cont.

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

Compulsory
acquisition of
land for
markets
undertaking.

190.—(1) The Abingdon Corporation may be authorised by the Minister to purchase land compulsorily for the purposes of the markets undertaking.

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

Further
provisions
as to fairs.

191.—(1) The fairs which may lawfully be held in the borough shall (subject to the provisions of subsections (2) and (3) of this section) be held on the following days in every year namely:—

- (a) the Saint Mark's Day Fair on the Monday falling on or next before the sixth day of May;
- (b) the Saint Edmund of Abingdon Fair on the Monday falling on or next after the twentieth day of June;
- (c) the Michaelmas Fair (or Hiring Fair) on the Monday before the eleventh day of October and on the next following day;
- (d) the Runaway Fair on the Monday next following the Michaelmas Fair.

(2) (a) The Abingdon Corporation may from time to time by order made and submitted to the Minister of Transport for confirmation by him—

- (i) prescribe the streets or parts of streets in the borough in which any fair may be held; and
- (ii) remove any fair from any of the streets or parts of streets and market-places of the borough to any other street or part of a street or market-place within the borough; and
- (iii) remove any fair except the Michaelmas Fair from any of the streets or parts of streets or market-places of the borough to any land within the borough under the management and control of the Abingdon Corporation.

(b) The Abingdon Corporation shall consult with the Council before making an order under paragraph (a) of this subsection.

(c) The provisions of the Fifth Schedule to this Act shall apply to the submission and confirmation of orders under paragraph (a) of this subsection.

(3) At least three months before the Abingdon Corporation remove any fair except under the powers of this section they shall publish in a local newspaper circulating in the borough and in the London Gazette notice of the intention to remove such fair.

PART X
—cont.

192.—(1) The following sections of this Act shall not apply within the borough of Abingdon:—

Provisions as
to Abingdon.

Section 22 (Prohibition of building until street formed and sewerage);

Section 33 (Adjustment of boundaries of streets);

Section 48 (Means of access to buildings);

Section 163 (Recovery of rate etc. from persons removing).

(2) If the Abingdon Corporation establish a renewal and repairs fund under section 156 (Renewal and repairs fund of local authorities) of this Act section 67 (Renewal and repairs fund) of the Abingdon Corporation Act 1951 shall cease to have effect and any moneys standing to the credit of the fund established under the said section 67 shall be carried to and form part of the fund established by the Abingdon Corporation under the said section 156.

193.—(1) The Abingdon Corporation shall have power in addition and without prejudice to their power of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority such sums as may be necessary for paying the costs charges and expenses of this Part of this Act and they shall repay any sum so borrowed within such period as the Abingdon Corporation may determine not exceeding five years from the passing of this Act.

Power to
Abingdon
Corporation
to borrow.

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

PART XI GENERAL

194.—(1) No matter or thing done and no contract entered into by the Council and no matter or thing done by any member of the Council or by any officer of the Council or other person whomsoever acting under the direction of the Council shall if the matter or thing were done or the contract were entered into bona fide for the purpose of carrying out any powers or duties of the Council under this Act subject any member or officer of

Protection of
Council and
their officers
from personal
liability.

PART XI
—cont.

the Council or other person as aforesaid personally to any action liability claim or demand whatsoever and any expense incurred by the Council or any such member officer or other person acting as aforesaid shall be borne and repaid out of the county fund:

Provided that nothing in this section shall exempt any member of the Council from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of the Council and which such member authorised or joined in authorising.

(2) The provisions of section 265 of the Public Health Act 1875 affording protection to local authorities and their officers from personal liability shall enure for the benefit of any member of any local authority and any officer of such authority or other person acting under the direction of such authority in relation to the execution by such local authority officer or person of the provisions of this Act.

In executing works for owner Council liable for negligence only.

195. Whenever the Council or any of their officers under any enactment execute re-execute or alter any work or do any act or thing in default of the owner occupier or other person required to execute re-execute or alter such work or do such act or thing the Council shall not as between themselves and such owner occupier or other person in the absence of any negligence on their part or the part of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Council in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Restriction on right to prosecute.

196. Proceedings in respect of an offence created by or under this Act (except section 87 (Provisions as to motor vehicles let for hire) and Part VII (Weights and measures) thereof) shall not without the written consent of the Attorney-General be taken by any person other than a party aggrieved or the Council.

Breach of conditions of consent.

197. Where in pursuance of any provisions of this Act the Council a local authority or a highway authority give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

198. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 of the Act of 1936. Compensation how to be determined.

199. 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 67 (Boating pools)	Secretary of State.
Section 132 (Byelaws relating to wood fuel) ...	Board of Trade.
Section 176 (Golf courses)	Secretary of State.

200.—(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. Appeals.

(2) Where any requirement refusal or other decision of the Council or highway authority against which a right of appeal is conferred by this Act—

- (a) involves the execution of any work or the taking of any action ; or
- (b) makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time of the requirement refusal or decision or to use any premises for any purpose for which they were lawfully used up to that time ;

then until the time for appealing has expired or when an appeal is lodged until the appeal is disposed of or withdrawn or fails for want of prosecution—

- (i) no proceedings shall be taken in respect of any failure to execute the work or take the action nor shall the Council or highway authority themselves execute the work or take the action ; and
- (ii) that person may carry on that business and use those premises for that purpose.

