

**CHAPTER xli.**

An Act to confer upon the mayor aldermen and burgesses of the borough of Ipswich further powers in regard to lands to make further provision with regard to their transport and water undertakings and the health local government and improvement of the borough and for other purposes. [30th July 1948.]

WHEREAS it is expedient to empower the mayor aldermen and burgesses of the borough of Ipswich (in this Act called "the Corporation") to acquire certain lands in the borough and to confer powers upon them to develop lands and for other purposes:

And whereas it is expedient to empower the Corporation to run additional trolley vehicles in and in the neighbourhood of the borough:

And whereas it is expedient to confer further powers on the Corporation in regard to their transport undertaking:

And whereas it is expedient to make further provision with regard to the water undertaking of the Corporation and the supply of water by them:

And whereas it is expedient to make further provision in relation to the health local government and improvement of the borough and 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 estimates have been prepared by the Corporation for and in connection with the following purposes:—

(1) The purchase of lands under the powers of this Act	£ 18,000
(2) The provision of trolley vehicles	27,000
(3) The provision of electrical equipment and the construction of other works necessary for working the trolley vehicle routes authorised by this Act	66,437

And whereas the works included in such estimates are permanent works and it is expedient that the Corporation should be empowered to borrow money for those purposes as provided by this Act:

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

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

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

PART I.

PRELIMINARY.

1.—(1) This Act may be cited as the Ipswich Corporation Act 1948.

(2) The Ipswich Fishery Act 1859 the Ipswich Fishery Act 1867 the Ipswich Corporation (Purchase of Waterworks) Act 1892 the Ipswich Corporation (Tramways &c.) Act 1900 the Ipswich Corporation Act 1911 the Ipswich Corporation Act 1925 the Ipswich Corporation (Trolley Vehicles) Order 1931 the Ipswich Corporation (Trolley Vehicles) Order 1935 the Ipswich Corporation (Trolley Vehicles) Order 1938 the Ipswich Corporation (Trolley Vehicles) Order 1946 the Ipswich Water Order 1947 and this Act may be cited as the Ipswich Corporation Acts and Orders 1859 to 1948.

Short and
collective
titles.

22 & 23 Vict. c. lxxii.
30 Vict. c. xli.
55 & 56 Vict. c. xciv.
63 & 64 Vict.
c. ccxviii.

1 & 2 Geo. 5. c. cv.
15 & 16 Geo. 5. c. ciii.

(3) The Ipswich Corporation (Trolley Vehicles) Act and Orders 1925 to 1946 and this Act may be cited as the Ipswich Corporation (Trolley Vehicles) Acts and Orders 1925 to 1948.

PART I.
—cont.

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

Division of Act
into Parts.

- Part I.—Preliminary.
- Part II.—Lands &c.
- Part III.—Transport.
- Part IV.—Water.
- Part V.—Streets buildings sewers and drains.
- Part VI.—Infectious disease and sanitary matters.
- Part VII.—Food.
- Part VIII.—Public buildings parks &c.
- Part IX.—Employment agencies.
- Part X.—Sale of coke coal &c.
- Part XI.—Felix Cobbold bequest.
- Part XII.—Finance.
- Part XIII.—Miscellaneous.
- Part XIV.—General.

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

Incorporation
of Lands
Clauses Acts.

- (a) Section 92 (Parties not to be required to sell part of a house &c.) and sections 127 to 132 (which relate to the sale of superfluous lands) of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act; 8 & 9 Vict.
c. 18.
- (b) The bond required by section 85 (Compensation for damage) of the Lands Clauses Consolidation Act 1845 shall be sufficient without the addition of the sureties mentioned in that section.

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

Interpretation.
26 Geo. 5. &
1 Edw. 8. c. 49.

- (i) "The borough" means the county borough of Ipswich;
- (ii) "The Corporation" means the mayor aldermen and burgesses of the borough of Ipswich;

PART I.
—cont.—20 & 21 Geo. 5.
c. 43.8 & 9 Geo. 6.
c. 36.7 & 8 Geo. 6.
c. 31.1 & 2 Geo. 6.
c. 56.9 & 10 Geo. 5.
c. 57.41 & 42 Vict.
c. 76.

- (iii) "The council" means the council of the borough;
- (iv) "The town clerk" "the treasurer" "the surveyor" "the medical officer" and "the sanitary inspector" mean respectively the town clerk the treasurer the surveyor the medical officer of health and any sanitary inspector of the borough;
- (v) "The general rate fund" and "the general rate" mean respectively the general rate fund and the general rate of the borough;
- (vi) "Trolley vehicle" means a mechanically propelled vehicle adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source;
- (vii) "Public service vehicle" has the meaning assigned thereto by section 121 of the Road Traffic Act 1930;
- (viii) "The Corporation undertakings" means the undertakings of the Corporation from time to time existing from which revenue is derived;
- (ix) "Industrial building" has the same meaning as in the Distribution of Industry Act 1945;
- (x) "Sunday school" means any school in which children are assembled for instruction on a Sunday or specially for religious instruction whether on a Sunday or not;
- (xi) "Child" has the same meaning as in the Education Act 1944;
- (xii) "Food" has the meaning assigned to it by the Food and Drugs Act 1938;
- (xiii) "The tribunal" means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;
- (xiv) "Telegraphic line" has the same meaning as in the Telegraph Act 1878;
- (xv) "Statutory borrowing power" includes a power of borrowing money conferred on the Corporation by or under any enactment except paragraph (a) of subsection (1) of section 215 of the Act of 1933;

- (xvi) "Statutory security" means any security in which trustees are for the time being authorised by law to invest trust moneys and any mortgage bond debenture debenture-stock stock or other security created by a local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation; PART I.
—cont.
38 & 39 Vict.
c. 83.
- (xvii) "Authorised security" means any mortgage stock bond or other security which the Corporation are for the time being authorised to grant create or issue or upon or by means of which the Corporation are for the time being authorised to raise money;
- (xviii) "Financial year" means the period of twelve months ending on the thirty-first day of March;
- (xix) "Contravention" includes a failure to comply and "contravene" shall be construed accordingly;
- (xx) "Daily penalty" means a penalty for each day on which an offence is continued after conviction therefor;
- (xxi) "The Minister" means the Minister of Health;
- (xxii) "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; 10 & 11 Geo. 6.
c. 49.
- (xxiii) "Local planning authority" has the same meaning as in the Town and Country Planning Act 1947; 10 & 11 Geo. 6.
c. 51.
- (xxiv) "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 Town and Country Planning Act 1947 and by this Act;
- (xxv) "The Act of 1892" means the Private Street Works Act 1892; 55 & 56 Vict.
c. 57.
- (xxvi) "The Act of 1933" means the Local Government Act 1933;

PART I.
—cont.38 & 39 Vict.
c. 55.

(xxvii) " The Act of 1936 " means the Public Health Act 1936;

(xxviii) " The Public Health Acts " means the Public Health Act 1875 and any Acts amending or extending that Act;

(xxix) " The Act of 1925 " " the Order of 1931 " " the Order of 1935 " and " the Order of 1946 " mean respectively the Ipswich Corporation Act 1925 the Ipswich Corporation (Trolley Vehicles) Order 1931 the Ipswich Corporation (Trolley Vehicles) Order 1935 and the Ipswich Corporation (Trolley Vehicles) Order 1946;

(xxx) " Enactment " includes an enactment in this Act or in any general or local Act and any Order byelaw or regulation for the time being in force within the borough.

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

PART II.

LANDS &C.

Power to take
lands.

5. Subject to the provisions of this Act the Corporation may enter upon take and use all or any of the lands in the borough delineated on the deposited plans and described in the deposited book of reference which they may require for the purposes of this Part of this Act.

Period for
compulsory
purchase of
lands.

6. The powers granted by this Act for the compulsory purchase of lands shall cease on the thirty-first day of December nineteen hundred and fifty-three.

Correction of
errors in
deposited
plans and
book of
reference.

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

(2) If on any such application it appears to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described.

(3) Such certificate or a copy thereof shall be deposited with the town clerk and thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Corporation to take the lands in accordance with the certificate.

(4) Any certificate or copy deposited under this section shall be kept by the town clerk with the other documents to which the same relates.

8. No person shall be required to sell a part only of any house building or factory or of any land which forms part of a park or garden belonging to a house if he is willing and able to sell the whole of the house building factory park or garden unless the tribunal determine that in the case of a house building or factory such part as is proposed to be taken can be taken without material detriment to the house building or factory or in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house and if the tribunal so determine compensation shall be awarded in respect of any loss due to the severance of the part so proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the Corporation that part of the house building factory park or garden.

9. In determining any question of disputed purchase money or compensation under this Act no allowance shall be made on account of any improvement or alteration effected or interest created after the twentieth day of November nineteen hundred and forty-seven which in the opinion of the tribunal to whom the question is submitted was not reasonably necessary and was effected or created with a view to obtaining or increasing compensation.

10. The Corporation and their surveyors officers and workmen and any person duly authorised in writing under the hand of the town clerk may from time to time at all reasonable times in the day upon giving for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the lands houses and buildings authorised by this Act to be taken and used or any of them for the purpose of surveying and valuing the said lands houses and buildings.

11. At any time after notice to treat has been served for any land which the Corporation are by this Act authorised to purchase compulsorily the Corporation may after giving to the owner and occupier of the land not less than one month's notice enter on and take possession of the land or such part thereof as is specified in the notice without previous consent.

PART II.
—cont.—

or compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845 but subject to the payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

Benefits to be
set off against
compensation.

12. In determining the amount of compensation or purchase money to be paid by the Corporation in respect of the acquisition under this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are contiguous to such adjoining lands arising out of the exercise of the powers of this Act shall be fairly estimated and shall be set off against the said compensation or purchase money:

Provided that any such enhancement in value of the adjoining lands shall be estimated on the assumption that planning permission in respect of those lands would be granted under the Town and Country Planning Act 1947 for the operation or uses specified in the Third Schedule to that Act but for no other development.

Compensation
may be in land
&c.

13. The Corporation when they are required by any enactment to make compensation to any person interested in any lands 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.

Power to make
allowances to
certain persons
displaced.

14.—(1) The Corporation may pay to any person displaced from any dwelling-house or other building acquired by the Corporation under the provisions of this Act and carrying on any trade or business in any such dwelling-house or other building such reasonable allowance as they think fit towards the loss which in their opinion such person will sustain by reason of the disturbance of his trade or business consequent on his having to quit the dwelling-house or other building and in estimating that loss the Corporation shall have regard to the period for which the premises occupied by such person might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose.

(2) The provisions of this section shall be in addition to and not in derogation of any other enactment or any rule of law in relation to compensation for disturbance.

Purchase of
lands for
exchange.

15. The powers of the Corporation of purchasing lands by agreement shall be deemed to extend to and to authorise the purchase by the Corporation by agreement of any lands which

they may think it desirable to purchase in order to provide substituted sites or facilities for any persons whose lands may be acquired by them for the purposes of this Act.

PART II.
—cont.

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

Retention and
disposal of
lands.

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

Provided that—

- (a) the Corporation shall not without the consent of the Minister sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the Minister is necessary or has been obtained; and
- (b) nothing in this section shall be taken to dispense with the consent of any government department to any sale lease appropriation or other disposition of any lands of the Corporation other than lands acquired under any local Act applying to the Corporation in any case in which such consent would have been required if this Act had not been passed.

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

PART II.

—cont.

Extinction of
private rights
of way.

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

(2) The Corporation shall pay compensation to all persons interested in respect of any such right so extinguished and such compensation shall in default of agreement be determined by an arbitrator appointed under the Acquisition of Land (Assessment of Compensation) Act 1919 and such determination shall be made in accordance (so far as applicable) with the provisions of that Act.

Stopping up
of highways.

18.—(1) Subject to the provisions of this section the Corporation may by order stop up the whole or such portion or portions as they think fit of so much of the highways referred to in this subsection as is shown on the deposited plans as intended to be stopped up and thereupon all rights of way and other rights in over or along the same shall be extinguished and the Corporation may appropriate and use or dispose of the sites of the highways stopped up.

The highways hereinbefore referred to are Albion Place Albion Street Duke Street Holywells Road John Street Trinity Street and Wykes Bishop Street.

(2) (a) No portion of John Street or Holywells Road or of that part of Wykes Bishop Street which lies between John Street and Holywells Road shall be stopped up until a street has been constructed and opened for public use from John Street to the junction of Holywells Road with Myrtle Road.

(b) The Corporation shall not under the powers conferred by the foregoing provisions of this section stop up—

(i) any part of Albion Street lying between Albion Place and Fore Hamlet or any part of Wykes Bishop Street lying between John Street and Fore Hamlet unless the Corporation obtain the consent of the owners lessees and occupiers (if other than the Corporation) of the lands fronting on to both sides of such part;

(ii) any part of Albion Street lying between Albion Place and Holywells Road or any part of Wykes Bishop Street lying between John Street and Holywells Road or any part of the last-mentioned road lying between Wykes Bishop Street and Albion Street without the consent both of the Ipswich Gas Light Company and of Ransomes Sims & Jefferies

Limited or other the owners for the time being of the land abutting on to the last-mentioned part of Wykes Bishop Street:

PART II.
—cont.

Provided that the Corporation shall not be required to obtain any such consent in respect of any land on and of which the Corporation have entered and taken possession either under section 11 (Further powers of entry) of this Act or under section 145 (Power of entry on land acquired) of the Housing Act 1936 or by agreement with the owners lessees and occupiers thereof.

(3) The Corporation shall pay compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall in default of agreement be determined by an arbitrator appointed under the Acquisition of Land (Assessment of Compensation) Act 1919 and such determination shall be made in accordance (so far as applicable) with the provisions of that Act.

(4) The provisions of section 49 (Provisions as to apparatus of statutory undertakers in land dealt with by local authority under the Housing Acts) of the Housing Act 1936 shall apply in respect of highways stopped up under the provisions of this section as though they were stopped up under powers exerciseable by virtue of that Act.

19.—(1) The Corporation may exercise the powers of this section upon or in respect of any of the following lands:— Power to develop lands.

- (a) the lands referred to in section 5 (Power to take lands) of this Act;
- (b) any corporate land belonging to the Corporation;
- (c) any other lands at any time belonging to the Corporation and not required for the purposes for which they were acquired:

Provided that before the Corporation exercise the powers of this section upon or in respect of any land referred to in paragraphs (b) and (c) of this subsection they shall obtain the consent of the Minister.

(2) The Corporation may—

- (a) lay out and develop the said lands;
- (b) construct and improve streets thereon;
- (c) erect and maintain houses shops offices industrial buildings warehouses and other buildings thereon;
- (d) provide open spaces recreation grounds and playing fields thereon;

PART II:
—cont.

- (e) use the said lands for the purposes of or connected with any of their undertakings powers or duties;
- (f) sell lease exchange or otherwise dispose of the said lands and of any buildings thereon upon and subject to such terms conditions and restrictions (including conditions and restrictions upon the use thereof or as to buildings to be erected thereon or as to the use to which such buildings may be put) as they may think fit.

(3) Any terms conditions and restrictions imposed in pursuance of this section may be enforced by the Corporation against the person upon whom they are imposed and against any person deriving title under him.

(4) In this section the expression "corporate land" has the meaning assigned thereto by section 305 of the Act of 1933.

Power to
reinstate
owners of
property.

20. The Corporation may enter into and carry into effect agreements and arrangements with the owners of or other persons interested in any lands or buildings which may be acquired by the Corporation under the provisions of any enactment with respect to the reinstatement of any such owners or other persons and with respect to the exchange of lands for that purpose and the Corporation may pay or receive money for equality of exchange.

Power for
Corporation
to enforce
covenants
against owners
for time being
of land.

21. Where—

- (a) the Corporation have sold or exchanged land under the powers of this Act and the purchaser of the land or the person taking the land in exchange has entered into a covenant with the Corporation concerning the land; or
- (b) an owner of any land has entered into a covenant with the Corporation concerning the land for the purposes of any of the provisions of this Act;

the Corporation shall have power to enforce the covenant against the persons deriving title under the covenantor (notwithstanding that the Corporation are not in possession of or interested in any land for the benefit of which the covenant was entered into) in like manner and to the like extent as if they had been possessed of or interested in such land as last in this section mentioned.

15 & 16 Geo. 5.
c. 22.

The provisions of the Land Charges Act 1925 shall apply to any deed containing any such covenant as if it were a local land charge and the same shall be registered accordingly with the proper officer.

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

PART II
—cont.
Proceeds of
sale of surplus
lands.

(2) Any capital moneys received by the Corporation on the re-sale or exchange of or by leasing any lands acquired under any Act other than this Act if not paid or applied in accordance with subsection (1) of this section or in accordance with any other enactment shall be applied in the same manner as capital moneys received under that Act are applicable or in such other manner as may be approved by the Minister.

23.—(1) The Corporation may advance money to the purchaser or lessee of any lands acquired from or leased by the Corporation for the purpose of enabling or assisting him to erect houses shops offices industrial buildings warehouses or other buildings on such lands or to adapt alter extend or improve any existing buildings thereon and to provide power heating and lighting therein:

Power to
Corporation to
advance
moneys for
erection &c. of
buildings.

Provided that any advance shall not exceed in the case of a house nine-tenths or in the case of any other building three-quarters of the amount which in the opinion of the Corporation will be the market value of the interest of such purchaser or lessee in the lands with the intended buildings as erected adapted altered extended or improved thereon.

(2) Every such advance shall be repaid with interest at a rate not less than the rate for the time being in operation under the Small Dwellings Acquisition Acts 1899 to 1923 as amended by section 92 (Amendments of Small Dwellings Acquisition Acts) of the Housing Act 1935 within such period not exceeding thirty years from the date of the advance as may be agreed upon between the Corporation and such purchaser or lessee.

25 & 26 Geo. 5.
c. 40.

(3) The repayment may be made either by equal instalments of principal or by an annuity of principal and interest combined and all payments on account of principal and interest shall be made at such periods not exceeding half a year

PART II.
—cont.

as may be agreed between the purchaser or lessee and the Corporation.

(4) Any such purchaser or lessee to whom an advance has been made may at any of the usual quarter days after one month's notice and on paying all sums due on account of interest repay to the Corporation 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 instrument hereinafter referred to or as the Corporation may be prepared to accept) or a multiple of one hundred pounds (or of such less sum as aforesaid) and where the repayment is made by an annuity of principal and interest combined the amount so outstanding and the amount by which the annuity will be reduced where a part of the advance shall be paid off shall be determined by a table to be annexed to the instrument securing the repayment of the advance.