201. The Minister the Secretary of State the Minister of Transport the Minister of Fuel and Power or the Minister of Civil Aviation may hold such inquiries as they respectively may Inquiries by Ministers.

PART XI
—cont.

consider necessary in regard to the exercise of any powers conferred upon them or the giving of consents under this Act and subsections (2) to (5) of section 290 of the Act of 1933 shall apply accordingly.

Application of
provisions of
Act of 1936.

202.—(1) The sections of the Act of 1936 hereinafter mentioned shall have effect as if they were re-enacted in this Act and in terms made applicable thereto and as if the expression “local authority” included the Council and any local authority:—

- Section 271 (Interpretation of “provide”);
- Section 275 (Power of local authority to execute certain work on behalf of owners or occupiers);
- Section 276 (Power of local authority to sell certain materials);
- Section 277 (Power of councils to require information as to ownership of premises);
- Section 283 (Notices to be in writing; forms of notices &c.);
- Section 284 (Authentication of documents);
- Section 285 (Service of notices &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 299 (Inclusion of several sums in one complaint &c.);
- Section 304 (Judges and justices not to be disqualified by liability to rates);
- Section 328 (Powers of Act to be cumulative);
- Section 329 (Savings for certain provisions of the Land Charges Act 1925):

Provided that—

PART XI
—cont.

- (a) in the application of the said section 271 to section 173 (Flood precautions and provision of life-saving apparatus) of this Act the power to provide boats vehicles and other appliances shall be deemed to be a power to provide buildings or other premises and in relation to such boats vehicles and other appliances the power to equip conferred by the said section 271 shall be construed as a power to equip with all such appliances and apparatus as are reasonably necessary to enable them to be used for the purposes for which they are required ;
- (b) the said sections 277 287 288 289 291 294 295 and 329 shall only apply to the provisions contained in Part III (Highways) Part IV (Open spaces camps and pleasure grounds) and Part VI (Public health) of this Act ;
- (c) the said section 293 shall not apply to section 178 (Floral decorations) of this Act.

(2) Section 284 of the Act of 1936 shall extend and apply in relation to any enactment for the time being in force in the county or in any district as if that section were enacted in that enactment and in terms made applicable thereto.

203. Whenever under any public general Act from time to time in force in the county (other than the Act of 1936 and the Private Street Works Act 1892) or under any local enactment the Council on the application or in consequence of the default of the owner or occupier of any premises execute any work the cost of which is payable by such owner or occupier the Council may include in and recover as part of such cost such additional sum not exceeding five per centum of the cost of the works as they think fit in respect of their establishment charges.

204. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration (other than questions or disputes to which the provisions of the Lands Clauses Acts apply) the reference shall be subject to the provisions of the Arbitration Act 1950 and unless other provision is made or it is otherwise agreed the arbitrator shall be appointed by the Minister.

205.—(1) No power conferred upon a local authority by the provisions of this Act hereinafter mentioned 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 managed or controlled by the local authority without an order of the High Court or of the Charity Commissioners or of the Minister of

PART XI
—cont.

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 local authority without the consent of the donor grantor lessor or other person entitled in law to the benefit of the covenant or condition.

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

Section 14 (Development of land);

Section 66 (Power to let parks etc. for games);

Section 67 (Boating pools);

Section 68 (Parking places in parks etc.);

Section 176 (Golf courses).

Subsection (4) of section 186 (Powers of Corporation as to markets and fairs).

Application of certain provisions of Part XI to local authorities.

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

(a) “local authority” for “Council”; and

(b) “district of the local authority” for “county”.

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

Section 195 (In executing works for owner Council liable for negligence only);

Section 196 (Restriction on right to prosecute);

Section 200 (Appeals);

Section 203 (Power to charge in respect of establishment expenses).

Saving for town and country planning.

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

Saving for powers of Treasury.

208. It shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act) otherwise than in compliance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

209.—(1) The following provisions of this Act shall not apply to any development carried out or to be carried out in accordance with proposals approved by the Minister under section 3 of the New Towns Act 1946 in relation to any area designated as the site of a new town:—

PART XI
—cont.

Saving for
development
corporations.

Section 22 (Prohibition of building until street formed and sewerage laid);

Section 23 (Termination of new streets);

Section 24 (Rounding or splaying off corners at street junctions);

Section 25 (Adjustment of boundaries of estates in connection with streets);

Subsection (2) of section 47 (Retaining walls);

Section 48 (Means of access to buildings).

(2) The powers of the following sections of this Act shall not be exercised in relation to any works in or adjacent to any street which has been constructed by or on behalf of a development corporation within any area designated as the site of a new town under the New Towns Act 1946 and which has not become a highway repairable by the inhabitants at large without the consent of the development corporation for that area:—

Section 39 (Shelters etc. for passengers on public service vehicles);

Section 43 (Attachment of street lamps brackets etc.);

Section 45 (Barriers in streets).