(5) Before making any advance under this section the Corporation shall be satisfied that the repayment to them of the advance is secured by a mortgage of the building in respect of the erection adaptation alteration extension or improvement of which the advance is made and of the land upon which such building is to be erected or upon which any such building is to be adapted altered extended or improved or of the lessee's interest therein to the Corporation subject to the right of redemption by the said purchaser or lessee and requiring the said purchaser or lessee to keep the building insured against fire to the satisfaction of the Corporation and to produce the receipts for the premium paid in respect of such insurance to the Corporation when required by them and to keep the building in good repair.

(6) The Corporation shall have power at all reasonable times to enter the building in respect of the erection adaptation alteration extension or improvement of which any advance is made by them by any person authorised by the town clerk in writing for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are complied with.

(7) The said purchaser or lessee may with the permission of the Corporation (which permission shall not be unreasonably withheld) at any time transfer his interest in the building in respect of the erection adaptation alteration extension or improvement of which such advance is made and the land upon which the same is situate but any such transfer shall be made subject to the foregoing provisions of this section.

(8) In this section the term "lessee" includes a person to whom the Corporation have agreed to grant a lease and "leased" shall be construed accordingly.

24.—(1) The Corporation may with the consent of the Minister purchase or take on lease houses and other buildings for persons employed by them or by any joint board or joint committee of which the Corporation are constituent members and may erect fit up maintain and let any such houses and buildings upon any lands for the time being belonging to the Corporation and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation.

PART II.
—cont.
Houses for persons in employment of Corporation.

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

PART III.

TRANSPORT.

25.—(1) In this Part of this Act "the map" means the map showing the trolley vehicle routes numbered 7 8 9 and 10 authorised by this act signed in triplicate by William Henry Mainwaring the chairman of the committee of the House of Commons to whom the Bill for this Act was referred one copy of which has been deposited in each of the following offices:—

Definition of map.

- (a) The office of the Clerk of the Parliaments House of Lords;
- (b) The Committee and Private Bill Office of the House of Commons;
- (c) The office of the town clerk.

(2) A copy of the map certified by the town clerk to be true shall be received in all courts of justice and elsewhere as prima facie evidence of the contents thereof.

26.—(1) The Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may use the same upon the following routes in addition to any routes upon which they are already authorised to use trolley vehicles:—

Trolley vehicles upon new routes.

Route No. 1 (situate in the borough 3 furlongs 1 chain or thereabouts in length) commencing at the junction of Woodbridge Road with Cauldwell Hall Road by a junction with Route No. 1A authorised by the Act of 1925 passing along Cauldwell Hall Road to and terminating at the junction of that road with St. John's Road by a junction with Route No. 7A authorised by the Act of 1925;

Route No. 2 (situate in the borough 4 furlongs 7 chains or thereabouts in length) commencing at the junction of London Road with Yarmouth Road by a junction with Route No. 3 authorised by the Act of 1925 passing along Yarmouth Road and Chevallier Street

PART III.
—cont.

and terminating at the junction of that road with Norwich Road by a junction with Route No. 1 authorised by the Act of 1925;

Route No. 3 (situate in the borough 3 furlongs 1.2 chains or thereabouts in length) commencing at the junction of London Road with West End Road by a junction with Route No. 3 authorised by the Act of 1925 passing along West End Road and Portmans Walk to and terminating at the junction of Portmans Walk with Constantine Road by a junction with Route No. 4A authorised by the Act of 1925;

Route No. 4 (situate in the borough and in the parishes of Rushmere St. Andrew and Westerfield in the rural district of Deben 4 furlongs 4.5 chains or thereabouts in length) commencing at the junction of Sidegate Lane with Humber Doucy Lane by a junction with Route No. 8 authorised by the Order of 1946 passing along Humber Doucy Lane to and terminating at the junction of that road with Tuddenham Road by a junction with Route No. 7 authorised by the Order of 1946;

Route No. 5 (situate in the borough 1 mile 3 furlongs 3.6 chains or thereabouts in length) commencing at the junction of Westerfield Road with Valley Road by a junction with Route No. 6 authorised by the Order of 1946 passing along Valley Road and Colchester Road (A.12) and terminating at the junction of Colchester Road with Rushmere Road by a junction with Route No. 2 authorised by the Order of 1931;

Route No. 6 (situate in the borough 6 furlongs 6.7 chains or thereabouts in length) commencing at the junction of Norwich Road with Dales Road by a junction with Route No. 1 authorised by the Act of 1925 passing along Dales Road to and terminating at the junction of that road with Henley Road by a junction with Route No. 5 authorised by the Order of 1946;

Route No. 7 (situate in the borough and in the parish of Bramford in the rural district of Gipping 1 mile 3 furlongs 5.1 chains or thereabouts in length) commencing at the junction of Bramford Road with Shafto Road by a junction with Route No. 2 authorised by the Act of 1925 passing along Shafto Road and Bramford Lane and thence along a road intended to be constructed which is numbered 1 on

the map to and terminating at the junction of the said intended road with Norwich Road by a junction with Route No. 1 authorised by the Act of 1925;

Route No. 8 (situate in the borough 3 furlongs 7.3 chains or thereabouts in length) commencing in Whitton Church Lane at the termination of Route No. 4 authorised by the Order of 1946 by a junction with that route and passing along a road intended to be constructed which is numbered II on the map to and terminating at its junction with Henley Road by a junction with Route No. 5 authorised by the Order of 1946;

Route No. 9 (situate in the borough 1 mile 1 furlong or thereabouts in length) commencing at the junction of Norwich Road with Ashcroft Road by a junction with Route No. 1 authorised by the Act of 1925 passing along Ashcroft Road and thence along a road intended to be constructed as a continuation of Ashcroft Road which is numbered III on the map to and terminating at its junction with the road intended to be constructed which is numbered II on the map by a junction with Route No. 8 by this Act authorised;

Route No. 10 (situate in the borough 7.5 chains or thereabouts in length) commencing at the junction of John Street with Wykes Bishop Street by a junction with Route No. 7 authorised by the Order of 1935 passing along a diversion of a portion of John Street and a portion of Holywells Road intended to be constructed which road is numbered IV on the map to and terminating at the junction of that said intended road with Holywells Road and Myrtle Road by a junction with the said Route No. 7 authorised by the Order of 1935;

Route No. 11 (situate in the parish of Purdis Farm in the rural district of Deben 4 furlongs 2.4 chains or thereabouts in length) commencing in Felixstowe Road (A.45) at the borough boundary by a junction with Route No. 1 authorised by the Order of 1935 passing along that road to and terminating therein at a point 933 yards or thereabouts south-east of the borough boundary:

Provided that the Corporation shall not without the consent in writing of the Minister of Transport use trolley vehicles along or over routes Nos. 2 4 5 7 8 9 and 10 and in giving any such consent the Minister of Transport may impose such conditions in regard to such consent as he may think fit.

PART III.
—cont.

(2) The Corporation shall not commence to use trolley vehicles on Route No. 4 in the administrative county of East Suffolk except with the consent of the county council of that administrative county.

(3) The Corporation may in the event of any parts of the intended roads mentioned in the descriptions of Routes Nos. 7 8 9 and 10 being constructed in positions other than those shown on the map use trolley vehicles along the said parts thereof in the positions in which the same are constructed.

(4) The Corporation may also with the consent of the Minister of Transport and of the local and highway authorities use trolley vehicles along any street or road within or without the borough which the Corporation think it necessary or convenient to use for the purpose of providing a turning point or of connecting trolley vehicle routes or of obtaining access thereto from any depot garage building or work of the Corporation:

Provided that nothing in this subsection shall empower the Corporation to use trolley vehicles along any street or road for the purpose of connecting trolley vehicle routes where the distance between the points to be connected exceeds half a mile.

(5) Before equipping any trolley vehicle route to include a turning point or before arranging for a new turning point on any route the Corporation shall submit plans of the turning point to the Minister of Transport for approval and shall also in the case of any turning point which is outside the borough send a copy of such plans to the county council of the administrative county of East Suffolk and to the chief constable of that county.

Period for
commence-
ment of trolley
vehicle
services.

27. If the Corporation shall not have commenced to use trolley vehicles along any of the routes authorised by this Act within ten years from the passing of this Act or such extended time as the Minister of Transport may upon the application of the Corporation allow the powers conferred by this Act with reference to the use of trolley vehicles along the route or routes along which the Corporation have not commenced to use trolley vehicles shall cease to be exerciseable.

Amendment
of section 5
of Order of
1931.

28.—(1) Subsection (2) of section 5 (Byelaws as to intending passengers outside borough) of the Order of 1931 shall be read and have effect as if for the words "Minister of Health" there were substituted the words "Secretary of State."

(2) Subsection (4) of the said section is hereby repealed.

PART III.
—cont.
Application
of existing
enactments.

29.—(1) Subject to the provisions of this Act the provisions of Part II (Trolley vehicles) of the Act of 1925 in so far as those provisions relate to trolley vehicles and trolley vehicle routes shall extend and apply to and in relation to any route authorised under this Act as if that route was authorised by the said Part II of the Act of 1925.

(2) The following provisions of the Order of 1931 and the Order of 1935 shall extend and apply to the provision maintenance and working of trolley vehicles under the powers of this Act as if those provisions with the necessary modifications were re-enacted in this Part of this Act (namely):—

The Order of 1931—

Section 4 (Adaptation of roads);

Section 5 (Byelaws as to intending passengers outside borough):

The Order of 1935—

Section 6 (Application of byelaws).

30. In the application to this Act of section 7 (For protection of Postmaster-General) of the Act of 1925 subsection (2) (d) of that section shall be read and have effect as if the words “ generated or used by or supplied to ” were inserted in that subsection in substitution for the words “ generated by.”

31. The definition of trolley vehicle in the Acts and Orders relating to the Corporation shall not have the effect of excluding a vehicle which is equipped with apparatus for moving it by electrical power transmitted thereto from some external source but which is also equipped with apparatus for moving it by electrical power not transmitted thereto from some external source.

32. Section 16 (Minister of Transport may authorise new routes) of the Act of 1925 shall be read and have effect as if in paragraph (a) of subsection (1)—

(a) for the words “ road as defined by the Tramways Act 1870 ” there were substituted the words “ street or road dedicated to the public use or intended street or road ”;

(b) after the words “ upon any ” in the second place where those words occur and after the words “ upon such ” there were inserted the words “ street or road or intended ”; and

(c) the words “ or roads ” were omitted therefrom;

and as if in paragraph (b) of subsection (1)—

(d) after the words “ relating to any ” and “ in which such ” there were inserted the words “ street road or intended ”; and

PART III.
—cont.

(e) after the word "situate" there were inserted the words "or intended to be situate."

As to lost
property.

33.—(1) Any property found in any shelter or waiting room in connection with the transport undertaking of the Corporation shall forthwith be taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the transport undertaking.

(2) The Public Service Vehicles (Lost Property) Regulations 1934 made by the Minister of Transport under the Road Traffic Acts 1930 to 1947 and any regulations amending extending or in substitution for those regulations shall extend and apply with any necessary modification in respect of property found in the trolley vehicles of the Corporation as if such trolley vehicles were public service vehicles.

Trolley
vehicles not
to be deemed
stage
carriages.
5 & 6 Vict.
c. 79.

34. The trolley vehicles of the Corporation shall not be deemed to be stage carriages for the purposes of sections 13 to 15 of the Railway Passenger Duty Act 1842 but for the purpose of calculating the number of passengers in excess of the seating capacity that may be carried thereon shall be deemed to be public service vehicles.

Definition of
transport
undertaking.

35. As from the passing of this Act the tramway undertaking shall be known as the transport undertaking of the Corporation which shall comprise their tramway trolley vehicle omnibus and public service vehicle undertakings.

For protection
of East Suffolk
County
Council.

36. For the protection of the county council of the administrative county of East Suffolk (in this section referred to as "the county council") the following provisions shall (notwithstanding anything in this Act) unless otherwise agreed in writing between the Corporation and the county council have effect with respect to the powers conferred by this Act relating to the use of trolley vehicles upon any county road in the administrative county of East Suffolk (that is to say):—

(1) In this section the expression "posts and apparatus" includes the posts standards feeder boxes wires cables and any other works incidental to the working by electrical power of the trolley vehicles:

(2) (a) The position of all posts and apparatus to be used by the Corporation for the purpose of working the trolley vehicles shall be such as the county council may reasonably approve:

Provided that if the Corporation deliver to the county council a plan showing the proposed position

of such posts or apparatus and the county council do not within fourteen days give notice to the Corporation of any objection the county council shall be taken to have agreed to the position of such posts and apparatus as shown by the said plant;

(b) If any such post or apparatus interferes with the construction of any new road or footpath or the improvement of any road or footpath or becomes an unreasonable obstruction the Corporation shall alter the position thereof in such manner as the county council may reasonably direct but if any question arises as to the reasonableness of any such direction such question may be determined as hereinafter provided:

- (3) If the Corporation in the execution of any works in or affecting any county road shall cause any damage injury or disturbance to such road and shall fail to properly make good all such damage injury or disturbance in accordance with the provisions of the Tramways Act 1870 then it shall be lawful for the county council after reasonable notice to the Corporation of the alleged failure and of the works which they propose to execute to do all works necessary for making good all damage injury or disturbance and the Corporation shall repay to the county council all costs charges and expenses which the county council shall reasonably and properly incur in carrying out such works:
- (4) If at any time after the opening for traffic of any trolley vehicle route on a county road the Corporation discontinue the working of such route or any part thereof for the space of three months (such discontinuance not being occasioned by circumstances beyond the control of the Corporation) and such discontinuance is proved to the satisfaction of the Minister of Transport the county council may apply to the said Minister for an order declaring that the powers of the Corporation in respect of such route or part thereof so discontinued shall cease. The said Minister may if he thinks fit make an order accordingly and the said powers shall cease and determine as from the date specified therein:

Where any such order shall have been made the county council may at any time after the expiration of two months from the date specified in such order by notice in writing require the Corporation to remove all posts and apparatus erected or placed in such route or the part thereof so discontinued and if

PART III.
—cont.

the Corporation fail to comply with such notice within a reasonable period the county council may themselves remove such posts and apparatus and the Corporation shall pay to the county council the reasonable cost of such removal and of the making good of the road (including any footpath which may be affected) less the value of the posts and apparatus so removed:

- (5) If any difference shall arise between the Corporation and the county council with regard to any of the matters aforesaid such difference shall be determined by the Minister of Transport or by an arbitrator to be appointed by him on the application of either party and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to such determination.

PART IV.

WATER.

Additional charges where water supplied for domestic purposes and paid for by water rate is used for other purposes.

37.—(1) Where water which the Corporation supply for domestic purposes and in respect of which they charge a water rate—

- (a) is used for watering a garden; or
(b) is used for horses washing vehicles or other purposes in stables garages or other premises where horses or vehicles are kept;

the Corporation may if a hose-pipe or other similar apparatus is used charge in each year in respect of that use of the water—

- (i) where the water is used for watering a garden an additional sum calculated according to the following scale:—

where the area of the garden does not exceed twenty perches a charge not exceeding fifteen shillings;

where the area of the garden exceeds twenty perches but does not exceed one rood a charge not exceeding twenty-five shillings;

where the area of the garden exceeds one rood but does not exceed two roods a charge not exceeding forty shillings;

where the area of the garden exceeds two roods but does not exceed three roods a charge not exceeding fifty shillings;

where the area of the garden exceeds three roods a charge not exceeding sixty shillings;

(ii) where the water is used for horses washing vehicles or other purposes in stables garages or other premises where horses or vehicles are kept an additional sum not exceeding twenty-five shillings for the first horse or vehicle and (where more horses or vehicles than one are kept) an additional sum not exceeding ten shillings for each such horse or vehicle beyond the first.

(2) Where in either of such cases the water used is drawn from a tap outside a house but no hose-pipe or similar apparatus is used the Corporation may charge in each year an additional sum not exceeding one-half the maximum sum chargeable under the foregoing subsection.

(3) Sums charged under the provisions of this section shall be paid in advance either quarterly or half-yearly as the Corporation may determine and shall be recoverable in the manner in which water rates are recoverable.

(4) Nothing in this section shall be construed as entitling any person to use water supplied for domestic purposes for watering a garden by means of sprinklers or other mechanical apparatus.

(5) Any person who having from the Corporation a supply of water otherwise than by meter uses any water so supplied to him for any of the purposes mentioned in subsection (1) of this section without payment of the sums due under the provisions of this section shall be liable to a penalty not exceeding two pounds without prejudice to the right of the Corporation to recover from him the amount due.

38.—(1) Where a person who takes a supply of water for domestic purposes from the Corporation otherwise than by meter desires to use any of the water so supplied—

Power to require supplies for refrigerating or water-softening apparatus &c. to be taken by meter.

(a) for operating a water-cooled refrigerating apparatus;
or

(b) for operating any apparatus depending while in use upon a supply of continuously running water not being an apparatus used solely for heating the water;
or

(c) for cleaning regenerating or supplying motive power to any apparatus used for softening water;

the Corporation may if they think fit require that all water so used shall—

(i) be taken by measure and paid for accordingly and in that event the minimum quarterly charge for the water shall be ten shillings; or

PART IV.
—cont.

- (ii) be paid for at such rates as may be agreed between such person and the Corporation or in default of agreement determined by a court of summary jurisdiction:

Provided that no charge shall be made under this section in respect of a water softening apparatus used within a house for which the supply of water is taken if one such apparatus only is used and if the water softened thereby is used solely for domestic purposes.

(2) Sums charged under the provisions of paragraph (ii) of subsection (1) of this section shall be paid in advance either quarterly or half-yearly as the Corporation may determine and shall be recoverable in the manner in which water rates are recoverable.

(3) Any person who having from the Corporation a supply of water otherwise than by meter uses any water so supplied to him for any of the purposes mentioned in subsection (1) of this section without payment of the sums due under the provisions of this section shall be liable to a penalty not exceeding two pounds without prejudice to the right of the Corporation to recover from him the amount due.

Power to require supply for hose-pipe to be taken by meter in certain cases.

39. Where water which the Corporation supply for domestic purposes and in respect of which they charge a water rate is used by means of a hose-pipe or other similar apparatus for watering a garden or for horses washing vehicles or other purposes in stables garages or other premises where horses or vehicles are kept and the consumer takes also a supply of water by meter for purposes other than domestic the Corporation may require that all water used by him by means of the hose-pipe or other apparatus shall be taken by meter and paid for at the rate for the time being applicable to his supply by meter for non-domestic purposes.

As to net annual value of two or more houses in one occupation.

40. Where there is communication otherwise than by a highway between buildings or parts of buildings in the occupation of the same person those buildings or parts of buildings shall if the Corporation so decide be treated for the purpose of charging water rates as one building having a net annual value equal to the aggregate of their net annual values:

Provided that for the purposes of this section where water is supplied to a house within the curtilage of a factory and that water is used solely for the domestic purposes of occupants of the house the house shall not be treated as forming part of the factory.

41.—(1) Where in consequence of a proposal under section 37 of the Rating and Valuation Act 1925 an amendment is made in the valuation list for the time being in force the amendment shall for the purpose of calculating the amount due in respect of the water rate have effect retrospectively as from the date when the proposal was made and any necessary adjustments shall be made in the then current instalment of the water rate and any subsequent instalments of water rates.

PART IV.
—cont.
Effect on water rate of alterations in valuation list.
15 & 16 Geo. 5.
c. 90.

(2) If it is found that by reason of the foregoing provisions too much or too little has been paid in respect of any water rate the difference shall be repaid or allowed or as the case may be shall be paid and (if payable to the Corporation) may be recovered in the manner in which water rates are recoverable.

42.—(1) The Council may by resolution direct that in the case of—

Rates and charges payable by owners of certain buildings.

(a) all houses and buildings which are supplied by them with water where the net annual value does not exceed thirteen pounds or if any higher limit of value is prescribed for the purposes of section 11 of the Rating and Valuation Act 1925 that higher limit; or

(b) any house or building which is supplied by them with water where the rent is payable by reference to weekly or monthly intervals or any other interval of less than a quarter of a year;

the owners thereof instead of the occupiers shall pay the water rate.

(2) Where the Corporation give any such direction as aforesaid the owner of any such house or building shall pay the water rate instead of the occupier but the rate may be recovered by the Corporation from the occupier and if the occupier be not himself liable therefor under any lease or agreement may be deducted by him from the rent from time to time due from him to the owner:

Provided that—

(a) no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him or which shall have accrued due from him subsequent to the service upon him of a notice to pay the rate; and

(b) where the owner of premises is liable to pay the water rate for the supply of water to those premises and is not himself the occupier thereof the Corporation shall not cut off the supply of water to the premises for a failure by him to pay the water rate.

PART IV.

—cont.

10 & 11 Vict.
c. 17.

(3) The provisions of section 73 of the Waterworks Clauses Act 1847 shall with any necessary alterations extend and apply to any payments made under this section by the owner of any house or building and as if that section applied in the case of any lease or agreement whether made before or after the passing of this Act.

Charges for
special
readings of
water meters.

43. The Corporation may levy and recover such charges as they think fit for taking at the request and for the convenience of any consumer at a time other than that of the periodical meter readings the reading of any water meter fixed in any premises:

Provided that such charges shall not exceed the sum of one shilling for each reading of a water meter.

Discounts for
prompt
payment.

44. The Corporation may if they think fit make an allowance by way of discount on all sums of money due to them for the supply of water from any person who pays the same within such time of the demand thereof as the Corporation think fit to prescribe in that behalf and notice to that effect shall (if and so long as the Corporation shall allow such discount) be endorsed on every demand note in respect of such charges:

Provided that the Corporation shall make the same allowance to all consumers under similar conditions which shall not in any case exceed five per centum.

As to payment
of water rates
and charges.

45.—(1) On and from the first day of October nineteen hundred and forty-eight notwithstanding anything in section 70 of the Waterworks Clauses Act 1847 the rates and charges payable to the Corporation for the supply of water for domestic purposes shall be paid in advance by equal quarterly payments on the first day of January the first day of April the first day of July and the first day of October in each year or if the council so resolve by equal half-yearly instalments on the first day of April and the first day of October in each year:

Provided that any such resolution may be passed at any time after the passing of this Act.

(2) If and so long as such water rates and charges are payable in advance by half-yearly instalments—

(a) no proceedings shall be commenced for the recovery of any such instalments until the expiration of two months from the first day of the half-year in respect of which it has been demanded; and

(b) if the person who is or who but for the provision of section 42 (Rates and charges payable by owners of certain buildings) of this Act would be liable to pay

the water rate payable in respect of any premises is in occupation of those premises during a portion only of a half-year he or as the case may be the owner of the premises shall be liable to pay so much only of the half-yearly instalment as bears to the whole instalment the same proportion as the number of days within the half-year during which the first-mentioned person is in occupation bears to the number of days in the half-year and if any greater proportion of the instalment has been paid the person by whom it was paid shall be entitled to recover the excess from the Corporation except in so far as he has previously recovered it from an incoming occupier:

Provided that—

- (i) he or as the case may be the owner of the premises shall have given notice of removal to the Corporation; and
- (ii) nothing in this section shall exempt the owner of any premises from liability in respect of any subsequent portion of the half-year during which the premises may again become occupied.

(3) Subject to the provisions of the last foregoing subsection the liability of a person to pay an instalment of a water rate shall not be affected by the fact that before the end of the period in respect of which the instalment became payable by him he or his tenant as the case may be removes from the premises in question.

(4) If and so long as such water rates and charges are payable in advance by half-yearly instalments notice stating the effect of subsections (2) and (3) of this section shall be endorsed on every demand note.

46.—(1) Any water rate or charge payable to the Corporation may be demanded and collected together with the general rate and the same books may be used for the said rate or charge and the general rate. Collection and recovery of water rates and charges.

(2) Notwithstanding the provisions of any other enactment any water rates and charges recoverable by the Corporation in a court of summary jurisdiction may (without prejudice to any other right or remedy of the Corporation) be recoverable in the same manner and subject to the same provisions in respect of such recovery as the general rate.

(3) There may be included in one and the same complaint information summons or warrant or in any schedule thereto two or more sums payable to the Corporation by any one person in respect of the water rate and charges and general rate payable by him.

PART IV.

—cont.

As to recovery
summarily of
sums due for
fittings.

47. If the Corporation commence proceedings for the summary recovery of a sum due for the supply of water any other sum due or payable to the Corporation in respect of the sale or hire of any apparatus or fittings supplied by them for or in connection with the consumption or use of water or the provision of materials and work in connection therewith or the fixing setting up repairing altering maintaining or removal thereof may be included in the same complaint summons or warrant or any schedule attached thereto and may be recovered summarily provided the amount due or payable in respect thereof does not in the aggregate exceed twenty pounds.

Amendment
of section 9
of Ipswich
Water Order
1947.

48. Section 9 (For protection of the London and North Eastern Railway Company) of the Ipswich Water Order 1947 shall have effect and shall be deemed always to have had effect as if—

(i) In subsection (2) after the words “ the company’s locomotives at Ipswich ” there had been inserted the words “ or a deterioration in the quality of the water obtained by the company from their said locomotive well below the standard of the water obtained by the company from that well at the coming into force of this order ” and at the beginning of paragraph (a) thereof there had been inserted the words “ if any such deterioration has been caused as aforesaid or ”; and

(ii) The following subsection (6A) had been inserted immediately following subsection (6):—

“ (6A) The undertakers shall also bear the cost of any alterations or additions required to the company’s storage tanks at the said locomotive depot which may be necessary to adapt the same for receiving any supply of water which the undertakers are required to afford or cause to be afforded under subsection (2) of this section.”

PART V.

STREETS BUILDINGS SEWERS AND DRAINS.

No building
allowed until
street defined.

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

person to erect the building or any fence nearer to the centre of the street than any posts or other marks by which the width of the street has been defined.

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

50.—(1) Any person who lays out or intends to lay out a new street or part of a new street shall before any building is begun to be erected abutting on such new street or part of a new street if required by the Corporation so to do construct the carriageway of such new street or such part of the new street as may be required by the Corporation in accordance with the byelaws for the time being in force with respect to new streets and shall also if required sewer such street or such part of such street: No buildings to be erected until street formed.

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

(2) The execution of any works under the provisions of this section shall not relieve any person of any liability under the Act of 1892 or under the local Acts for the time being in force within the borough.

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

51.—(1) At any time within one month after the deposit of the plans of any new building intended or adapted for use as a dwelling-house (or where such plans have been approved but the erection of the building has not been begun before the passing of this Act at any time before the erection thereof has been commenced) the Corporation may by notice require the provision either before the building is erected or before it is sold let or occupied (as the Corporation shall specify) of sufficient means of communication between the building and a street which is either a highway repairable by the inhabitants at large or has been laid out and constructed in accordance with the byelaws or other provisions for the time being in force with respect to new streets. Means of access to buildings.

PART V.
—cont.

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

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

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

As to
termination of
new streets.

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

Provided that where such opening is required to secure means of communication between two streets such prohibition shall not become operative until the streets on both sides of such wall or fence hedge or other obstruction shall become highways repairable by the inhabitants at large.

(2) Any person who contravenes an order made by the Corporation under the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

Byelaws as to
alteration of
streets.

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

54.—(1) Section 17 (Power to vary position or direction and to fix beginning and end of new streets) of the Public Health Acts Amendment Act 1907 shall in its application to the borough be read and have effect as if subsection (2) of the said section were omitted therefrom.

PART V.
—cont.
Amendment
of section 17
of Public
Health Acts
Amendment
Act 1907.
7 Edw. 7. c. 53.

(2) The powers conferred upon the Corporation by the said section 17 to vary the intended position of a new street so far as is necessary for the purpose of securing more direct easier or more convenient means of communication with any other street or intended street shall be extended so as to enable them (subject to the provisions of that section) to require that the corners formed at the junction of a new street with another street (whether new or existing) shall for the purposes of safety either be splayed or be rounded off in a manner determined by the Corporation.

55.—(1) The Corporation may at any time after prescribing the improvement line of any street in pursuance of the power conferred upon them by section 33 of the Public Health Act 1925 on giving six months' previous notice to the owner require that any building or erection which or any part of which was beyond or in front of any such improvement line at the date when the same was so prescribed shall be pulled down set back or altered so that the same shall not project beyond or in front of such improvement line.

Further
powers as to
future line of
street:
15 & 16 Geo. 5.
c. 71.

(2) The owner may and if so required by the Corporation shall notwithstanding any contract lease or agreement or any provision therein contained enter upon any land building or erection affected by any requirement of the Corporation under this section and carry out such requirement.

(3) In the event of any building or erection being pulled down set back or altered in accordance with any requirement of the Corporation under this section the Corporation shall make compensation to any owner lessee or tenant of any such building or erection for any loss or damage sustained by him in consequence of such requirement being complied with.

(4) The amount of any compensation payable under this section and any other question under this section the determination whereof is not otherwise provided for by this Act shall in default of agreement be determined in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 but in estimating the amount of any such compensation the benefit arising from the widening or improvement of the street and accruing to the property in respect of which such compensation shall be payable shall be fairly estimated and set off against such compensation.

PART V.
—cont.

(5) Any person who contravenes a requirement of the Corporation under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

Adjustment of
boundaries of
streets.

56.—(1) The Corporation may enter into and carry into effect agreements with persons having a legal interest in lands adjoining any street (not being a trunk road) for the adjustment of the boundary of any such street and for that purpose may give land including land forming part of the street in exchange for other land. For the purposes of this section the Corporation shall be deemed to be the owners of the land forming the site of the street and shall be entitled to convey the same in accordance with an agreement entered into in pursuance of this section:

Provided that no such agreement shall be entered into until the expiration of one month from the date on which notice of the proposals has been given by advertisement in some local newspaper circulating in the borough and during such period of one month any four inhabitant householders of the borough by themselves or their agent may appeal to a court of summary jurisdiction against the proposals and section 203 (As to appeals) of this Act shall apply to any such appeal as if the proposals were a decision of the Corporation.

(2) Notwithstanding any agreement entered into under this section the Postmaster-General shall continue to have the same powers and rights in respect of any telegraphic line belonging to or used by him which remains in, under, upon, over, along or across the site of any such street as if the same had continued to be part of the street:

Provided that if the Corporation or any person in whom such site is vested desires that such telegraphic line should be altered the enactments of section 7 (Provision as to work which involves alteration in telegraphic line) of the Telegraph Act 1878 shall thereupon apply in all respects as though the Corporation or the said person (as the case may be) were "undertakers" within the meaning of the said Act.

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

Adjustment of
boundaries of
estates.

57.—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new street (including in that expression the widening of an existing street or the widening or adaptation of a road, footpath or way so as to form a new street) are submitted to the Corporation for

approval the Corporation may require that provision shall be made—

PART V.
—cont.

- (a) for adjusting or altering the boundaries of any such estate or lands or any lands adjacent or near thereto; and
- (b) for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands;

as may be necessary or convenient for such purposes.

(2) The provision to be made under this section and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective persons interested in such estate or lands be determined on the application of the Corporation or any such person by an arbitrator to be appointed by the Minister.

(3) For securing the execution of any such purposes the Corporation may agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid.

(4) The payment of money by any such person shall not be made a term or condition of any award made under this section otherwise than with his consent.

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

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

PART V.
—cont.

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

Power to vary
width of
carriageways
and footways.

58.—(1) The Corporation may if they think fit in any case vary the relative widths of the carriageway and footway or footways in any street repairable by the inhabitants at large:

Provided that twenty-one days before commencing any work under this section which will materially reduce the width of any carriageway or footway the Corporation shall send notice of the proposed work to the Minister of Transport.

(2) The Corporation shall not exercise the powers of this section in relation to a trunk road without the consent of the Minister of Transport.

(3) The Corporation shall not exercise the powers of this section in respect of any street situate upon a bridge over the railway of the commission or upon the approaches thereto without the previous consent in writing of the commission or if such consent is unreasonably withheld the consent of the Minister of Transport.

Crossings over
footways.

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

(a) require the construction across such footway of a carriage-crossing for the purpose aforesaid constructed of such materials and in such manner as they may prescribe; or

(b) allow the use of the footway for the purpose aforesaid subject to the condition that the footway is strengthened or adapted in such manner as the Corporation may prescribe or subject to such other reasonable conditions (if any) as they may impose.

(2) If the Corporation require the construction of any carriage-crossing across the footway or allow the use of the footway subject to a condition that it is strengthened or adapted they may execute such works as may be necessary

to secure compliance with such requirement or condition and may recover the expenses of so doing from the owner or occupier.

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

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

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

(6) Before requiring the construction of any carriage-crossing across the footway of a trunk road or allowing the use of such a footway subject to any condition the Corporation shall obtain the consent of the Minister of Transport.

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

Fencing of forecourts.

(2) Any person who contravenes a requirement under this section shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound.

61.—(1) If the council shall by resolution determine that any stall structure or other erection (not being an advertisement as defined in the Town and Country Planning Act 1947) on any forecourt is by reason of its character injurious to

Provisions as to forecourts.

PART V.
—cont.

the amenities of the street in which such forecourt is situate they may by notice require the owner of or person responsible for such stall structure or other erection within such period (not being less than seven days) as may be specified in the notice to make such alterations to such stall structure or other erection as may be necessary to prevent the same from being injurious to the amenities of such street.

(2) Any person who contravenes a requirement of any such notice shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound.

As to
pavement
lights.

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

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

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

Window
blinds &c.

63.—(1) Any person erecting setting up or placing any blind shade covering or awning over any footway shall so erect set up or place the same that no part thereof shall project over any part of the footway which is less than one foot six inches from the outer edge of the kerb of such footway.

(2) Every such blind shade covering or awning shall be constructed and maintained so as to secure in accordance with the requirements of the Corporation the safety and convenience of the public.

(3) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound.

Direction
signs.

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

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

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

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

65. For the purpose of preventing danger to pedestrians from traffic the Corporation may as respects roads (not being highways repairable by the inhabitants at large) adjacent to the entrances to or exits from any schools Sunday schools public baths public parks public halls recreation grounds playing fields alley-ways and passageways exercise the like powers of placing fences rails and posts on the sides of any footways or carriageways of such roads as under section 149 (Vesting of streets &c. in urban authority) of the Public Health Act 1875 are exerciseable by them as respects roads so repairable and the Corporation may from time to time repair renew maintain or remove any fences rails or posts so placed by them.

Power to place fences near school entrances &c.

66.—(1) The Corporation may with the consent in writing of the owner of any building or wall or any bridge over any street attach thereto such lamps brackets electric lines and attachments (in this section called "attachments") as may be required for the purposes of street lighting.

Attachment of lamps &c. to buildings and bridges.

(2) Where in the opinion of the Corporation any consent under subsection (1) of this section is unreasonably withheld they may make complaint to a court of summary jurisdiction who may by order either allow the attachments subject to such terms (if any) as to compensation or rent or otherwise as they may think fit or disallow the attachments.

(3) The provisions of subsection (2) of this section shall not apply in relation to—

- (a) any building or wall forming part of an aerodrome; or
- (b) any building which is designated in a list compiled or approved by the Minister of Town and Country Planning as being a building of architectural or historic interest or any building or wall which the owner thereof alleges to be a building or wall of such interest; or

PART V.
—cont.
10 & 11 Geo. 6.
c. 54.

- (c) any building or wall or bridge owned by any highway authority or electricity board established under and as defined in the Electricity Act 1947 or railway or water or gas undertakers;

but if in the opinion of the Corporation any consent under subsection (1) of this section is unreasonably withheld in relation to any such building or wall or bridge they may appeal in the case of a building or wall or bridge owned by any highway authority or railway undertakers to the Minister of Transport in the case of a building or wall owned by water undertakers to the Minister of Health and in any other case to the Minister of Fuel and Power and the Minister of Transport the Minister of Health or the Minister of Fuel and Power as the case may be may by order either allow the attachments subject to such terms (if any) as to compensation or rent or otherwise as he thinks fit or disallow the attachments.

(4) Where any attachments have been affixed to a building or wall or bridge under this section and the person who gave the consent or who was the owner when the order allowing the attachments was made ceases to be the owner of the building or wall or bridge the subsequent owner may give to the Corporation notice in writing requiring them to remove the attachments and subject to the provisions of this subsection the Corporation shall within three months after the service of the notice remove the attachments:

Provided that the provisions of subsection (2) and subsection (3) of this section shall apply in relation to any such notice as they apply in relation to a refusal of a consent to the making of attachments.

(5) Where any attachments have been made under this section to any building or wall or bridge the owner of the building or wall or bridge may require the Corporation at their own expense temporarily to remove the attachments where necessary during any reconstruction or repair of the building or wall or bridge.