(3) The local authority shall not give any notice under section 37 (Forecourts injurious to amenities of street) of this Act in respect of any forecourt belonging to a development corporation within any area designated as the site of a new town under the New Towns Act 1946 until they shall have consulted with that development corporation.

(4) The provisions of section 95 (Separate sewers for foul water and surface water) of this Act and any byelaws made thereunder shall not apply to a development corporation constructing a new street within any area designated as the site of a new town under the New Towns Act 1946.

210. For the protection of the undertakers the following provisions shall unless otherwise agreed in writing between the appropriate authority and the undertakers concerned apply and have effect:—

For protection
of certain
statutory
undertakers.

(1) In this section—

“ apparatus ” means—

(a) in relation to the British Electricity Authority or the Southern Electricity Board electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by such authority or board;

PART XI
—cont.

(b) in relation to the North Thames Gas Board the Southern Gas Board or the South Western Gas Board mains pipes or other works belonging to or maintained by any such board ;

(c) in relation to the Mid-Wessex Water Company the Newbury Corporation the mayor aldermen and citizens of the city of Oxford the Reading Corporation the council of the urban district of Wantage the Windsor Corporation the rural district council of Wokingham the South Oxfordshire Water Company and the South West Suburban Water Company mains pipes or other works within the county belonging to or maintained by any such undertakers ;

and includes any structure for the lodging therein of apparatus ;

“ appropriate authority ” means the Council the highway authority the local authority or the standing joint committee as the case may be ;

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

“ position ” includes depth ;

“ undertakers ” means the British Electricity Authority the Southern Electricity Board the North Thames Gas Board the Southern Gas Board the South Western Gas Board the Mid-Wessex Water Company the Newbury Corporation the mayor aldermen and citizens of the city of Oxford the Reading Corporation the council of the urban district of Wantage the Windsor Corporation the rural district council of Wokingham the South Oxfordshire Water Company and the South West Suburban Water Company or any of them as the case may be :

- (2) (a) Whenever the appropriate authority in the exercise of the powers of section 33 (Adjustment of boundaries of streets) of this Act shall give up land forming part of a street in exchange for other land and there is in such first-mentioned land any apparatus the appropriate authority shall give notice to the undertakers of such exchange with a plan showing the position and dimensions of the portion of the street so exchanged and the undertakers shall notwithstanding any agreement entered into under the said section continue to have the same powers and rights in respect of any apparatus remaining in the land previously forming the site of the street as if such land had continued to be

part of the street or the undertakers may and (if reasonably so required by the appropriate authority) shall alter the position of such apparatus to such other position or provide and lay or place such other apparatus in the street as altered under the said powers as may be reasonable ;

- (b) The undertakers shall within twenty-eight days after the receipt of any such notice from the appropriate authority give to the appropriate authority notice of their intention to alter the position of any apparatus or provide and lay or place other apparatus (otherwise than on the requirement of the appropriate authority) under this subsection and shall at the same time deliver to the appropriate authority a plan and section of the proposed alteration or of the position of the other apparatus. If such plan and section be not disapproved by the appropriate authority within twenty-eight days after the receipt thereof the proposed position of the apparatus shown thereon shall be deemed to be reasonable :
- (3) Whenever by virtue of the provisions of section 34 (Stopping up and diversion of highways) of this Act any highway or part of a highway in which any apparatus is situate is stopped up or diverted the undertakers shall notwithstanding such stopping up or diversion continue to have the same powers and rights in respect of any apparatus remaining in the highway or part of a highway so stopped up or diverted as if it had remained a highway or may and if reasonably so required by the appropriate authority shall—
- (i) remove the apparatus and relay or replace it in the highway (if any) substituted for the highway or part of a highway so stopped up or diverted or in such other position as the undertakers may reasonably determine ; or
 - (ii) provide and lay or place other apparatus in such substituted highway or in such other position as aforesaid in lieu of such existing apparatus :
- (4) The appropriate authority shall repay to the undertakers the reasonable expenses incurred by the undertakers of or in connection with—
- (a) the alteration of the position of any apparatus or the provision and laying or placing of other apparatus under subsection (2) of this section ; or
 - (b) the removal and relaying or replacing of any apparatus and the provision and laying or placing of any other apparatus under the provisions of subsection (3) of this section ;

PART XI
—cont.

and the reasonable costs of and incidental to (i) the cutting off of any apparatus from any other apparatus and (ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this subsection:

Provided that subsections (3) and (4) of section 23 of the Act of 1950 which imposes limitations on undertakers' rights to payment shall so far as applicable extend and apply to any payment to be made by the appropriate authority under paragraphs (a) and (b) of this subsection as if the works therein mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed or settled by arbitration under section 210 (For protection of certain statutory undertakers) of the Berkshire County Council Act 1953":