(6) In this section—

the expression “owner”—

(a) in relation to a building or wall occupied under a tenancy for a term of years whereof five years or more remain unexpired means the occupier of the building;

(b) in relation to a building occupied under any other tenancy means the person who is receiving the rack rent or who would receive the rack rent if the building were let at a rack rent;

(c) in relation to a building or wall forming part of an aerodrome means (notwithstanding anything in this subsection) the person having control of the aerodrome;

and the expression "own" shall be construed accordingly;

the expression "rack rent" means in relation to the building a rent which is not less than two-thirds of the full net annual value of the building; and

the expression "aerodrome" means an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same.

10 & 11 Geo. 5.
c. 80.

67. The Corporation may provide and maintain in any street repairable by the inhabitants at large tubs for trees or plants:

Power to provide tubs for trees &c.

Provided that this power shall not be exercised—

- (i) so as to hinder the reasonable use of the street by any person entitled to use the same or so as to become a nuisance or injurious to the owner or occupier of the land adjacent to the street; or
- (ii) in respect of a trunk road except with the consent of the Minister of Transport.

68. The Corporation when carrying out any private street works in any street may with the consent in writing of a majority in number and rateable value of the owners of houses and land in such street cause trees or shrubs to be planted and grass margins to be laid out in such street and erect guards or fences and otherwise do everything expedient for the protection of such trees shrubs and grass margins and any expense incurred by the Corporation under this section shall be deemed part of the expenses of carrying out the said works:

Planting of trees in streets.

Provided that—

- (1) no such tree shrub grass margin guard or fence shall be placed or laid out in such a situation as to hinder the reasonable use of the highway by any person entitled to the use thereof or so as to be a nuisance or injurious to the owner or occupier of the land adjacent to the street;
- (2) for the purposes of section 7 (Provision as to work which involves alteration in telegraphic line) of the Telegraph Act 1878 any work done in exercise of the powers conferred by this section shall be deemed to be work done in the execution of an undertaking authorised by Act of Parliament and the Corporation shall be deemed to be the undertakers.

PART V.
—cont.

Power to lay
out grass
margins &c. in
streets.

69. The Corporation may lay out with grass margins or plant with trees or lay out as gardens any part of any street repairable by the inhabitants at large and may erect guards or fences for the protection of such grass margins trees or gardens and the Corporation may maintain in good order any grass margins trees gardens guards and fences in any such street and alter or renew the same and may add to the carriageway or footway of any such street any part of such grass margins parts planted with trees or parts laid out as gardens as aforesaid and may alter or re-arrange the parts of any street laid out as carriageway or footway respectively:

Provided that—

- (1) nothing in this section shall empower the Corporation to prevent any person residing in any premises in or abutting on any such street having full and free right and liberty of access to and from such premises from and to the metalled or paved portion of such street:
- (2) for the purposes of section 7 of the Telegraph Act 1878 any work done in exercise of the powers conferred by this section shall be deemed to be work done in the execution of an undertaking authorised by Act of Parliament and the Corporation shall be deemed to be the undertakers:
- (3) the powers of this section shall not be exercised with reference to any trunk road without the consent of the Minister of Transport.

Prohibition of
persons
vehicles &c.
on grass
margins.

70.—(1) In so far as the Corporation may indicate by notices conspicuously placed on or in proximity to any grass or other area which is situate in or forms part of or adjoins any street in the borough and is mown or maintained by the Corporation in an ornamental condition that such area is not intended for use by foot passengers horses cattle or vehicles any person who shall wilfully walk or otherwise proceed or lead ride or drive any horse cattle or vehicle on over or across any such area shall be liable to a penalty not exceeding one pound.

(2) Nothing contained in this section shall affect the duty of the Corporation under section 58 (Provision of footpaths and grass or other margins) of the Road Traffic Act 1930.

Restriction on
erection of
stands &c.

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

securing the stability of such stand or structure and protection against fire and for securing the safety of persons to be accommodated thereon.

(2) Any person aggrieved by any conditions prescribed by the Corporation under this section may appeal in accordance with section 203 (As to appeals) of this Act:

Provided that pending the determination of such appeal twenty or more persons shall not be admitted to such stand or structure unless the conditions prescribed by the Corporation have been complied with.

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

(4) The provisions of this section shall not apply to any stand or structure erected by a person who is the proprietor of a travelling circus roundabout or amusement fair for the purposes of his business as such.

(5) Nothing in this section shall render lawful the erection of any stand or structure which would not have been lawful apart from the provisions of this section.

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

As to hoardings
and similar
structures.

(i) beyond any building line prescribed by the Corporation in respect of the land under the provisions of any Act; or

(ii) if there be no such line beyond any line which is enforceable by the Corporation for buildings under subsection (2) of section 140 (Provisions as to bye-laws relating to new streets) of the Housing Act 1936; or

(iii) if there be neither of such lines beyond the line to which any house or building erected or brought forward on the land would have to conform under the provisions of the Public Health (Buildings in Streets) Act 1888.

51 & 52 Vict.
c. 52.

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

PART V.
—cont.

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

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

(3) The provisions of this section shall not—

- (a) be enforceable with regard to any structure existing at the date of the passing of this Act for a period of five-years from such date;
- (b) apply to any wooden structure fence or hoarding of a moveable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair is complete;
- (c) apply to any advertisement as defined in the Town and Country Planning Act 1947; or
- (d) apply to any wall erected on land belonging to the commission so long as such land is used by the commission primarily for railway purposes.

Temporary
stoppage of
streets.

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

Provided that the powers of this subsection shall not be exercised with reference to any trunk road without the consent of the Minister of Transport.

(2) The Corporation shall provide reasonable access for foot passengers bona fide going to or from any such land house or building.

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

74.—(1) Subject to the provisions of this section a court of summary jurisdiction if satisfied on the application of the Corporation made with the consent of the local planning authority for the district in which the highway is situate that a highway within the borough is unnecessary may by order authorise the stopping up thereof and if so satisfied that a highway within the borough can be diverted so as to make it nearer or more commodious to the public may by order authorise it to be so diverted. Stopping up
and diversion
of highways.

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

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

(a) has at least twenty-eight days before the date on which the application is made been served on the owners or reputed owners, and the occupiers of all land abutting on the highway; and

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

and that a similar notice (except that there may be substituted for the plan a statement of the place where such a plan can be inspected at all reasonable hours without payment) has been inserted once at least in each of four successive weeks in a local newspaper circulating in the borough. A notice which is required by this subsection to be served and which is sent by post shall be sent by registered post.

(4) On the hearing of such an application the Corporation and any person who is interested in land abutting on or served by the highway or uses the highway or is otherwise aggrieved

PART V.
—cont.

shall have a right to be heard and an appeal against the decision of the court may be brought to quarter sessions either by the Corporation or by any such person as aforesaid who was or claimed to be heard by the court.

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

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

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

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

- (7) (a) Nothing in this section shall authorise the diversion of a highway over any land unless the written consent of the local planning authority for the district in which the land is situate and of every person having a legal interest in that land is produced to and deposited with the court; and
- (b) An order under this section authorising the diversion of a highway shall not authorise the stopping up of any part thereof until the new part to be substituted for the part stopped up has been completed to the satisfaction of two justices and a certificate to that effect signed by them has been transmitted by their clerk to the town clerk.

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

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

(10) Any application or order under this section—

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

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

(11) The Corporation and the owner of or other person interested in any land affected by the exercise of the powers of this section may enter into and fulfil agreements relative thereto and to the payment of any expenses incurred by the Corporation in or in consequence of the exercise of those powers.

(12) 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) The powers of this section shall not be exercisable with respect to any trunk road.

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

Restrictions on rights of breaking up streets.

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

PART V.
—cont.

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

(3) Nothing in this section shall prevent any such undertakers as aforesaid from carrying out extending or enlarging works in any street in case of emergency or prevent any such undertakers from carrying out any works necessary to enable them to perform their statutory duties as such undertakers or their obligations under any contract subsisting at the date of the giving of the notice by the Corporation in default of which they would be liable to any penalty or damages or from making altering repairing extending enlarging or disconnecting communication pipes or service connections or laying service lines between premises and distributing mains or altering repairing extending enlarging or disconnecting any service line or from laying mains or pipes for the supply of property not previously supplied with gas water or electricity as the case may be.

62 & 63 Vict.
c. 19.

In this subsection the expression "service line" has the meaning assigned thereto by the schedule to the Electric Lighting (Clauses) Act 1899.

Streets broken
up to be
reinstated.

76.—(1) When any street repairable by the inhabitants at large shall be opened or broken up by any person he shall with all convenient speed complete the work on account of which the same shall have been broken up and fill in the ground and reinstate and make good to the reasonable satisfaction of the surveyor and with materials to be reasonably approved by him the street so opened or broken up:

Provided that if the Corporation give notice to such person before he commences to reinstate and make good such street the Corporation may themselves reinstate and make good the street so opened or broken up and may recover the cost reasonably incurred by them in so doing from such person.

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

As to evasion
by owners of
private street
works
expenses.**77.**—(1) If—

(a) any owner of land fronting adjoining or abutting on—

(i) a street within the meaning of the Act of 1892; or

(ii) land which is deemed to be a private street by virtue of a declaration made in accordance with the provisions of section 48 (Construction and improvement of private streets) of the Town and Country Planning Act 1947;

and situate in the borough conveys sells leases or otherwise disposes of the part or any portion of the part of that land which fronts adjoins or abuts on that street or land which is so deemed to be a private street; and

- (b) any expenses of works executed by the Corporation under the Act of 1892 in or in relation to that street or in or in relation to land which is so deemed to be a private street are apportioned on such part or portion of the land fronting adjoining or abutting thereon; and
- (c) the Corporation are unable to recover such expenses in whole or in part from the person to whom such part or portion of that land was conveyed sold leased or disposed of or by the sale of such part or portion of that land; and
- (d) a court of summary jurisdiction is satisfied that such conveyance sale lease or disposal was intended for the purpose of evading the payment of any expenses under the Act of 1892;

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

(2) In respect of land which is deemed to be a private street by virtue of a declaration made in accordance with the provisions of section 48 of the Town and Country Planning Act 1947 references to the Act of 1892 in the preceding subsection shall be construed as including references to that Act subject to such exceptions adaptations and modifications as may be prescribed by regulations made under the said section 48.

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

Provided that the cost of the repairs executed in any street in any year under this section shall not exceed forty pounds.

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—cont.

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

Application of
Act of 1892 to
parts of public
streets.

79.—(1) In this section the expression “private street works” has the same meaning as in section 6 (Private street works) of the Act of 1892.

(2) Notwithstanding anything contained in the Act of 1892 where it appears to the Corporation that by reason of additions made otherwise than by the giving up for the purpose by the Corporation of lands owned by them to an existing footpath bridle-path or other right of way repairable by the inhabitants at large (not being or comprising a carriageway) a new street has been formed the Corporation may in respect of such street or any part of such street carry out private street works under the provisions of the Act of 1892 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.

(3) Notwithstanding anything contained in the Act of 1892 the Corporation may under the provisions of that Act 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 (2) of this section the Corporation 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.

(4) For the purposes of any apportionment under subsection (3) 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.

As to erection
of retaining
walls.

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

(2) Any person who shall erect a retaining wall contrary to the provisions of this section or any owner who after erection

shall after reasonable notice from the Corporation requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Corporation be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound.

(3) The provisions of this section shall not extend to any land belonging to and used by the commission for the purposes of their railway undertaking or to any retaining wall erected thereon.

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

Erection of buildings to greater height than adjoining building.

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

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

Cellars not to be constructed below subsoil water level.

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

83. The Corporation may if they think fit contribute towards the cost of any alterations which may be necessary to comply with the requirements of section 62 (As to construction of shops) of the Act of 1925.

Amendment of section 62 of Act of 1925.

84.—(1) Every chimney erected in the borough after the passing of this Act for carrying smoke or steam or for the conveying away of any noisome or deleterious gases or effluvia from any buildings used for manufacturing or other purposes shall within such time as may be specified in that behalf in a notice given by the Corporation to the owner of such chimney be raised to such height measured from

Height of chimneys.

PART V.
—cont.

the level of the centre of the street nearest thereto as the Corporation shall reasonably require having regard to the use of such chimney the position of houses or other buildings near thereto the character of such buildings the levels of the neighbouring ground and any other condition requisite for consideration in determining such height and the Corporation may if they think fit contribute towards the cost of raising the chimney to comply with any such requirement:

Provided that before exercising the powers conferred by this section in relation to any chimney situated within one mile of an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating that Act the Corporation shall obtain the consent of the Minister of Civil Aviation.

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

(3) Nothing contained in this section shall extend or apply to any building (not being a house or building used as offices other than a building so used which forms part of a railway station) railway or work belonging to or used by the commission in the exercise of their statutory powers or to any lands held by the commission with the authority of Parliament so long as any such building railway work or land is used or held by the commission for the purposes of their railway undertaking.

85.—(1) For the purposes of Part II (Provisions for securing the repair maintenance and sanitary condition of houses) of the Housing Act 1936 any dwelling-house which is occupied or is of a type suitable for occupation by persons of the working-classes the person having control of which fails to keep such dwelling-house sufficiently repaired and painted and the interior surface of the walls thereof sufficiently papered or painted with oil-bound water paint of a suitable quality so as to prevent the dilapidation thereof and so as to secure reasonable amenities for the occupier or occupiers shall be deemed to be a house not in all respects fit for human habitation and the powers of the Corporation under the said Part II shall apply in respect of such dwelling-house accordingly.

(2) On an appeal to the county court by the person having control of a dwelling-house upon whom the Corporation have served notice under section 9 (Power of local authority to require repair of insanitary house) of the Housing Act 1936 in consequence of his failure to comply with the provisions

of this section the county court judge shall take into consideration—

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—cont.

- (a) if the person upon whom the notice is served is a lessee or agent for a lessee the length of the unexpired period of the lease;
- (b) the period for which the dwelling-house is likely to continue occupied;
- (c) the expenditure incurred by the person having control of the house or the owner during the preceding three years upon the dwelling-house;
- (d) whether the condition of the dwelling-house is or is not due to the wilful default or neglect of the tenant.

86.—(1) In this section “neglected site” means the site of a demolished partly demolished or ruinous building in the borough which is in such a condition as to be prejudicial to the property in or the inhabitants of the neighbourhood. As to neglected sites.

(2) A court of summary jurisdiction on complaint by the Corporation may order the owner of any neglected site to execute such work as may be necessary—

- (a) in the case of a demolished building to remove from the site any material or rubbish;
- (b) in the case of a partly demolished or ruinous building to complete the demolition of the building and remove from the site any material or rubbish;

within a reasonable time to be fixed by the order.

(3) If the order is not obeyed within the time thereby prescribed the Corporation at any time after the expiration of such time may enter upon the neglected site and execute the work.

(4) All expenses incurred by the Corporation under subsection (3) of this section may be recovered by the Corporation from the owner of the neglected site.

87.—(1) In exercising any powers of entry upon and inspection of any building or works in course of construction or repair the surveyor or the medical officer or the sanitary inspector or their assistants shall have from the builder of or contractor for such building or works free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works. Powers on inspection.

(2) Any person who shall refuse such use and assistance as aforesaid shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound.

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—cont.

Means of
access to
houses for
removal of
refuse.

88.—(1) Where it appears to the Corporation that any building which is let in flats or tenement dwellings is without satisfactory means of access for the purpose of the removal of refuse—

- (a) from each of such flats or tenement dwellings to a satisfactory place of storage of refuse; and
- (b) from such place of storage to a street;

the Corporation may require the owner of the flat or tenement dwelling to provide such satisfactory means of access for those purposes.

(2) Any person who shall fail to comply with a requirement of the Corporation under this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

Provisions as
to tents vans
&c.

89.—(1) Any tent van shed or similar structure standing upon land abutting upon a street shall for the purpose of section 3 (Buildings not to be brought forward) of the Public Health (Buildings in Streets) Act 1888 in its application to the borough be deemed to be a house or building within the meaning of those words where they first occur in the said section.

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

(3) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound.

(4) The provisions of this section are in addition to and not in substitution for any requirements of the Town and Country Planning Act 1947.

Separate
sewers for
sewage and
surface water.

90. For the purpose of facilitating the disposal of surface water and sewage the powers of the Corporation under section 157 (Power to make byelaws respecting new buildings &c.) of the Public Health Act 1875 shall extend to the making of byelaws requiring any person constructing a new street within the borough to provide separate sewers for the reception of surface water and of sewage respectively.

Improper
construction
or repair of
water-closet
or drain.

91. If a water-closet drain or soil-pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such nuisance or

injury or danger to health could not have been avoided by the exercise of reasonable care be liable to a penalty not exceeding twenty pounds:

PART V.
—cont.

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

92.—(1) Where the Council resolve to construct a sewer in a street or part of a street repairable by the inhabitants at large which has not been previously sewered and the resolution states that the construction of the sewer will in the opinion of the Corporation increase the value of premises fronting adjoining or abutting on such street or part of a street then subject to the provisions of section 94 (Provisions applicable to the last two preceding sections) of this Act the expenses incurred by the Corporation in constructing the sewer so far as they do not exceed the sum authorised by the said section shall be apportioned by the Corporation on the premises fronting adjoining or abutting on the street or part of a street according to the frontages of the respective premises as existing at the date when the resolution becomes operative.

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

(2) A resolution under this section shall not become operative unless and until notice thereof has been published in a local newspaper circulating in the borough but shall become operative as from the date of such publication.

Copies of the newspaper containing the notice shall be sufficient evidence of the publication thereof.

(3) Nothing in this section shall authorise the apportionment of any sum on any land in contravention of any agreement between the Corporation and the owners of the land.

93.—(1) Where the Corporation have incurred expenses in constructing after the passing of this Act a length of sewer in land and that land has subsequently become a street (whether repairable by the inhabitants at large or not) then subject to the provisions of the next succeeding section the expenses so incurred so far as they do not exceed the sum authorised by that section shall be apportioned by the Corporation on

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

PART V.
—cont.

the premises fronting adjoining or abutting on the street according to the frontages of the respective premises.

(2) Where on the construction of the length of sewer compensation became due to the owner of any land in which the length of sewer was constructed in respect of the damage he sustained by reason of such construction and any sum was set off against such compensation on account of the value of the land belonging to such owner having been enhanced by the construction of the length of sewer this section shall not apply to the length of sewer or to such part thereof as was constructed in such land as aforesaid.

(3) Nothing in this section shall authorise the apportionment of any sum on any land in contravention of any agreement between the Corporation and the owner of the land.

Provisions
applicable to
the last two
preceding
sections.

94.—(1) The sum apportionable under either of the two last preceding sections shall not exceed the sum certified by the surveyor to be at the time the average cost per lineal yard of providing a sewer having an internal diameter of nine inches in a private street in the borough multiplied by the extent in lineal yards (as so certified) of the sewer or length of sewer in question.

(2) As soon as the apportionment has been made the Corporation shall serve on the owners of the several premises affected notice of the sums respectively apportioned to them and the notice shall state the right of appeal hereinafter conferred.

(3) Any owner on whose premises any sum has been apportioned shall be entitled within fourteen days of the service upon him of such notice as aforesaid to appeal to a court of summary jurisdiction against the amount of the sum so apportioned and may on such appeal dispute the correctness of the surveyor's certificate.

If the court finds that the certificate of the surveyor is erroneous the court shall order the revision of the sums apportioned not only to the appellant but also to the owners of the other premises affected.

(4) Whenever a new building (other than a building not requiring a foul water drainage system) is erected on any premises fronting adjoining or abutting on the street or part of the street after the date when the resolution became operative or the street was laid out (as the case may be) the sum apportioned on those premises shall be recoverable to an extent proportional to the frontage on the street or part of the

street of the site of and the land occupied with the new building:

Provided that where the drains of such new building are at the time of its erection made to connect with a sewer other than the sewer the expenses of the construction of which are apportioned no sum shall be recoverable in respect of the building unless and until the drains thereof are connected with the last-mentioned sewer.

For the purposes of this subsection—

- (a) a building shall be deemed to be a new building erected after the date in question unless the erection of the building was completed before that date;
- (b) the erection of a new building shall be deemed to include—

- (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 to such a distance that the part of that wall remaining if any is less than half the previous height of the building the height being measured from the ground-level to the highest point of the building;

- (ii) the conversion into a dwelling-house of any building not originally constructed for human habitation;

- (iii) the conversion of any premises into a factory workshop 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 date on which the resolution became operative or the street was laid out (as the case may be) be increased by an area equal to 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.

(5) The sum apportioned on any premises shall notwithstanding that no part thereof is immediately recoverable be treated as a local land charge for the purposes of the Land Charges Act 1925 and where part thereof has become recoverable the balance shall be so treated.

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

(7) Where such a resolution as is mentioned in section 92 (Apportionment to frontagers of expenses of sewer constructed under public highway) of this Act has been passed but the

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—cont.

construction of the sewer to which it relates has not been completed within two years from the date when the resolution became operative all liabilities of frontagers consequent thereon shall cease to have effect.

(8) If any person from whom an apportioned sum or any part thereof becomes recoverable proves that by reason of the length of frontage of the land occupied with the building in respect of which the sum so recoverable is payable the amount recoverable is disproportionate to the benefit accruing to the premises the Corporation or on appeal a court of summary jurisdiction may remit such part of that sum as they may think just but in such case if another new building is subsequently erected on the land occupied with the first-mentioned building the sum remitted or such part thereof as is proportional to the frontage of the site of and land occupied with that other building shall become recoverable.

(9) Where under this section any sum becomes recoverable in respect of any premises that sum together with interest from the date of service of a demand therefor may be recovered either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt by the Corporation from the person who is the owner of the premises at the date when a demand for payment is served and as from that date that sum and interest accrued due thereon shall until recovered be a charge on the premises and on all estates and interests therein.

As to evasion
by owners of
sewerage
expenses.

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

- (a) that the owner of any land has conveyed sold leased or otherwise disposed of a portion of the land; and
- (b) that by reason of such disposition any part of the land has ceased to be or has not become land fronting adjoining or abutting on a street within the meaning of section 92 (Apportionment to frontagers of expenses of sewer constructed under public highway) of this Act or as the case may be of section 93 (Apportionment to frontagers of expenses of construction of sewer before land became a street) of this Act; and
- (c) that the disposal of such portion of the land was effected with the intention and for the purpose of the evasion of the payment of expenses under the sections in question;

then the court shall order that such expenses shall be apportioned on the land which immediately before the date of such

conveyance sale lease or disposal included the land so conveyed sold leased or disposed of and thereafter such expenses may be recovered from the owner of any part of that land on which a new building within the meaning of the last preceding section is erected and shall be a charge on any such part of that land and on all estates and interests therein to the same extent and in the same manner as any sum apportioned under either of the said sections 92 and 93 of this Act may be recovered and is charged on the premises under the said last preceding section.

PART V.
—cont.

96.—(1) In any case where it appears to the medical officer or the sanitary inspector that any drain private sewer water-closet or soil-pipe is stopped up the medical officer or the sanitary inspector may give notice to the owner or occupier of the premises to remedy the defect and if such notice is not complied with within forty-eight hours from the service thereof the Corporation may carry out the work necessary to remedy the defect and may subject as hereinafter provided recover the expenses incurred in that behalf from such owner or occupier.

As to defective drains &c.

(2) Upon any proceedings under this section the court may inquire whether any requirements contained in any notice given under this section or work done by the Corporation was reasonable and whether the expenses incurred by the Corporation in doing such work or any part thereof ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case.

97. The powers of section 48 (Power of local authority to examine and test drains &c. believed to be defective) of the Act of 1936 may be exercised in pursuance of any general or special directions given by the Corporation in any case where it appears to the medical officer or the sanitary inspector that there are reasonable grounds for believing that a sanitary convenience drain private sewer or cesspool is in such a condition as to be prejudicial to health or a nuisance or that a drain or private sewer communicating directly or indirectly with a public sewer is so defective as to admit subsoil water.

Further power to examine and test drains &c. believed to be defective.

98. If any drain or private sewer shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Corporation it shall be lawful for the Corporation if in their opinion such drain or sewer can be sufficiently repaired at a cost not exceeding fifty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners of such drain or sewer in such proportions as the surveyor shall determine:

As to repair of drains.

PART V.
—cont.

Provided that where such expenses do not exceed two pounds the Corporation may remit the payment of the same by the owner or owners if the Corporation think fit.

Cleansing of
sinks and
gullies.

99. The Corporation at the request of the owner or occupier of any premises may undertake the cleansing of any water-closets drains sinks or gullies in or connected with such premises for such remuneration as may be determined by the Corporation and the amount thereof shall be recoverable from the person by or on behalf of whom the request is made.

Penalty for
damage to
surface water
drains &c.

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

- (a) before stopping up damaging injuring or removing such drain he shall have provided a proper substitute to the satisfaction of the Corporation; or
- (b) he shows to the satisfaction of the Corporation that no material detriment is caused to such lands by stopping up damaging injuring or removing such drain;

be liable to a penalty not exceeding five pounds and the Corporation may give notice to such person requiring him to restore the drain to its former condition within a period (not being less than fourteen days) to be stated in the notice.

(2) If within the period stated in the said notice the said person shall not commence the work of restoration or replacement or if having commenced such work he does not complete the same with all diligence the Corporation may themselves carry out the work necessary in that behalf and may recover the expense incurred by them in so doing from any such person in any court of competent jurisdiction.

Water from
buildings &c.
to be conveyed
to sewers.

101.—(1) The powers of the Corporation under section 21 of the Public Health Act 1925 shall extend to authorise them to require the execution and maintenance of such works as may be necessary to convey surface water from premises to which that section applies to some drain sewer or watercourse or for the disposal of such surface water in such other manner as the Corporation may require.

(2) It shall be the duty of all owners of land or premises to provide lay and keep in repair such gutters drains channels and other works as may be requisite for complying with section 21 of the Public Health Act 1925 as amended by this section and for the purpose of laying and repairing the same the owner of any land or premises may take up so much of any street as may be requisite and such gutters drains channels

and other works shall be laid and thereafter kept in good repair and condition and the street shall be reinstated under the direction of the surveyor and all damage occasioned to the street shall be made good by such owner to the satisfaction of the surveyor.

(3) In the event of default on the part of the owner of any land or premises to comply with the provisions of subsection (2) of this section the Corporation may execute any necessary work and recover the expense incurred by them in so doing from such owner.

102. The Corporation shall have the like powers and be subject to the like restrictions in respect of the construction of sewers by them within or without the borough for the purpose only of draining property belonging to them as under the provisions of Part II of the Act of 1936 they have and are subject to in respect of the construction of public sewers within or without the borough as the case may be but save as aforesaid the proviso to subsection (2) of section 20 of the Act of 1936 (which provides that a sewer constructed by a local authority for the purpose only of draining property belonging to them shall not be deemed to be a public sewer for the purposes of that Act until it has been declared so to be) shall apply to any such sewer constructed by them.

Sewers for
draining
Corporation
property.

103. For the protection of the Ipswich Gas Light Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the Corporation and the company apply and have effect (that is to say):—

For protection
of Ipswich Gas
Light
Company.

(1) In this section "apparatus" means mains pipes meters and other works and apparatus belonging to the company and "position" includes depth:

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

(a) the giving up under the powers of section 56 (Adjustment of boundaries of streets) of this Act of land forming part of a street; or

(b) the stopping up or diversion under an order made pursuant to section 74 (Stopping up and diversion of highways) of this Act of any highway or any length of a highway; or

(c) the addition to the carriageway of a street under the powers of section 54 (Amendment of section 17 of Public Health Acts Amendment Act 1907) of this Act of any portion of a footway or (in the case of apparatus erected laid or placed on or

PART V.
—cont.

above the surface of the ground) the addition to the footway of a street under the powers of that section of any portion of a carriageway; or

(d) the variation of the relative widths of the carriageway and footway or footways of any street under the powers of section 58 (Power to vary width of carriageways and footways) of this Act; or

(e) the construction under the powers of section 59 (Crossings over footways) of this Act of a carriage-crossing across the footway of any street or the allowance under the powers of that section of the use as a crossing for any horse or horse-drawn or mechanically propelled vehicle of the footway of any street;

in under upon or over which any apparatus is situate it is reasonably necessary that any apparatus should be removed or diverted or that the position of any apparatus should be altered or that works (hereinafter referred to as "protective works") for the protection of any apparatus should be executed the company may and (if so required by the Corporation) shall remove or divert or alter the position of or execute protective works in respect of the apparatus according as and in such manner as may be agreed or determined by arbitration and the Corporation shall repay to the company the amount of the costs and expenses reasonably incurred by the company in or in connection with such removal diversion or alteration or the execution of such protective works (which costs and expenses are hereinafter referred to as "the said expenses"):

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

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

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

(iii) the date at which the existing apparatus would have required to be renewed is deferred by

reason of the erection laying or placing of the new apparatus or the execution of protective works; or

(B) the said expenses are enhanced by—

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

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

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

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

Provided also that where the apparatus had been laid or constructed in under upon or over the part of the street highway or footway affected within the period of two years immediately preceding the giving of the relevant notice required by subsection (4) of this section and at the time of the laying or construction of that apparatus the Corporation had given to the company warning in writing of their intention of exercising the powers necessitating the removal or diversion or alteration of position of the apparatus or the execution of protective works with a statement of the manner in which and the extent to which they intended to exercise such powers no part of the said expenses shall be repayable by the Corporation if the said powers are exercised by the Corporation in accordance with the statement so given or with

PART V.
—cont.

such variation only of the particulars contained in that statement as not prejudicially to affect the company:

- (3) Notwithstanding the giving up under the powers of section 56 (Adjustment of boundaries of streets) of this Act of land forming part of a street or the stopping up or diversion under an order made pursuant to section 74 (Stopping up and diversion of highways) of this Act of any highway or any length of a highway in under upon or over which street or highway or length of a highway any apparatus is situate the company shall (unless the apparatus is removed or diverted under the provisions of subsection (2) of this section or unless new apparatus has been laid in substitution therefor) continue to have the same powers and rights in respect of such apparatus as if the land in under upon or over which the same is situate had continued to be part of the street or highway:
- (4) The Corporation shall give to the company not less than twenty-eight days' notice in writing of their intention to exercise any of the powers referred to in subsection (2) of this section with respect to land forming part of a street or to any portion of a street footway or highway in under upon or over which any apparatus is situate and such notice shall be accompanied by a plan and (in the case of the addition of part of the footway to the carriageway) a section showing the nature and extent of the proposals in so far as they relate to any such land or portion of a street footway or highway as aforesaid:
- (5) If within twenty-eight days after the receipt from the Corporation of any notice under subsection (4) of this section of their intention to exercise any such powers as are referred to in that subsection the company give to the Corporation notice in writing of their intention (otherwise than by the requirement of the Corporation) to remove or divert or alter the position of or to execute protective works in respect of any apparatus affected by the exercise of such powers and at the same time deliver to the Corporation a plan section and particulars of any such diversion or alteration of position or particulars of any such protective works (as the case may be) the Corporation shall not exercise the powers referred to in the notice given by them as aforesaid until—

(a) it shall have been agreed between the Corporation and the company or settled by arbitration

whether such intended removal diversion or alteration of position of apparatus or the execution of such intended protective works is reasonably necessary; and

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

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

- (6) Forthwith after the completion of any such removal or diversion or alteration of position of apparatus or of any such protective works the company shall if reasonably required by the Corporation fill in the excavation and make good the surface of the ground to the reasonable satisfaction of the Corporation:
- (7) Any difference between the Corporation and the company under this section shall be referred to arbitration.

PART VI.

INFECTIOUS DISEASE AND SANITARY MATTERS.

104. In this Part of this Act "notifiable disease" has the same meaning as is assigned thereto by the Act of 1936 but also includes measles german measles whooping-cough chicken-pox ringworm cerebro-spinal fever dysentery acute encephalitis lethargica acute influenzal pneumonia acute primary pneumonia acute polio-encephalitis and acute poliomyelitis.

Definition of notifiable disease.

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

Information to be furnished in case of notifiable disease.

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

PART VI.

—cont.

Parents &c. to
notify certain
diseases.

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

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

(2) The diseases to which this section applies are notifiable diseases and any other disease which the Minister by regulation made under section 143 (Power of Minister to make regulations with a view to the treatment of certain diseases and for preventing the spread of such diseases) of the Act of 1936 declares to be a notifiable disease.

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

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

- (a) who is or has been attending any school or any part thereof which for the time being is closed by order of the local education authority or of any committee or body to whom powers of that authority are delegated with the view of preventing the spread of a disease to which this section applies; or
- (b) who is suffering from a disease to which this section applies; or
- (c) who with the view of preventing the spread of a disease to which this section applies has been prohibited from attending school by the medical officer or school medical officer;

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

Restrictions
on attendance
at schools and
places of
assembly.

Sunday school or day school or place of public entertainment or assembly without undue risk of communicating disease to others.

(2) The diseases to which this section applies are notifiable diseases and any other disease which the Minister by regulation made under section 143 (Power of Minister to make regulations with a view to the treatment of certain diseases and for preventing the spread of such diseases) of the Act of 1936 declares to be a notifiable disease.

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

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

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

Power to close schools and exclude children from entertainments.

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

(3) The diseases to which this section applies are notifiable diseases and any other disease which the Minister by regulation made under section 143 (Power of Minister to make regulations with a view to the treatment of certain diseases and for preventing the spread of such diseases) of the Act of 1936 declares to be a notifiable disease.

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

109. If any person at the request in writing of the Corporation or the medical officer stops his employment for the purpose of preventing the spread of a notifiable disease or of a milk-borne disease as defined in section 37 of the Food and Drugs Act 1938 or of food poisoning the Corporation

Compensation to persons for ceasing employment to prevent spread of disease.

PART VI.
—cont.

may (if they think fit) make compensation to him in respect of any loss which he may sustain by reason of such stoppage.

Entry into
premises in
case of disease.

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

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

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

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

Cleansing of
filthy or
verminous
premises.

111. Section 83 (Cleansing of filthy or verminous premises) of the Act of 1936 shall within the borough have effect as if the following were substituted for subsection (1) of that section:—

“(1) Where the local authority upon consideration of an official representation or a report from any of their officers or other information in the possession of the local authority are satisfied that any premises—

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

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

- (i) by cleansing and disinfecting them;
- (ii) by distempering or whitewashing the interior surface thereof or in the case of premises used for human habitation or as shops or offices by papering or painting the said interior surface;

and the notice may require among other things the removal of wallpaper or other covering on the walls and in the case of verminous premises the taking of

such other steps as may be necessary for the purpose of destroying or removing vermin."

PART VI.
—cont.

112.—(1) No dealer shall—

Prohibition on
sale of
verminous
articles.

(a) prepare for sale;

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

(c) deposit for the purpose of sale or preparation for sale;

any furniture mattress bed-linen clothing or similar article (in this section called "article") if the same is to his knowledge infested with bugs or other vermin or if by taking reasonable precautions he could have known the same to be so infested.

(2) If a dealer contravenes the provisions of this section he shall be liable to a penalty not exceeding five pounds and the Corporation upon a certificate of the medical officer or the sanitary inspector may remove any such verminous article and cause the same to be cleansed purified disinfected or destroyed as the case may require and may recover the cost of so doing from such dealer.

(3) The medical officer and the sanitary inspector may enter any premises in which any article is sold or exposed for sale for the purpose of examining whether there be any contravention of the provisions of this section or for the purpose of removing any verminous article.

(4) For the purposes of this section—

"dealer" means any person who trades or deals in any article;

"preparation for sale" shall not include disinfestation.

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

Sanitary
conveniences
for workmen.
1 Edw. 8. &
1 Geo. 6. c. 67.

(2) Any person who contravenes this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

114.—(1) In any case in which premises are being used for the carrying on of an offensive trade within the meaning of section 107 (Restriction on establishment of offensive trade in urban district) of the Act of 1936 and the council

Discontinu-
ance of
offensive
trades.

PART VI.
—cont.

by resolution decide that it is inexpedient in the interests of public health or having regard to any change since the date of the establishment of such offensive trade in the character of the neighbourhood in which such premises are situate that such trade should be carried on in such premises the Corporation may serve on the owner or occupier of such premises a notice stating the effect of the resolution and requiring him before the expiration of six months from the date of the notice to cease to use such premises for the carrying on of such offensive trade.

(2) Any person who contravenes any requirement of the Corporation under the provisions of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

(3) If the Corporation in pursuance of this section require any person to cease to use such premises for the carrying on of an offensive trade they shall pay to such person compensation for any loss sustained by him in consequence of the action of the Corporation:

Provided that this subsection shall not apply in the case of any premises with respect to which the consent of the Corporation shall have been given for a period only unless the Corporation shall have required that the use of such premises for the carrying on of an offensive trade shall cease before the expiration of such period.

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

Power to order
alteration of
chimneys.