- (5) For the purposes of section 21 (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:
- (6) Nothing in the said section 21 or in section 22 (Prohibition of building until street formed and sewered) of this Act shall prevent the undertakers from beginning to erect or proceeding with the erection for the purposes of their undertaking of apparatus (including a pressure governor or meter house) abutting on any new street before in the case of the said section 21 such new street is defined or in the case of the said section 22 such new street is constructed or sewered in accordance with street byelaws:
- (7) Notwithstanding anything contained in section 25 (Adjustment of boundaries of estates in connection with streets) of this Act the undertakers shall not under the provisions of that section be required to exchange any operational land within the meaning of the Act of 1947 held by them except with their consent which shall not be unreasonably withheld:
- (8) Nothing contained in paragraph (e) of subsection (1) of section 26 (Trees grass verges and gardens) of this Act shall affect the rights of any undertakers with respect to any such verge or garden as is referred to in that paragraph and nothing contained in section 27 (Verges etc. of housing estates) of this Act shall affect such

rights with respect to any such verge garden or space as is referred to in that section :

PART XI
—cont.

Provided that in exercising such rights the undertakers shall not cause or permit except in case of necessity horses or vehicles to enter upon any such verge garden or space as aforesaid :

(9) Nothing in section 32 (Enforcement of improvement line) of this Act shall apply to any building used for the manufacture distribution or storage of gas or the generation transformation or distribution of electricity or as a reservoir or pumping station or for the distribution of water except with the consent of the undertakers which consent shall not be unreasonably withheld and any question whether such consent has been unreasonably withheld shall be determined by the Minister :

(10) Nothing in the following sections of this Act :—

Section 126 (For preventing obstruction to streams by culverts etc.) ;

Section 127 (Cleansing of rivers and streams) ;

Section 128 (Entry for purposes of last two preceding sections) ;

shall authorise the appropriate authority to execute any works in under over across along or upon any operational lands within the meaning of the Act of 1947 of the undertakers without the consent of those undertakers but such consent shall not be unreasonably withheld :

(11) The appropriate authority shall so exercise the powers of the following sections of this Act as not to cause any damage to or (so far as is reasonably practicable) to obstruct or render less convenient the access to any apparatus :—

Section 26 (Trees grass verges and gardens) ;

Section 35 (Power to fence roads) ;

Section 38 (Public seats in roads) ;

Section 39 (Shelters etc. for passengers on public service vehicles) ;

Section 40 (Riverside shelters) ;

Section 45 (Barriers in streets) ;

Section 61 (Decorations in streets) ;

Section 84 (Police telephone call boxes and shelters) ;

Section 140 (Power to erect weighing-machines) :

PART XI
—cont.

(12) Nothing in section 111 (Discharge of steam and waste gas) of this Act shall extend to the necessary discharge of steam or gas on any lands used in connection with the manufacture or storage of gas :

(13) (a) Any difference which may arise between the appropriate authority and the undertakers under this section (except under subsection (9) hereof) shall be referred to and determined by a single 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 of them) by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1950 shall apply to any such arbitration ;

(b) In settling any difference under this section the arbitrator may if he thinks fit require the appropriate authority to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

Costs of Act.

211.—(1) Subject to the provisions of this section all the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Council out of the county fund or out of moneys to be borrowed under this Act.

(2) So much of the costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining of this Act as may be incurred in respect of or in connection with the provisions contained in Part X (Provisions relating to Abingdon) shall unless otherwise agreed be paid by the Abingdon Corporation.

SCHEDULES

FIRST SCHEDULE

PART I

SECTIONS OF THIS ACT WHICH MAY BE ADOPTED BY A RURAL DISTRICT COUNCIL IN RESPECT OF THEIR DISTRICT OR A PART THEREOF

Part	Section and marginal note
Part II (Lands) ...	Section 10 (Extension of power to acquire land by agreement). Section 11 (Power to reinstate owners or occupiers of property). Section 12 (Retention and disposal of land). Section 13 (Proceeds of disposal of surplus land). Section 14 (Development of land). Section 15 (Loans for erection etc. of buildings). Section 17 (Compensation may be in land).
Part III (Highways) ...	Section 21 (Prohibition of building until street defined). Section 22 (Prohibition of building until street formed and sewered). Section 23 (Termination of new streets). Section 24 (Rounding or splaying off corners at street junctions). Section 25 (Adjustment of boundaries of estates in connection with streets). Section 27 (Verges etc. of housing estates). Section 36 (Maintenance of forecourts to which the public have access). Section 37 (Forecourts injurious to amenities of street). Section 44 (Awnings over footways). Section 45 (Barriers in streets). Section 48 (Means of access to buildings). Section 61 (Decorations in streets).
Part IV (Open spaces camps and pleasure grounds).	Section 69 (Court may prohibit movable dwellings in certain areas). Section 70 (Byelaws as to camping grounds). Section 71 (Saving from last two preceding sections).
Part V (Public entertainment and public order).	Section 88 (Control of sirens etc. used in factories etc.).
Part VI (Public health)	Section 93 (Recovery of cost of maintaining public sewers). Section 95 (Separate sewers for foul water and surface water). Section 96 (Delegation of power to examine and test drains etc.). Section 97 (Summary power to remedy stopped-up drains etc.).