115. It shall be lawful for a court of summary jurisdiction upon complaint by the Corporation in pursuance of a report by the medical officer or the sanitary inspector that any smoke gas or vapour from any chimney flue or pipe of a wash-house or outbuilding forming part of or in proximity to a dwelling-house in the borough is a nuisance to any of the inhabitants of the borough to make an order requiring the owner of such chimney flue or pipe within such time as shall be specified in such order to cause the same to be raised or such other means for preventing or mitigating such nuisance to be adopted as may seem fitting to such court and as shall not involve an expenditure exceeding fifty pounds and any such owner as aforesaid who shall neglect or refuse to obey such order shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding two pounds.

Byelaws as to
tipping refuse.

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

(2) The byelaws made under this section may contain provisions for imposing on persons contravening the byelaws penalties recoverable on summary conviction not exceeding fifty pounds for each offence and a daily penalty not exceeding ten pounds.

(3) Without prejudice to any other remedy available the Corporation if satisfied of the existence of any conditions constituting a breach of any byelaw made in pursuance of this section may proceed in the same way as they are by the Act of 1936 authorised to proceed with respect to a statutory nuisance of the existence of which they are satisfied and sections 93 to 98 and section 100 of that Act shall apply accordingly.

(4) A person contravening any byelaws made in pursuance of this section shall not in respect of such offence be subjected both to a penalty under the byelaws and to a penalty under section 94 (Power of court to make nuisance order if abatement notice disregarded) of the Act of 1936 as applied by subsection (3) of this section nor shall any such offender be subjected in respect of one and the same period both to a further penalty under the byelaws for the continuance of his offence after conviction and to a penalty under section 95 (Penalty for contravention of nuisance order and abatement of nuisance by local authority) of the Act of 1936 (as so applied) for contravening an order.

(5) No byelaw under this section shall extend to regulate or control the tipping of spoil and refuse by the commission for the purpose of constructing widening or maintaining any railway works.

117. The Corporation may make byelaws for securing the proper ventilation and lighting of any existing stable used for the accommodation of horses (whether the same is used as such at the passing of this Act or not) and for the prevention of insanitary conditions—

Byelaws as to stables.

(a) in or about or arising out of any such stable; or

(b) in or about or arising out of or with regard to the situation in reference to other buildings of any stable erected after the passing of this Act.

118.—(1) Where it appears to the medical officer on a certificate by a duly registered veterinary surgeon that any infectious or parasitic disease has appeared in any stable cowshed or other place within the borough where animals are kept and the medical officer has thereupon certified that such stable cowshed or place cannot be efficiently disinfected a court of summary jurisdiction on complaint by the Corpora-

As to infected stables and other places.

PART VI.
—cont.

tion may make an order requiring the owner to demolish such stable cowshed or place or such part or parts thereof as they may think fit and to destroy the materials thereof in such manner as the order may prescribe.

(2) If the order is not obeyed within the time thereby prescribed the Corporation at any time after the expiration of such time may themselves execute the order and all expenses incurred by them under this section may be recovered by them from the owner but without prejudice to his right to recover the same from any lessee or other person occupying the stable cowshed or place.

Byelaws as to
lodging-
houses.

119. Section 6 (Byelaws as to working-class houses) of the Housing Act 1936 shall operate so as to empower the Corporation to make byelaws relating to houses which are let in lodgings or occupied by members of more than one family so as to require a separate approach to each room or tenement separately occupied without passing through any other room or tenement.

Sanitary
conveniences
used in
common.

120.—(1) The owner of two or more sanitary conveniences within the borough provided for or in connection with two or more separate houses and used in common by the occupiers of such houses shall so far as reasonably practicable allot such sanitary conveniences to the occupiers of particular houses so as to ensure that the same are allocated proportionately (as nearly as may be) amongst such houses.

(2) The owner of any such sanitary conveniences shall cause to be affixed to and maintained on the door or walls of each such sanitary convenience a notice identifying the house the occupiers of which are entitled to use such sanitary convenience.

(3) Any owner who contravenes the provisions of this section shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding ten shillings.

Registration of
hairdressers
and barbers
and their
premises.

121.—(1) As from the commencement of this section every person who shall carry on the trade or business of a hairdresser or barber shall register his name and place of abode and also the premises in which such trade or business is carried on in a book to be kept at the offices of the Corporation for the purpose and the Corporation shall thereupon issue a certificate of registration.

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

(a) the cleanliness of any 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.

(3) The person registered shall keep a copy of the byelaws made by the Corporation under this section and the certificate of registration displayed in the registered premises.

(4) Any officer of the Corporation or other person duly authorised in writing in that behalf by the Corporation and if so required exhibiting his authority shall at all reasonable times be afforded by the person registered full and free power of entry into the registered premises for the purpose of inspecting such registered premises and examining whether there is any contravention of the provisions of this section or any byelaw made thereunder and any such officer or person as aforesaid shall have the like power of entry into any premises in the borough in which the Corporation may have reasonable cause to suppose that the said trade or business is being carried on:

Provided that the powers conferred by this subsection of entering premises for the purpose of examining whether there is any contravention of any byelaw made for the purposes mentioned in paragraph (b) of subsection (2) of this section shall not be exercised by any officer except the medical officer or the sanitary inspector.

(5) Any person carrying on such trade or business as aforesaid whose name place of abode and premises in which such trade or business is carried on have not been registered in accordance with subsection (1) of this section or whose registration has been cancelled or suspended as hereinafter provided or who contravenes any of the provisions of this section or of any byelaw made thereunder shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound and a court of summary jurisdiction may (in lieu of or in addition to imposing a penalty) order the suspension or cancellation of the registration.

(6) If the registration is suspended or cancelled under the provisions of subsection (5) of this section or the person ceases to carry on such trade or business as aforesaid the certificate of registration shall be returned to the Corporation.

PART VII.

FOOD.

122.—(1) Every house erected after the passing of this Act shall be provided with sufficient and suitable accommodation for the storage of food and any owner who shall occupy or allow to be occupied any such house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding one pound.

Food storage accommodation to be provided.

PART VII.
—cont.

(2) Every existing house and every house the erection of which was commenced but not completed before the passing of this Act shall where reasonably practicable be provided with sufficient and suitable accommodation for the storage of food and any owner who shall occupy or allow to be occupied any such house which can reasonably be so provided but which is not so provided after one month's notice from the Corporation requiring the same to be done shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding one pound.

(3) For the purposes of this section the expression "house" includes any part of a building which is occupied or intended to be occupied as a separate dwelling and the conversion of a building into two or more separate dwellings shall be deemed to be the erection of a house.

Byelaws as to
inspection of
meat.

123.—(1) If and when the Corporation shall have put into force a system of marking meat under the powers of Part III of the Public Health (Meat) Regulations 1924 they may make and enforce byelaws for preventing meat or any part of the carcase of an animal brought into the borough and intended for food from being offered for sale or sold or deposited for sale or for preparation for sale until after inspection by an officer of the Corporation and for requiring any such meat or carcase to be taken for inspection to the abattoir or to the meat market of the Corporation or to such place as may be specified in the byelaws.

(2) No byelaw made by the Corporation under subsection (1) of this section shall apply to meat or any part of a carcase to which the Public Health (Imported Food) Regulations 1937 apply or which has been inspected and passed as fit for food by the medical officer of health for the district in which the animal has been slaughtered or by a duly qualified inspector being an official of or authorised to act on behalf of the sanitary authority of such district in relation to meat inspection but the Corporation shall be entitled to require reasonable proof that the meat has been inspected and passed as aforesaid.

(3) With a view to facilitating the carrying into effect of any byelaws made in pursuance of this section an officer of the Corporation may with the consent of the local authority concerned enter any slaughter-house which is situate outside the borough but within a circle having a radius of twelve miles from the town hall of the borough for the purpose of inspecting any carcase or any part thereof intended for sale or consumption in the borough.

(4) Nothing in this section shall affect the operation of the Diseases of Animals Acts 1894 to 1937 or of Part IV (Provisions as to diseases of animals) of the Agriculture Act 1937 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

PART VII.
—cont.
1 Edw. 8. &
1 Geo. 6. c. 70.

(5) Before making any such byelaws the Corporation shall give to the Ipswich and District Meat Traders' Association and the Suffolk County Branch of the National Farmers' Union not less than one month's notice of the Corporation's intention to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the Corporation shall confer with the said bodies thereon before they submit them to the Minister of Food for confirmation and such bodies shall be entitled to make representations to the said Minister with regard thereto.

124.—(1) As from the commencement of this section where any person being the owner of any bull ox cow heifer calf sheep lamb goat or pig which is emaciated or diseased and unfit for food is about to slaughter the same or about to cause the same to be slaughtered he shall give not less than twelve hours' previous notice to an authorised officer of such intention and shall on the application of an authorised officer within six weeks from the date of such slaughter furnish such information within his knowledge as the authorised officer may reasonably require for the purpose of enabling enquiries to be made to trace the disposition of the carcasses or any part thereof.

Notice of
slaughter of
animal unfit
for food.

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

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

(4) Nothing in this section shall affect the operation of the Diseases of Animals Acts 1894 to 1937 or of Part IV (Provisions as to diseases of animals) of the Agriculture Act 1937 or of any order licence or act of the Minister of Agriculture and Fisheries made granted or done thereunder.

(5) In this section the expression "authorised officer" means—

- (a) the medical officer;
- (b) the sanitary inspector; or
- (c) any other officer of the Corporation who is by virtue of the Food and Drugs Act 1938 an authorised officer for the purpose of the examination and seizure of meat under the provisions of that Act.

PART VII.
—cont.
Animals
slaughtered
outside
slaughter-
houses.

125.—(1) As from the commencement of this section where the slaughter of an animal intended for human consumption shall take place outside a slaughter-house and the carcass of the animal shall be brought into a slaughter-house within the borough such carcass and all the organs thereof shall be retained and kept separate and 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 1924.

(2) Where there is any contravention of the provisions of this section the occupier of the slaughter-house 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 “ animal ” “ slaughter-house ” and “ meat ” have the same respective meanings as in the Public Health (Meat) Regulations 1924.

Registration
of hawkers of
food and their
premises.

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

(a) No person other than a person keeping open shop for the sale of food shall either by himself or by any person employed by him sell offer or expose for sale any food from any cart barrow or other vehicle or from any basket pail tray or other receptacle unless he is registered with the Corporation;

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

(2) 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 owner or occupier or intending owner or occupier thereof.

(3) (a) The Corporation shall on registering any premises issue to the person making the application a certificate of registration which shall be kept affixed in a conspicuous place in the premises.

(b) If in pursuance of subsection (5) of this section the Corporation revoke the registration of the premises the certificate of registration shall be returned to the Corporation.

(4) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound.

(5) (a) The Corporation may refuse to register any person or premises under this section or (after giving one month's notice to the person registered or in whose name the premises are registered) may revoke the registration of any person or premises under this section if they are satisfied—

- (i) as regards a person that the public health is or is likely to be endangered by any act or default of his in relation to the quality storage or distribution of food; or
- (ii) as regards premises that the premises are not suitable to be used for the purposes aforesaid:

Provided that before refusing or revoking such registration the Corporation shall serve upon the person applying for registration or upon the person registered or in whose name such premises are registered a notice to appear before a committee of the council not less than seven days after the date of the notice to show cause why the Corporation should not for reasons to be specified in the notice refuse to register or revoke the registration of the person or premises. Any such notice shall state the effect of paragraphs (b) and (c) of this subsection.

(b) If the Corporation refuse to register or revoke the registration of any such person or premises they shall if required by the person applying for such registration or the person registered or in whose name the premises are registered deliver to him within seven days of the receipt of such requirement a statement in writing of the ground or grounds upon which such refusal or revocation is based.

(c) Any person appealing to a court of summary jurisdiction under section 203 (As to appeals) of this Act against any such refusal or revocation shall do so within fourteen days from the date of the notice of such refusal or revocation.

(6) The medical officer the sanitary inspector or any other officer of the Corporation appointed for the purpose shall have power at all reasonable times to enter and inspect any premises in the borough in respect of which an application has been received for registration under the provisions of this section and also any premises which he shall have reason to believe are being used as storage accommodation for food intended for sale from a cart barrow or other vehicle or from a basket pail tray or other receptacle.

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

(8) The provisions of this section shall not apply to any premises registered under section 14 (Registration of premises used in connection with the manufacture or sale of ice-cream

PART VII.
—cont.

or preserved food &c.) of the Food and Drugs Act 1938 or to any dairy or dairyman registered under Part II (Provisions as to milk dairies and artificial cream) of that Act or under any regulations made thereunder or under an enactment thereby repealed.

(9) The provisions of this section shall not apply to any premises used as a theatre cinematograph theatre music hall or concert hall or to any person in respect of the sale or offer or exposure for sale of any food in any such premises.

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

Registration of vendors of shell-fish and their premises.

127.—(1) As from the commencement of this section no person shall by himself or by any person employed by him sell or offer or expose for sale shell-fish in any premises unless such person and such premises are registered for that purpose by the Corporation.

(2) The Corporation shall on registering any premises issue to the person making the application a certificate of registration which shall be kept affixed in a conspicuous place in the premises.

(3) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding one pound.

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

(5) The provisions of this section shall not apply to any premises registered under section 126 (Registration of hawkers of food and their premises) of this Act.

Power to prohibit persons suffering from tuberculosis from selling &c. food.

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

(2) If any such person shall fail to comply with such request the Corporation may apply to a court of summary jurisdiction

for an order requiring him to stop his employment and the court shall have power to make such an order if after consideration of all the circumstances it thinks fit to do so and may direct that such compensation as it deems equitable shall be paid by the Corporation to such person.

PART VII.
—cont.

(3) If any such person contravenes any such order he shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding ten shillings.

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

129. Any person taking or introducing or causing to be taken or introduced any fats which are unfit for food into any premises in which any food into the composition of which fat enters is manufactured or prepared for sale shall for each offence be liable to a penalty not exceeding five pounds unless he can prove that such fats were not taken or introduced into such premises for the purpose of being used and have not been used as an ingredient in the manufacture or preparation of any food.

Restriction on taking inedible fats into premises where food is prepared.

130.—(1) The occupier of any premises within the borough in which food other than—

Precaution against contamination of food.

(a) milk;

(b) meat to which the Public Health (Meat) Regulations 1924 apply; and

(c) food which is contained in a container of such materials and so closed as to exclude all risk of contamination;

is sold or exposed for sale or deposited for the purpose of sale or of preparation for sale or with a view to future sale shall take all such steps as may be reasonably necessary to guard against the contamination of such food by flies or other insects and shall cause such food to be so placed as to prevent mud filth or other contaminating substance being splashed or blown thereon.

(2) Any person who contravenes the provisions of this section shall be liable to a penalty not exceeding two pounds and to a daily penalty not exceeding ten shillings.

PART VIII.

PUBLIC BUILDINGS PARKS &C.

131.—(1) The Corporation may provide erect maintain and use such apparatus and conveniences as they may consider necessary for the purpose of transmitting any concert entertainment or public meeting or any part thereof from a building park or recreation ground belonging to the Corporation

Transmission of entertainments.

PART VIII.
—cont.

at which such concert entertainment or public meeting is provided or held to any other building park or recreation ground at which concerts or entertainments may be provided by the Corporation and for that purpose may erect and maintain posts and wires in any street:

32 & 33 Vict.
c. 73.

Provided that nothing in this section shall affect the exclusive privileges conferred upon the Postmaster-General by the Telegraph Act 1869 or exempt the Corporation or any other body or person from any obligation to obtain any licence under the Wireless Telegraphy Acts 1904 to 1926 and any electrical apparatus posts or wires which may be erected under this section shall be so constructed maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

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

Establishment
of golf course.

132. The Corporation may—

- (1) upon any lands already acquired by the Corporation and used for the purpose of a golf course or acquired or appropriated after the passing of this Act for that purpose form construct alter maintain regulate manage and use golf courses with all proper and convenient houses pavilions works buildings equipment apparatus and conveniences;
- (2) make charges for the use of any of their golf courses or of any part thereof and of any buildings conveniences or apparatus provided in connection therewith;
- (3) permit the use by any club or other body or persons of any of their golf courses lands buildings conveniences equipment or apparatus aforesaid subject to such charges and conditions as the Corporation may think fit;
- (4) let on lease or otherwise to any club company body or persons any of their golf courses or any part thereof and the lands houses pavilions works buildings equipment apparatus and conveniences as aforesaid for such consideration and upon such terms and conditions as the Corporation may think fit;

(5) (a) provide and sell and may enter into any agreement or arrangement with any person for the provision and sale at any such golf course or in any such house pavilion or building as aforesaid of refreshments of all kinds subject to the provisions of all Acts relating thereto and may also upon such terms and conditions and for such periods as they may think fit grant to any person the right so to provide and sell refreshments;

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

(6) make and enforce byelaws for regulating the use of their golf courses whether within or without the borough and the conduct of persons using the same or resorting thereto:

Provided that in respect of any such golf course outside the borough before submitting such byelaws to the Secretary of State for confirmation the Corporation shall send a copy of the draft byelaws to the clerk of the county council of the administrative county of East Suffolk and to the clerk of the council of the county district within whose district the golf course to which the byelaws relate is situate;

(7) employ officers and servants in connection with and for the purposes of the powers aforesaid.

PART IX.

EMPLOYMENT AGENCIES.

133.—(1) In this Part of this Act the expression “ employment agency ” means any agency or registry carried on or represented as being or intended to be carried on (whether for the purpose of gain or reward or not) for or in connection with the employment of persons in any capacity: Definition of employment agency.

Provided that the following shall not be deemed to be employment agencies within the meaning of this Part of this Act:—

(a) any employment agency conducted by or under the direction and supervision of the Ministry of Labour and National Service under the Labour Exchanges Act 1909 or any other Act of Parliament; or

(b) any juvenile employment bureau conducted by the local education authority; or

PART IX.
—cont.

- (c) any employment agency which is carried on exclusively for the purpose of obtaining employment for—
- (i) persons formerly members of His Majesty's naval military or air forces; or
 - (ii) persons released from a prison or borstal institution or from an approved school;
- and which is certified for the time being by the Admiralty or the Army Council or the Air Council or the Secretary of State (as the case may be) to be properly conducted; or
- (d) any duly constituted religious or charitable society or body operating throughout Great Britain to the main objects of which the provision of situations or employment is merely subsidiary. Any question whether a society or body is a society or body within the meaning of this paragraph shall be determined by the Charity Commissioners.

(2) The provisions of this Part of this Act shall not apply to an agency for the supply of nurses as defined in section 13 of the Nurses Act 1943 as amended by the Nurses Act 1945 but this subsection shall not be deemed to except from the provisions of this Part of this Act any business other than for the supply of nurses carried on in conjunction with such an agency.

6 & 7 Geo. 6.
c. 17.
8 & 9 Geo. 6.
c. 7.

Employment
agencies to be
licensed.

134. As from the commencement of this Part of this Act no person shall carry on an employment agency without a licence from the Corporation authorising him so to do.

Application for
licence for
employment
agency.

135.—(1) A person requiring a licence or the renewal of a licence under this Part of this Act shall make application in writing to the Corporation and shall in the application state—

- (a) his full name;
- (b) his age and nationality;
- (c) his private address or if the application be made by or on behalf of a company society association or body the registered or principal office (if any) of such company society association or body and so far as may reasonably be required the names and private addresses of the directors or other persons directly or indirectly responsible for the management of such company society association or body;
- (d) the name under which and the address at which the employment agency is carried on or proposed to be carried on;
- (e) the nature of the employment agency;

- (f) whether and if so to what extent he is or has been interested in any other employment agency; and
- (g) such further information (if any) as the Corporation may reasonably require with respect to the person or premises to be licensed.

PART IX.
—cont.

(2) The person making an application under this section shall when making the same pay to the Corporation such fee as the Corporation may fix not exceeding—

	£	s.	d.
(a) in respect of an application for the grant of a licence	2	2	0
(b) in respect of an application for the renewal of a licence	1	1	0

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

(3) Subject to the foregoing provisions of this section the Corporation may make such regulations as they think fit as to the manner in which and the dates at which applications for a licence or the renewal of a licence under this Part of this Act shall be made.

136.—(1) The Corporation shall as soon as reasonably practicable after the receipt of an application under this Part of this Act grant or renew a licence to the applicant to carry on an employment agency of the description and in the name and at the address specified in the application and may attach such conditions thereto as they may consider reasonably necessary for securing the due notification to them of any change in the name or private address of the licensee or in the nature of the business carried on at the address and generally for securing the proper conduct of the employment agency: Grant of licence for employment agency.

Provided that the Corporation may refuse to grant or renew a licence or may revoke a licence granted—

- (a) to any person under the age of twenty-one years; or
- (b) to any person who may be unsuitable to hold such licence; or
- (c) in respect of any premises which are unsuitable for the purposes of an employment agency; or
- (d) in respect of any employment agency which has been or is being improperly conducted; or
- (e) in respect of any employment agency which is being carried on in contravention of the provisions of this Part of this Act or any byelaw made thereunder.

PART IX.
—cont.

(2) If the Corporation refuse to grant or renew a licence or revoke a licence under this Part of this Act they shall if required by the applicant or holder (as the case may be) send or deliver to him within seven days of the receipt of such requirement particulars in writing of the ground or grounds for such refusal or revocation.

(3) Where an application is made for the renewal of a licence and objections have been taken to such renewal or when it is proposed to revoke a licence notice in writing to that effect shall at least seven days before the question of renewal or revocation is considered be given to the applicant or holder of the licence and if within three days after the receipt of this notice the applicant or holder requires to be heard the application shall not be refused or the licence revoked unless the Corporation have afforded him an opportunity of being heard against the refusal or revocation.

Any notice served under this subsection shall state the objections to renewal or the grounds on which revocation is proposed and shall notify the aforesaid right of being heard and also the effect of subsection (2) of this section and the right of appeal conferred by section 203 (As to appeals) of this Act and the time within which such appeal may be brought.

(4) Every licence granted or renewed as aforesaid shall (unless revoked) be valid until the date of the next annual meeting fixed for the purpose of considering applications under this Part of this Act and no longer.

Byelaws as to
employment
agencies.

137.—(1) The Corporation may make byelaws—

- (a) prescribing the keeping by every person holding a licence under this Part of this Act of books cards or forms showing the business conducted by him so far as it relates to his employment agency;
- (b) prescribing the entries to be made in connection with such business in such books cards or forms;
- (c) for preventing fraud and immorality in the conduct of employment agencies; and
- (d) generally for regulating any premises used for the purposes of or in connection with any such agency.

(2) Every person holding a licence under this Part of this Act shall keep exhibited in a suitable place (to be approved by the Corporation) in the premises to which the licence relates a copy of the byelaws made under this section.

Powers of
entry and
inspection.

138. Any officer of or other person duly authorised by the Corporation in that behalf may—

- (i) enter the premises specified in any licence or application under this Part of this Act or any premises which

are used or which such officer or person has reasonable cause to believe are used for the purposes of or in connection with an employment agency; and

PART IX.
—cont.

- (ii) inspect such premises and the books cards or forms kept in connection with the employment agency carried on at those premises.

139. Every person who—

Penalties.

- (a) carries on an employment agency without a licence under this Part of this Act or otherwise than in accordance with the terms and conditions of such a licence or obtains a licence or the renewal of a licence by wilful misrepresentation or by wilfully omitting to give any particulars which are required by this Part of this Act to be given; or
- (b) refuses to permit any officer of or person duly authorised by the Corporation to enter or inspect any such premises as are referred to in the last preceding section of this Act or the books cards or forms kept in connection with the employment agency carried on therein or obstructs any such officer or person in the execution of this Part of this Act; or
- (c) acts or offends against any byelaws made under this Part of this Act or any of the provisions of this Part of this Act for the contravention of which no penalty is by this section specifically provided;

shall be liable—

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

and in respect of any conviction for an offence under this Part of this Act the court may (in lieu of or in addition to imposing a penalty) make an order revoking the licence (if any).

140. Where any company within the meaning of the Companies Acts 1929 and 1947 commits any offence for which a penalty is provided by this Part of this Act proceedings may be taken in respect of such offence against all or any of the directors and managers and against the secretary of such company as well as or instead of against the company and every

Directors &c.
of companies
to be liable for
penalties.
19 & 20 Geo. 5
c. 23.
10 & 11 Geo. 6
c. 47.

PART IX.
—cont.

such director manager and secretary shall be liable on conviction to the like penalty as if he or they were the person committing the offence unless he proves to the satisfaction of the court—

- (a) that the act which constituted the offence took place without his knowledge or consent; and
- (b) that he was not guilty of any negligence in regard to securing the proper execution of this Part of this Act.

As to section 85 of Public Health Acts Amendment Act 1907.

141. As from the date of the commencement of this Part of this Act section 85 of the Public Health Acts Amendment Act 1907 shall cease to be in force in the borough.

PART X.

SALE OF COKE COAL &C.

Application to sale of coke of Weights and Measures Act 1889.
52 & 53 Vict.
c. 21.

142. The provisions of sections 20 to 29 of the Weights and Measures Act 1889 and of any byelaws made by the Corporation thereunder (which provisions and byelaws relate to the sale of coal) shall also apply to the sale of coke within the borough.

Penalty on fraudulent sale.

143. If any seller of coke or any person in charge of any vehicle from which coke is being sold or offered or exposed for sale wilfully makes any false statement as to the weight of the coke or wilfully increases such weight by damping such coke or wilfully does any other act by which the purchaser of the coke shall be defrauded such seller or person in charge shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds.

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

144. Proviso (a) to section 27 (Power to require weighment of coal or vehicle) of the Weights and Measures Act 1889 in its application to the borough shall be read and have effect as if in that proviso the words "one mile" were substituted for the words "half a mile."

Application of this Part of Act.

145. The provisions of this Part of this Act relating to coke shall apply to any solid fuel derived from coal or of which coal or coke is a constituent as if it were coke.

Notice of this Part of Act.

146. The Corporation 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 borough and otherwise in such manner as the Corporation think sufficient.

PART X.
—cont.

No evidence shall be required in any proceedings that the provisions of this section have been complied with.

PART XI.

FELIX COBBOLD BEQUEST.

147. Whereas by his will dated the eleventh day of September nineteen hundred and eight and proved on the fifth day of February nineteen hundred and ten the late Felix Thornley Cobbold bequeathed to the Corporation the sum of twenty thousand pounds Ipswich Corporation stock then standing in his name and he directed that the Corporation should hold the said sum of stock or the securities representing the same (in this section referred to as "the trust fund") in trust to apply the dividends from time to time as they thought fit (with power to accumulate the same) in the purchase of objects of art pictures statues furniture prints drawings or any other works of art to be placed in Christchurch Mansion which he had presented to the Corporation and directed that the Corporation might apply as much as one-sixth of the yearly income or accumulations in fittings in and about Christchurch Mansion suitable for the reception of such works of art and in repairs to Christchurch Mansion itself:

Provision as to
Felix Cobbold
bequest.

And whereas the income of the investments representing the said sum of twenty thousand pounds has been applied by the Corporation in manner aforesaid and many pictures and other articles have been purchased:

And whereas it has become impossible properly to exhibit or to preserve the said pictures and articles in Christchurch Mansion:

Now the following provisions shall have effect:—

Notwithstanding anything contained in the said will the Corporation may at any time hereafter—

(a) sell exchange or otherwise dispose of whether for value or not any object acquired out of the income of the trust fund or acquired under any power conferred by this Act which by reason of lack of space or the unimportance or small interest of the object it is impracticable properly to exhibit or undesirable to exhibit either in Christchurch Mansion or in any other building owned by or for

PART XI.
—cont.

the time being under the control of the Corporation;

(b) apply the proceeds of sale of any such objects in the purchase of objects of art pictures statues furniture prints drawings or other works of art to be exhibited in Christchurch Mansion or such other building as aforesaid and so that any such proceeds not immediately required for any such purchase may be invested in statutory securities or any authorised securities or paid to any consolidated loans fund established in pursuance of this Act and so that such investments or payments and the income thereof may at any time thereafter be applied as if they were income of the trust fund in the then current year;

(c) exhibit or preserve any objects acquired out of the income of the trust fund or under the powers by this Act conferred in any building owned by or for the time being under the control of the Corporation provided that no such building shall be used by the Corporation in breach of any trusts upon which the buildings are held;

(d) lend any object acquired as aforesaid for exhibition in any other gallery or museum of repute for such periods and on such conditions as to the Corporation may seem meet;

(e) pay any expense including cost of insurance and carriage incurred in or by reason of the exercise of the powers by this section conferred either from the income of the trust fund or from the general rate fund as the Corporation may think fit:

Provided that nothing in this section shall prejudice or affect any jurisdiction of the High Court or of the Charity Commissioners over the said charity and its endowments.

PART XII.

FINANCE.

Power to
borrow.

148.—(1) Subject to the provisions of this Act the Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums

mentioned in the second column thereof and they shall pay off all moneys so borrowed within such periods as the Corporation may determine not exceeding those respectively mentioned in the third column of the said table:—

1	2	3
Purpose.	Amount.	Period for repayment calculated (except where otherwise stated) from the date or dates of borrowing.
(a) The purchase of lands under the powers of this Act.	£18,000	Sixty years.
(b) The provision of trolley vehicles.	£27,000	Ten years.
(c) The provision of trolley vehicle equipment and the construction of other works necessary for working trolley vehicles along the routes authorised by this Act.	£66,437	Twenty years.
(d) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

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

(3) In the application of the provisions of Part IX of the Act of 1933 to the borrowing of further moneys for the purposes of Part III (Transport) of this Act the Minister of Transport shall be the sanctioning authority.

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

Saving for powers of Treasury. 8 & 9 Geo. 6. c. 18. 9 & 10 Geo. 6. c. 58.

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

Application of Act of 1933 to existing sinking funds.

PART XII.
—cont.
Closing of
registers.

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

(2) The persons who on the 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.

Power to
borrow by
issue of bonds.

152.—(1) In addition to any other form of borrowing the Corporation may exercise any statutory borrowing power by the issue of bonds to be called " Ipswich Corporation bonds " (and in this Act referred to as " bonds ") in accordance with the provisions of this Act.

(2) Where the Corporation raise money by the issue of bonds sections 209 to 214 of the Act of 1933 shall apply as if the money had been raised by borrowing by mortgage under that Act and bonds were mortgages within the meaning of that Act.

(3) The provisions set out in the 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 (Duty on loan capital) of the Finance Act 1899 as amended by section 10 (Reduction of duty on loan capital issued for the purpose of the conversion or consolidation of existing capital) of the Finance Act 1907.

(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.

62 & 63 Vict.
c. 9.

7 Edw. 7. c. 13.

54 & 55 Vict.
c. 39.

Dividend
warrants by
post.

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

Provided that if such person gives notice to the Corporation that he desires such orders or warrants to be sent to another person at a given address the Corporation may from time to time send the same 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 Corporation by any other of them.

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

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

45 & 46 Vict.
c. 61.

154.—(1) The Corporation may at any time and from time to time 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.

Scheme for
equated
periods.

(2) Any scheme made by the Corporation 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 or 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 Corporation 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.

PART XII.
—cont.

(5) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

Application of
general rate
fund for
certain
purposes.

155.—(1) If in respect of any financial year the moneys received by the Corporation on account of the revenue of any of the Corporation undertakings (including the interest and other annual proceeds received by the Corporation in that year on the investments representing or forming part of any authorised fund provided in connection with the undertaking) shall exceed the moneys expended or applied by the Corporation in respect of that undertaking properly chargeable to revenue the Corporation may in respect of that year (if they think fit) apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes:—

- (a) in the reduction of capital moneys borrowed for the purpose of the undertaking;
- (b) in the renewal construction extension or improvement of any works and conveniences for the purposes of the undertaking;
- (c) towards the provision of a reserve fund in respect of the undertaking by setting aside such an amount as the Corporation may from time to time think reasonable and (unless the amounts so set aside are applied in any other manner authorised by any enactment) investing the same in statutory securities until the fund amounts to the maximum reserve fund for the time being prescribed by the Corporation in respect of that undertaking.

(2) Any reserve fund which has been provided in respect of any of the Corporation undertakings and which is in existence when the provision of a reserve fund in respect of that undertaking under this section is commenced may be carried to and form part of that reserve fund.

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

- (a) in making good to the general rate fund any deficiency at any time happening in the income of the Corporation from the undertaking in connection with which it is formed; or
- (b) in meeting any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking; or

(c) in or towards the payment of the cost of renewing improving or extending any works forming part of the undertaking or otherwise for the benefit thereof; and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(4) If when a reserve fund is formed under this section in respect of any undertaking in respect of which the Corporation are empowered by a provision in an enactment to form a reserve fund the Corporation determine that the reserve fund formed under that provision shall form part of the reserve fund formed under this Act that provision shall cease to have effect.

156.—(1) Notwithstanding anything contained in any Consolidated enactment on and after the thirty-first day of March nineteen loans fund. hundred and forty-nine the Corporation may (if they think fit) 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 Corporation by the issue of authorised securities together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;
- (b) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another purpose or paid into the capital fund established in pursuance of this Act; and
- (c) the appropriate sums provided in each financial year out of other funds or accounts of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

And 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 Corporation as aforesaid before the date on which the consolidated loans fund is established.

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

- (a) in the redemption of authorised securities issued by the Corporation and purchase of bonds or stock for extinction or the repayment of any moneys borrowed by the Corporation; and

PART XII.
—cont.

- (b) in the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund or account of the Corporation:

And the moneys of the consolidated loans fund not used or applied in these ways shall as soon as may be expedient 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 these sums and their application.

(4) The Corporation may pay into the consolidated loans fund any moneys forming part of any reserve depreciation contingency superannuation insurance capital renewal and repairs art equalisation or other similar fund or account (hereinafter 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 Corporation within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

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

(5) The scheme hereinafter mentioned may provide for the winding up of the Ipswich Corporation Consolidated Loans Fund established in pursuance of the Ipswich Corporation (Purchase of Waterworks) Act 1892 and for the transfer of the balance of that fund to the fund established in pursuance of this section.

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

(7) (a) The powers conferred by this section shall not be put into operation by the Corporation except in accordance with a scheme to be made by the Corporation 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 under this section may be extended amended or annulled by a scheme made and approved in like manner as the original scheme.

157.—(1) The Corporation 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 Corporation;
- (b) the balance of the general rate fund in hand at the close of any financial year; and
- (c) such other sums from the general rate fund (including a sum equal to the interest earned on the capital fund and any income arising from the application of the fund to the purposes authorised) as the council may by resolution direct:

Provided that any sum directed by the council to be paid to the capital fund from the general rate fund (in addition to a sum equal to the interest earned on the capital fund and the income (if any) arising from the application of the fund to the purposes authorised) shall not exceed in any financial year the equivalent of six times the product of a rate of one penny in the pound as ascertained or estimated for the purpose of subsection (2) of section 9 (Provisions as to precepts) of the Rating and Valuation Act 1925.

(2) The maximum amount of unapplied money standing to the credit of the capital fund shall not at any time exceed one hundred thousand pounds.

(3) The Corporation may apply the moneys in the capital fund for the purposes of defraying expenditure to which capital is properly applicable to an amount not exceeding fifteen thousand pounds in any one transaction other than expenditure in connection with the Corporation undertakings and expenditure to which section 160 (Art fund) of this Act applies or in providing money for payments into sinking funds in respect of loans raised under any borrowing powers (but not in making the annual payment required to be made thereto).

PART XII.
—cont.

(4) (a) Pending the application of the capital fund to the purpose authorised in the foregoing subsection the moneys in the fund shall (unless applied in any other manner authorised by 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 and any income arising from the application of the fund to the purpose authorised shall be carried to and form part of the general rate fund.

(5) All moneys derived from the sale of any property of the Corporation which are applied from the capital fund under the provisions of this section shall and all other moneys which are applied from the capital fund under those provisions may if the Corporation think fit be repaid from the account to which such moneys were advanced by such annual instalments with or without interest and within such period as may be determined by the Corporation:

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

Renewal and
repairs funds.

158.—(1) The Corporation may (if they think fit) establish a fund or funds for the purpose of defraying the expenditure to be incurred from time to time in repairing maintaining and renewing any buildings works plant tools machinery appliances horses carts 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 but this section shall not apply to any buildings works plant appliances or things for the purposes of any of the Corporation undertakings in respect of which they have provided a reserve fund or to any building in respect of which they are required by the Acts relating to housing to keep a housing repairs account.

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

(3) The maximum amount standing to the credit of any fund or funds established under this section shall not at any time exceed seventy-five thousand pounds or such higher amount as the Minister may prescribe.

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

(b) Any income arising from the investment or use of the moneys in any fund or funds established under this section in manner provided by this subsection together with any income arising from the application of any such fund or funds to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (3) of this section) an amount equivalent to such income shall be credited to the appropriate fund or funds established under this section.

159.—(1) The Corporation may (if they think fit) establish a fund to be called "the insurance fund" with a view to providing a sum of money which shall be available for making good all 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").

General
insurance
fund.