1ST SCH.
—cont.

Part	Section and marginal note
Part VI (Public health) —cont.	Section 98 (Power to cleanse drains etc.). Section 99 (Power to repair drains and private sewers). Section 100 (Penalty for improper construction or repair of water-closet etc.). Section 101 (Closet accommodation for separate dwellings). Section 102 (Cleansing of filthy or verminous premises). Section 103 (Power to require vacation of premises during fumigation). Section 104 (Prohibition of sale of verminous articles). Section 105 (Ruinous and dilapidated buildings and neglected sites). Section 106 (Cellars and rooms below subsoil water level). Section 107 (Extension of powers under section 9 of Housing Act 1936). Section 108 (Further provisions as to means of escape from fire in case of certain buildings). Section 109 (Further provision for public and other buildings). Section 110 (Height of new chimneys). Section 111 (Discharge of steam and waste gas). Section 112 (Silencers for internal combustion engines). Section 113 (Noise nuisance). Section 115 (Information to be furnished by occupier in case of notifiable disease). Section 116 (Restriction on attendance at public places etc.). Section 117 (Exclusion of children from places of entertainment or assembly). Section 118 (Compensation for stopping employment to prevent spread of disease). Section 119 (Entry into premises in case of notifiable disease). Section 120 (Prohibition of tuberculous persons from handling food). Section 122 (Registration of hawkers of food and their premises). Section 123 (Notification of premises for sale etc. of food). Section 126 (For preventing obstruction to streams by culverts etc.). Section 127 (Cleansing of rivers and streams). Section 128 (Entry for purposes of last two preceding sections). Section 129 (Hairdressers and barbers).

PART II

1ST SCH.
—cont.

RESOLUTION OF ADOPTION

1. A resolution of adoption shall not be effective unless passed by a majority of the whole number of the members of the rural district council (hereinafter in this schedule referred to as "the rural council") at a meeting thereof.

2. One month at least before the meeting of the rural council special notice of the meeting and of the intention to propose the resolution shall be given to every member of the rural council and such notice shall also be inserted once at least in one or more of the newspapers circulating within the district in each of two successive weeks.

3. A resolution of adoption after being passed shall be published by advertisement in some one or more newspapers circulating within the district and may also be published otherwise in such manner as the rural council think sufficient for giving notice thereof to all persons interested.

4. A copy of the resolution of adoption shall be sent to the Minister the Secretary of State and to the Minister of Food.

5. The resolution of adoption shall come into operation at such time not being less than one month after the first publication of the advertisement as may be fixed by the rural council.

SECOND SCHEDULE

SECTIONS OF THIS ACT WHICH MAY BE APPLIED TO A RURAL DISTRICT COUNCIL BY ORDER OF THE MINISTER IN RESPECT OF THEIR DISTRICT OR A PART THEREOF

Part	Section and marginal note
Part VI (Public health)	Section 90 (Recovery of expenses of sewerage public highway).
	Section 91 (Recovery of expenses of sewerage prospective street).
	Section 92 (Prevention of evasion of liabilities under last two preceding sections).
	Section 114 (Smoke from industrial furnaces).
	Section 121 (Inedible fat).
	Section 124 (Slaughter of animals otherwise than for human consumption).
	Section 125 (Animals slaughtered outside slaughterhouses).

THIRD 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 a district multiplied by the extent in lineal yards (as so certified) of the sewer or length of sewer in question.

2. The expenses incurred by the local authority not exceeding the sum so apportionable shall be apportioned by the local authority on the premises fronting adjoining or abutting on the street or part of the street in question according to the frontages of the respective premises as existing at the relevant date:

Provided that no sum shall be apportioned on any premises in contravention of any agreement between the local authority and the owner of the premises and any sum which but for this proviso would have been apportioned on any premises shall be deducted from the aggregate sum to be apportioned under this paragraph.

3. As soon as the apportionment has been made the local authority shall serve on the owners of the several premises affected notice of the sums respectively apportioned to them and the notice shall state the right of appeal conferred by the next following paragraph.

4. Any person aggrieved by an apportionment under this schedule may appeal to a court of summary jurisdiction and may on the appeal dispute the correctness of the surveyor's certificate as well as any other matter affecting the validity or correctness of the apportionment.

5. If the court finds on any such appeal that the aggregate sum apportioned is excessive or that the apportionment thereof is erroneous the court—

- (a) shall order the local authority to revise not only the sum apportioned to the appellant but also the sums apportioned to the owners of the other premises affected and to submit the revised apportionment to the court for approval; and
- (b) may if satisfied that the owners of all premises affected have had due notice of the proceedings and an opportunity of being heard approve any such revised apportionment either without amendment or with such amendments as they think just.

6. Whenever a new building requiring foul water drainage is erected after the relevant date on any premises on which a sum has been or is thereafter apportioned under this schedule that sum shall be recoverable by the local authority subject to and in accordance with the following provisions:—

- (a) The said sum shall be recoverable to an extent proportionate to the frontage on the street or part of the street of the site of the new building and the land occupied therewith:

Provided that where a sum has become payable under sub-paragraph (c) of this paragraph in respect of the frontage of the site of a new building and land occupied therewith no further sum shall be recoverable in respect of the same length of frontage or any part thereof by reason of the erection of another new building on that site or that land ;

(b) At any time after whichever of the following events last occurs (that is to say):—

(i) the erection of the new building ; or

(ii) the expiration of the time for appealing against the apportionment or if an appeal is brought within that time the final determination of the appeal ;

the local authority may serve on the owner for the time being of the new building a demand for payment of the amount recoverable together with interest thereon from the date of the demand :

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

(c) As from the date of the service of the said demand the amount recoverable together with interest thereon from that date until payment thereof shall be payable by the owner on whom the demand is served and shall be charged on the new building and the land occupied therewith and on all estates and interests therein ;

(d) The rate of interest chargeable under this paragraph shall be such rate as the local authority may determine not exceeding the maximum rate fixed by the Minister for the purpose of section 291 of the Act of 1936 at the time when the said demand is served or if different maximum rates are then so fixed the highest of those rates.

7.—(1) If any person from whom any sum becomes recoverable under the last preceding paragraph proves that by reason of the length of frontage of the land occupied with the building in respect of which the sum is so recoverable the amount of that sum is disproportionate to the benefit accruing to the premises the local authority may remit such part of that sum as they may think just but in that event if another new building is subsequently erected on the said land the said paragraph shall apply to that other building as if the first-mentioned building had not been erected :

Provided that the amount recoverable in respect of that other building shall not exceed the amount remitted.

(2) Any person aggrieved by a decision of the local authority with respect to any such remission may appeal to a court of summary jurisdiction.

8.—(1) The sum apportioned on any premises under this schedule shall for the purposes of section 15 of the Land Charges Act 1925 be deemed to be a charge on the premises notwithstanding that it is not immediately recoverable.

3RD SCH.
—cont.

(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 extent 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 90 (Recovery of expenses of sewerage public highway) of this Act in pursuance of a resolution of the council of a local authority the date when the resolution became operative ; and

- (ii) in relation to an apportionment under section 91 (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 ;

- (d) the expression “surveyor” means the surveyor of the district.

FOURTH SCHEDULE

PROVISIONS AS TO BONDS

1. Bonds shall be issued in such amounts in denominations of five pounds and multiples of five pounds and for such periods not being less than seven years as the issuing authority may determine.

2. (a) Bonds may be issued at such price and at such rates of interest as the issuing authority may from time to time determine Provided that bonds shall not be issued at a price lower than par except with the consent of the Minister.

(b) The nominal amount of bonds issued shall not exceed in the aggregate according to the price of issue such amounts as will together produce the actual amount of money for the time being authorised to be borrowed by the issuing authority.

(c) Where a bond has been issued at a price lower than par so much of the issue as represents the difference between the price of the bond as issued and its nominal value shall be treated as a loan authorised by a statutory borrowing power and repayable out of the revenues of the issuing authority on or before the date for repayment specified in the certificate issued in respect of the bond.

3. Bonds shall be repayable at par (unless the same shall have been previously cancelled by purchase in the open market or by agreement with the bondholder) at the place and on the dates specified in the certificates issued in respect of the bonds and no interest shall be payable thereon in respect of any period after the date upon which the bond is repayable.

4.—(1) The treasurer of the issuing authority shall keep a register of all persons who are holders for the time being of bonds.

(2) The register shall contain the following particulars:—

(a) the name and address and description of each holder a statement of the denomination of the bonds held by him the price at which and the periods for which they are issued and the numbers and dates of the certificates issued to him as hereinafter provided ;

(b) the date of registration of each holder and the date on which he ceased to be so registered.

(3) The register shall be prima facie evidence of any matter entered therein in accordance with the provisions of this Act and of the title of the persons entered therein as holders of bonds.

5.—(1) The issuing authority shall issue to each holder of a bond a certificate in respect thereof duly numbered and dated and specifying the denomination of the bond and the period for which it is issued.

(2) If a certificate is worn out or damaged the issuing authority on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the issuing authority on proof thereof to their satisfaction and if they so require on receiving an indemnity against any claims in respect thereof may give a new certificate in lieu of the certificate lost or destroyed.

4TH SCH.
—cont.

(4) An entry of the issue of a substituted certificate shall be made in the register.

(5) A certificate shall be in the following form or in a form substantially to the like effect:—

No.....

Date.....

.....per centum.....bond
 repayable at par on the.....19.....
 at.....

This is to certify that

of

is the registered holder of a

bond for

pounds (£) issued by the

under the Berkshire County Council Act 1953 at

The seal of the

was hereunto affixed in the presence of }

Clerk (Town Clerk)

6. The certificate shall be prima facie evidence of the title of the person therein named his executors administrators or assigns to the bond therein specified but the want of a certificate if accounted for to the satisfaction of the issuing authority shall not prevent the holder of the bond from disposing of and transferring the bond.

7.—(1) The transfer of a bond shall be by deed in the following form or in a form substantially to the like effect:—

FORM OF DEED OF TRANSFER

I

in consideration of the sum of
paid by

(hereinafter called “the transferee”) do hereby assign and
transfer to the transferee.....

To hold unto the transferee his executors administrators
and assigns subject to the several conditions on which I
held the same immediately before the execution hereof

And I the transferee do hereby agree to accept and take the said
.....subject to the conditions
aforesaid.

As witness our hands and seals this day of
one thousand nine hundred and

(2) A bond may be transferred in whole or in part so however
that any part transferred shall not be for an amount other than an
amount for which a bond may be issued by the issuing authority.

(3) The deed of transfer shall be delivered to and retained by the
issuing authority and the issuing authority shall enter a note thereof
in a book to be called the “Register of transfers of bonds” and
shall endorse on the deed of transfer a notice of that entry.

(4) The issuing authority shall upon receipt of the deed of transfer duly executed and properly stamped together with the certificate issued in respect of the bond enter the name of the transferee in the register and shall issue a new certificate or certificates to the transferee or to the transferor and transferee as the case may require.

(5) Until the deed of transfer and the certificate have been delivered to the issuing authority as aforesaid the issuing authority shall not be affected by the transfer and the transferee shall not be entitled to receive any payment of interest on the bond.

(6) The issuing authority before registering a transfer of a bond may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming to make the transfer.

8. The issuing authority may close the register for a period not exceeding thirty days immediately before the date for the payment of any interest on the bonds and notwithstanding the receipt by the issuing authority during those periods of any deed of transfer the payment of interest next falling due may be made to the persons registered as holders of the bonds on the date of the closing of the register.

9.—(1) Any person becoming entitled to a bond by reason of the death or bankruptcy of a holder or by any lawful means other than a transfer may by the production of such evidence of title as the issuing authority may require either be registered as holder of the bond or instead of being himself registered may make such transfer of the bond as the holder could have made and the issuing authority shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the issuing authority they shall not be affected by the transmission of the bond and no person claiming by virtue thereof shall be entitled to receive any payment of interest thereon.

(3) Where two or more persons are registered as holders of a bond they shall be deemed to be joint holders with right of survivorship between them.

10. The issuing authority before paying any interest on any bonds may if they think fit require evidence by statutory declaration or otherwise of the title of any person claiming a right to receive the interest.

11.—(1) Unless the holder of a bond otherwise requests the issuing authority may pay the interest thereon by posting a warrant to the holder at his address as shown on the register.

(2) The posting by the issuing authority of an interest warrant addressed to the holder as aforesaid shall as respects the liability of the issuing authority be equivalent to the delivery of the warrant to the holder himself.

12. The production to the issuing authority of any document which is by law sufficient evidence of probate of the will or letters of administration of the estate or confirmation as executor of a deceased person having been granted to some person shall notwithstanding anything in this schedule be accepted by the issuing authority as sufficient evidence of the grant.

FIFTH SCHEDULE

PROCEDURE FOR SUBMISSION FOR CONFIRMATION OF ORDERS UNDER
SECTIONS 186 AND 191

1. Before submitting an order to which this schedule applies to the Minister of Transport for confirmation the Abingdon Corporation shall publish once at least in each of two successive weeks in a local newspaper circulating in the borough of Abingdon and once in the London Gazette a notice—

- (a) stating the general effect of the order ;
- (b) specifying a place in the said borough where a copy of the order may be inspected by any person free of charge at all reasonable hours during a period of twenty-eight days from the date of the first publication of the notice ;
- (c) stating that the order is about to be submitted to the said Minister for confirmation and that any person within the said period of twenty-eight days may by notice to the said Minister object to the confirmation of the order.

2. Not later than the date on which the said notice is first published the Abingdon Corporation shall serve a copy thereof and a copy of the order on the Council.

3. The Abingdon Corporation shall at the request of any person interested furnish him with a copy of the order upon payment of such charge not exceeding one shilling as they think reasonable.

4. If no objection is duly made or if all objections so made are withdrawn then the said Minister may if he think fit confirm the order with or without modification but in any other case unless it appears to him that the objection is of a trivial nature he shall before confirming the order cause a public inquiry to be held and shall consider any objection not withdrawn and the report of any person who held the inquiry and may then confirm the order with or without modification.

5. As soon as may be after an order to which this schedule applies has been confirmed by the said Minister the Abingdon Corporation shall publish in a local newspaper circulating in the said borough a notice stating that the order has been confirmed and naming the place where a copy of the order may be seen at all reasonable hours and shall serve a like notice on every person who having given notice to the said Minister of his objection to the confirmation of the order appeared at the public inquiry in support of his objection.

6. Either—

- (a) a copy of a newspaper containing a notice published in pursuance of this schedule ;
- (b) a photostatic or other reproduction certified by the town clerk of the borough of Abingdon to be a true reproduction 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 the publication.

7. An order to which this schedule applies shall come into operation upon but not until such date as may be specified in the order.

Table of Statutes referred to in this Act

Short title	Session and chapter
Lighting and Watching Act 1833	3 & 4 Will. 4 c. 90.
Highways Act 1835	5 & 6 Will. 4 c. 50.
Theatres Act 1843	6 & 7 Vict. c. 68.
Lands Clauses Consolidation Act 1845	8 & 9 Vict. c. 18.
Towns Improvement Clauses Act 1847	10 & 11 Vict. c. 34.
Town Police Clauses Act 1847	10 & 11 Vict. c. 89.
Telegraph Act 1869	32 & 33 Vict. c. 73.
Steam Whistles Act 1872	35 & 36 Vict. c. 61.
Public Health Act 1875	38 & 39 Vict. c. 55.
Local Loans Act 1875	38 & 39 Vict. c. 83.
Weights and Measures Act 1878	41 & 42 Vict. c. 49.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Summary Jurisdiction Act 1879	42 & 43 Vict. c. 49.
Electric Lighting Act 1882	45 & 46 Vict. c. 56.
Bills of Exchange Act 1882	45 & 46 Vict. c. 61.
Local Government Act 1888	51 & 52 Vict. c. 41.
Weights and Measures Act 1889	52 & 53 Vict. c. 21.
Lunacy Act 1890	53 & 54 Vict. c. 5.
Public Health Acts Amendment Act 1890	53 & 54 Vict. c. 59.
Stamp Act 1891	54 & 55 Vict. c. 39.
Private Street Works Act 1892	55 & 56 Vict. c. 57.
Finance Act 1899	62 & 63 Vict. c. 9.
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.
Cinematograph Act 1909	9 Edw. 7 c. 30.
Licensing (Consolidation) Act 1910... ..	10 Edw. 7 & 1 Geo. 5 c. 24.
Ministry of Transport Act 1919	9 & 10 Geo. 5 c. 50.
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5 c. 57.
Increase of Rent and Mortgage Interest (Restrictions) Act 1920	10 & 11 Geo. 5 c. 17.
Trustee Act 1925	15 & 16 Geo. 5 c. 19.
Land Charges Act 1925	15 & 16 Geo. 5 c. 22.
Administration of Estates Act 1925	15 & 16 Geo. 5 c. 23.
Roads Improvement Act 1925	15 & 16 Geo. 5 c. 68.
Public Health Act 1925	15 & 16 Geo. 5 c. 71.
Workmen's Compensation Act 1925	15 & 16 Geo. 5 c. 84.
Rating and Valuation Act 1925	15 & 16 Geo. 5 c. 90.
Legitimacy Act 1926	16 & 17 Geo. 5 c. 60.
Local Government Act 1929	19 & 20 Geo. 5 c. 17.
Road Traffic Act 1930	20 & 21 Geo. 5 c. 43.
Land Drainage Act 1930	20 & 21 Geo. 5 c. 44.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Housing Act 1936	26 Geo. 5 & 1 Edw. 8 c. 51.
Trunk Roads Act 1936	1 Edw. 8 & 1 Geo. 6 c. 5.
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.
Pensions (Increase) Act 1944	7 & 8 Geo. 6 c. 21.
Education Act 1944	7 & 8 Geo. 6 c. 31.

*Berkshire County Council
Act, 1953*

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Short title	Session and chapter
Local Authorities Loans Act 1945	8 & 9 Geo. 6 c. 18.
Acquisition of Land (Authorisation Procedure) Act 1946	9 & 10 Geo. 6 c. 49.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.
National Insurance (Industrial Injuries) Act 1946	9 & 10 Geo. 6 c. 62.
New Towns Act 1946	9 & 10 Geo. 6 c. 68.
Pensions (Increase) Act 1947	10 & 11 Geo. 6 c. 7.
Probation Officers (Superannuation) Act 1947	10 & 11 Geo. 6 c. 38.
Fire Services Act 1947	10 & 11 Geo. 6 c. 41.
Transport Act 1947	10 & 11 Geo. 6 c. 49.
Town and Country Planning Act 1947	10 & 11 Geo. 6 c. 51.
Lands Tribunal Act 1949	12 13 & 14 Geo. 6 c. 42.
Civil Aviation Act 1949	12 13 & 14 Geo. 6 c. 67.
National Parks and Access to the Countryside Act 1949	12 13 & 14 Geo. 6 c. 97.
Arbitration Act 1950	14 Geo. 6 c. 27.
Food and Drugs (Milk Dairies and Artificial Cream) Act 1950	14 Geo. 6 c. 35.
Diseases of Animals Act 1950	14 Geo. 6 c. 36.
Public Utilities Street Works Act 1950	14 Geo. 6 c. 39.
Abingdon Corporation Act 1951	14 & 15 Geo. 6 c. xxx.
New Streets Act 1951... ..	14 & 15 Geo. 6 c. 40.
Rivers (Prevention of Pollution) Act 1951	14 & 15 Geo. 6 c. 64.
Cinematograph Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 68.

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