(2) The establishment of an insurance fund under this section shall not prevent the Corporation 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 financial year after the establishment of the insurance fund the Corporation 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 Corporation fully insured in some insurance office of good repute against the specified risks; or

(b) if the Corporation insure in some insurance office against the whole or any 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 Corporation 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 Corporation shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the prescribed amount.

PART XII.
—cont.

(5) The Corporation shall provide the yearly payments aforesaid by contributions from the general rate fund and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking department or service of the Corporation 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 consequence of risks for which the fund is intended to provide all moneys for the time being standing to the credit of the fund shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities and the interest and other annual proceeds received by the Corporation in respect of such investments shall be carried to the general rate fund.

(b) In addition to the sum required to be paid into the insurance fund by subsection (3) of this section the Corporation shall in every financial year so long as the fund is less than the prescribed amount carry to the credit of that fund out of the general rate fund an amount equal to the interest and other annual proceeds carried to the general rate 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 Corporation in respect of or on investments forming part of the insurance fund and carried to the general rate fund may be apportioned in the accounts of the Corporation between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as the Corporation may determine.

(7) (a) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Corporation in consequence of risks for which it is intended to provide in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Corporation may with the sanction of the Minister borrow at interest 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 borrowed in pursuance of this subsection and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be

paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings departments or services of the Corporation and in such proportions as the Corporation 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 Corporation.

160.—(1) The Corporation may (if they think fit) establish a fund to be called "the art fund" to provide for the purchasing of any pictures sculptures or other objects of artistic scientific or historical interest which in their opinion it is desirable at any time to acquire for exhibition in and as additions to the collection in the Corporation's art galleries museums town hall or other building of the Corporation and such fund shall be formed by annually appropriating thereto out of the general rate fund such an amount as the Corporation may from time to time determine not exceeding in any financial year the equivalent of one-third 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 (Provisions as to precepts) of the Rating and Valuation Act 1925: Art fund.

Provided that when the art fund shall amount to twenty-five thousand pounds the Corporation shall discontinue such annual payments but if the fund is at any time reduced below the sum of twenty-five thousand pounds the Corporation may recommence and continue the annual payment until the fund be restored to the sum of twenty-five thousand pounds.

(2) (a) Pending the application of the art fund to the purposes authorised by this section the moneys in the 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 art fund in manner provided by this subsection shall be carried to and form part of the general rate fund and (subject to the limitation imposed by the proviso to subsection (1) of this section) an amount equivalent to such income shall be credited to the art fund.

161. If a justice is satisfied on complaint by any rate collector or other authorised officer of the Corporation that any person is quitting or about to quit any premises and has failed to pay on demand any general rate or any water rate or charge which may be due from him to the Corporation and intends to evade payment of the same the justice may in addition to issuing a summons for non-payment of the Recovery of rates &c. from persons removing.

PART XII.
—cont.

same issue a warrant under his hand authorising the person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the defaulter to meet the claim and to detain them until the complaint is determined upon the return of the summons.

Recovery of
rates from
certain
owners.

162.—(1) Where the owner of any hereditament has agreed with the occupier thereof that the owner shall pay the general rate or the water rate or charges charged on such hereditament the owner shall be liable to pay to the Corporation so much of any payment in respect of rent received by him from the occupier as shall represent the proportion of rate or charge included in such payment and so much of such payment may on proof of such agreement be recovered by the Corporation from the owner in the same manner and subject to the same conditions under and subject to which rates are recoverable from occupiers of rated hereditaments.

The remedy of the Corporation under this section shall be in addition and without prejudice to their other remedies for the recovery of rates.

(2) This section shall not apply to any hereditament in the case of the general rate to which subsection (1) of section 11 (Rating of and collection of rates by owners) of the Rating and Valuation Act 1925 applies or in the case of the water rate or charge to which subsection (1) of section 42 (Rates and charges payable by owners of certain buildings) of this Act applies by virtue of resolutions of the council.

As to operation
of section 11
of Rating and
Valuation
Act 1925.

163. The council may at any time by resolution determine with respect to any hereditament for the time being belonging to the Corporation the rent of which is payable or is collected at intervals of less than a quarter of a year to do any of the things which owners may do by agreement with the rating authority under subsection (2) of section 11 (Rating of and collection of rates by owners) of the Rating and Valuation Act 1925 with the like conditions and consequences (other than the condition as to agreement in writing with the rating authority) as are applicable to owners under that section.

Receipts in
case of minors.

164. If any money is payable to a holder of any authorised security being a minor the receipt of his guardian shall be a sufficient discharge to the Corporation.

Payments due
to deceased
employees.

165.—(1) If on the death of an employee (which expression in this section includes a former employee or pensioner of the Corporation or other person) to whom or to whose personal representative a sum not exceeding one hundred pounds is due from the Corporation on account of salary wages superannuation allowance pension gratuity grant or

repayment of contributions to any superannuation fund or of contributions otherwise made in respect of superannuation with or without interest a grant of probate of the will of the employee or of letters of administration to his estate is not produced to the Corporation within such time (not being less than one month after his death) as the Corporation may think reasonable then at the expiration of that time the Corporation may pay such sum to the person or persons entitled to the residuary estate of the employee by virtue of the provisions of paragraphs (i) to (vi) inclusive of section 46 (1) of the Administration of Estates Act 1925 and section 9 of the Legitimacy Act 1926 to the intent that such sum shall be applied in due course of administration :

15 & 16 Geo. 5.
c. 23.

16 & 17 Geo. 5.
c. 60.

Provided that—

- (a) the Corporation may (notwithstanding the receipt of a notice under proviso (b) of this subsection) if they think fit pay out of such sum the funeral expenses of the deceased employee or so much thereof as the Corporation consider reasonable having regard to any death grant which has been or is to be paid under section 22 of the National Insurance Act 1946;
- (b) if the Corporation receive notice in writing of any claim against the estate of the deceased employee at any time before they shall have paid the whole of such sum in accordance with the provisions of this subsection they shall not (except in any case in which the provisions of section 46 (1) (vi) of the Administration of Estates Act 1925 are applicable) pay such sum or the balance thereof in their hands to any person other than to the personal representative of the deceased employee unless and until such claim has been satisfied disproved or withdrawn.

9 & 10 Geo. 6.
c. 67.

(2) Before paying any sum in accordance with the provisions of subsection (1) of this section (except under proviso (a) thereof) to any person other than the personal representative of the deceased employee the Corporation shall require either—

- (a) a statutory declaration or (when payment is made to the Crown or to the Duchy of Lancaster or to the Duchy of Cornwall) a statement by the person or one of the persons to whom the Corporation may pay and propose to pay such sum or any part thereof to the effect that the total estate of the deceased employee (including such sum but after deduction of debts and funeral expenses) does not exceed four hundred pounds; or

PART XII.
—cont.

(b) the production of a certificate from the Commissioners of Inland Revenue to the effect either that no death duties are payable in respect of such sum or that any duties so payable have been paid.

(3) The Corporation shall be discharged from all liability in respect of any payment or application of money effected by them in exercising their powers under this section.

Payment of
pension &c.
of person of
unsound mind.
53 & 54 Vict.
c. 5.

166.—(1) Subject to the provisions of this section where a person entitled to receive from the Corporation any sum to which this section applies is lawfully detained as a person of unsound mind in accordance with the Lunacy Act 1890 the Corporation may pay the whole of that sum or so much thereof as they think fit to the institution or 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 Corporation any sum to which this section applies is in the opinion of the Corporation through mental infirmity incapable of managing his affairs the Corporation may pay or apply the whole or so much as they think fit of that sum to or for the maintenance or benefit of such person or of the wife or husband or relations of such person.

(3) This section applies to any sum payable by the Corporation to an employee or former employee or pensioner of the Corporation or the widow or a child of a deceased employee or pensioner by way of salary wages pension superannuation or other allowance gratuity or annuity or by way of repayment with or without interest of contributions made to any superannuation or other fund being either a lump sum not exceeding one hundred pounds or an instalment of a periodical payment not exceeding one hundred pounds per annum.

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

Provided that the Corporation may with the approval of the Master in Lunacy exercise the powers of this section in

respect of any person notwithstanding that the said period of fourteen days has not expired.

PART XII.
—cont.

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

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

PART XIII.

MISCELLANEOUS.

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

As to barriers
in streets.

(2) For the purpose of the erection of such barricades the Corporation may construct or place and maintain in and under the surface of the streets of the borough such sockets or slots as may in their opinion be necessary or convenient but the Corporation shall not exercise the powers of this subsection in a trunk road except with the consent of the Minister of Transport.

168. The powers conferred by section 21 (Power to make orders for preventing obstructions in the streets during public processions &c.) of the Town Police Clauses Act 1847 shall within the borough extend to enable the Corporation at all times of ceremonies public processions rejoicings fairs exhibitions carnivals races sports illuminations or similar occasions to direct the passage and stoppage of vehicles along or in particular streets to direct particular routes to be taken for particular descriptions of traffic and to prohibit the passage or stoppage of particular vehicles through or in certain streets at certain hours.

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

169. The Corporation shall not exercise the powers of the last two preceding sections in such manner as to cause obstruction to or interference with the access to or exit from any station or depot of the commission except with the consent of the commission or if such consent be unreasonably withheld the consent of the Minister of Transport.

For protection
of British
Transport
Commission.

PART XIII.
—cont.
Notice of
processions to
be given.

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

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

Shelters &c.
for passengers.

171.—(1) The Corporation may erect and maintain on any street in the borough at suitable stopping places on the routes of public service vehicles and trolley vehicles or on lands belonging to them shelters and other accommodation for intending passengers on such vehicles and rails for the regulation of queues of persons intending to enter such vehicles.

(2) The Corporation shall not in pursuance of this section erect any shelter or other accommodation or rail—

- (i) so as to cause interference with or to render less convenient the access to or exit from any station or depot belonging to any railway undertakers; or
- (ii) in any street or road belonging to or repairable by any railway undertakers; or
- (iii) on any bridge carrying any street or road over any railway;

except in each case with the previous consent of the railway undertakers concerned which consent shall not be unreasonably withheld and any question as to whether any such consent is unreasonably withheld shall be referred to and determined by the Minister of Transport.

(3) The Corporation shall not in pursuance of this section erect any shelter or other accommodation or rail on any part of any trunk road without the consent of the Minister of Transport:

Provided that if in any case the said Minister withholds his consent and the Corporation give notice to him that they are aggrieved the matter shall be referred to arbitration.

(4) The Corporation may make byelaws for the regulation, use and management of any such shelters, accommodation and rails.

(5) The Corporation may enter into and fulfil agreements with any person for and in relation to the erection maintenance and use of any such shelters and other accommodation and rails and as to the contributions to be made by any such person towards the cost of the provision and maintenance thereof.

172.—(1) The Corporation may erect or fix and maintain police telephone call boxes and shelters or boxes for the use of police constables in such positions in any street park or public place within the borough as they think fit:

Police telephone call boxes and shelters.

Provided that 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.

(2) The Corporation shall not under the powers of this section erect fix or maintain any police telephone call box shelter or box—

- (i) so as to cause interference with or to render less convenient the access to or exit from any station or depot of the commission;
- (ii) in any street or road belonging to or repairable by the commission; or
- (iii) on any bridge carrying any street or road over the railway of the commission;

except in each case with the consent of the commission or if such consent be unreasonably withheld the consent of the Minister of Transport.

173.—(1) Any person who shall wilfully or negligently obstruct or interfere with the convenient access to any police telephone call box or police shelter or box or who shall remove or efface any plate or mark indicating the position of such call box shelter or box or any fire hydrant shall be liable to a penalty not exceeding five pounds and the Corporation may recover the expenses of replacement and making good from such person.

Interference with telephone call boxes &c.

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

174. Every person who negligently breaks throws down or otherwise damages any public lamp or lamp-post or street orderly bin or other receptacle for the temporary deposit and

Compensation for injuring lamps &c.

PART XIII.
—cont.

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

Byelaws as to
pleasure fairs.

175.—(1) The Corporation may make byelaws—

- (a) for regulating the hours during which pleasure fairs may be open to the public;
- (b) for securing safe and adequate means of ingress to and egress from the ground upon which any pleasure fair is held;
- (c) for the prevention and suppression of nuisances and for preserving sanitary conditions cleanliness order and public safety at any pleasure fair.

(2) In this section the expression "pleasure fair" means any entertainment which is run for profit and which consists of or includes any or all of the following whether or not in combination with any other forms of entertainment that is to say any travelling circus exhibition of human beings or performing animals merry-go-round roundabout switchback railway cocoanut shy hoop-la shooting gallery or swings or anything similar to any of the foregoing:

Provided that the said expression does not include any fair held by statute charter royal licence letters patent or ancient custom.

(3) Before making any byelaws under this section the Corporation shall give to the Amusement Caterers' Association and the Association of Amusement Park Proprietors of Great Britain not less than one month's notice of the intention of the Corporation to make such byelaws and such notice shall be accompanied by a copy of the draft byelaws and the Corporation shall confer with the said associations thereon before they submit them to the Secretary of State for confirmation.

Places used for
boxing or
wrestling
entertain-
ments to be
licensed.

53 & 54 Vict.
c. 59.

176.—(1) As from the commencement of this section the provisions of Part IV of the Public Health Acts Amendment Act 1890 shall in its application to the borough extend to any place kept or used for any boxing or wrestling entertainment as though such entertainment were of the like kind with public dancing and music.

(2) For the purposes of this section "boxing or wrestling entertainment" means any public contest or display of

boxing or wrestling except such as may be provided or given— PART XIII.
—cont.

- (a) by travelling showmen at pleasure fairs;
- (b) in premises licensed under the Theatres Act 1843 if and so long as the conditions attached to the licence under the said Act are complied with as though such contest or display were a stage play; 6 & 7 Vict.
c. 68.
- (c) by bona fide associations clubs hospitals or societies which are not carried on for profit;
- (d) by members of the Boy Scouts Association or of any organisation formed by the Boy Scouts Association in pursuance of their charter; or
- (e) by any school.

177.—(1) All steam or waste gas ejected from any stationary engine or the boiler or condensers thereof and all condensing water above a temperature of one hundred and ten degrees fahrenheit so ejected and all spent and ejected steam arising or produced in any trade business or manufacture shall be so discharged as not to be an annoyance to the public. Ejection of steam and waste gas to annoyance of public.

(2) Any person who shall cause or permit steam or waste gas or condensing water to be discharged contrary to the provisions of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding two pounds.

(3) The provisions of this section shall not apply to any locomotive used by the commission.

178.—(1) Every person who uses a stationary internal combustion engine shall provide and use an effective silencer on the exhaust of such engine and shall at all times keep such silencer in proper repair. Silencers for internal combustion engines.

(2) The Corporation shall have access to and be at liberty to take off remove test inspect and replace any such silencer at all reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Corporation if the silencer be found in proper order but otherwise at the expense of the person, aforesaid:

Provided that nothing contained in this subsection shall apply to any stationary internal combustion engine belonging to the commission and used by them for the purposes of their railway undertaking.

(3) Any person who shall use a stationary engine or permit the same to be used contrary to the provisions of this section after having received reasonable notice from the Corporation

PART XIII.
—cont.

to the effect that he is or has been so using such engine or permitting the same to be so used shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds.

Noise
nuisance.

179.—(1) A noise nuisance shall be liable to be dealt with as a statutory nuisance under the Act of 1936:

Provided that no complaint to a justice under section 99 (Power of individual to make complaint as to statutory nuisance) of the said Act shall be of any effect unless it is signed by not less than three householders or occupiers of premises within hearing of the noise nuisance which is the subject of the complaint.

(2) In any proceedings under the Act of 1936 in respect of a noise nuisance occasioned in the course of any trade business or occupation it shall be a good defence for the person charged to show that he has used the best practicable means of preventing or mitigating the nuisance having regard to the cost and to other relevant circumstances.

(3) For the purpose of this section a noise nuisance shall be deemed to exist where any person makes or continues or causes to be made or continued any excessive or unreasonable or unnecessary noise which is injurious or prejudicial to health.

(4) Nothing contained in this section shall apply to the commission or their servants exercising statutory powers in relation to their railway undertaking.

(5) Nothing in this section shall affect the power of the Corporation to make byelaws under section 249 (Byelaws for good rule and government and suppression of nuisances) of the Act of 1933.

Aerodrome
undertaking.

180.—(1) The Corporation may make such charges in respect of the aerodrome established or acquired by them in pursuance of section 8 of the Air Navigation Act 1920 and any subsidiary business in connection therewith (in this section referred to as "the aerodrome undertaking") as they may think fit and may grant a lease of or let the same or any part thereof for such period and upon and subject to such terms and conditions as they may think fit:

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

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

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

PART XIII.
—cont.

181.—(1) The Corporation may advertise the facilities and amenities afforded by the borough in any manner which the Corporation may think fit and for that purpose may—

Power to
advertise
facilities of
borough.

(a) combine with any other organisation company or person and with any local authority authorised in that behalf; and

(b) expend a sum which together with any sum expended by them under the Health Resorts and Watering Places Act 1936 shall not in any financial year exceed the amount prescribed by that Act.

26 Geo. 5. &
1 Edw. 8. c. 48.

(2) Any expenditure under this section shall be separate from and additional to the expenditure (if any) of the Corporation under the Local Authorities (Publicity) Act 1931.

21 & 22 Geo. 5.
c. 17.

182.—(1) The Corporation may accept a capital sum for the purpose of maintaining a particular grave or grave space or monument or urn or niche or memorial brass or its equivalent in a cemetery provided or maintained by the Corporation under the Public Health Acts or in a burial ground provided or maintained by the Corporation under the Burial Acts 1852 to 1906 or in a crematorium provided or maintained by them under the Cremation Act 1902.

Maintenance
of graves &c.

2 Edw. 7. c. 8.

(2) (a) Any such capital sum shall (unless applied in any other manner authorised by any enactment) be invested in statutory securities and a sum equal to the interest thereon applied in maintaining the grave or grave space or monument or urn or niche or memorial brass or its equivalent in such manner as the Corporation think fit and for such period as may be agreed between the Corporation and the person by whom such capital sum is paid.

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

(c) The Corporation may on the expiration of the period agreed by the Corporation for the maintenance of the grave grave space monument urn niche or memorial brass or its equivalent as the case may be apply such capital sum in any manner in which capital money received may properly be applied under any enactment.

PART XIII.
—cont.

(3) The amount of such capital sums and the interest thereon shall be shown separately in the accounts of the Corporation relating to the cemetery burial ground or crematorium.

As to main-
tenance of
cemeteries &c.

183.—(1) The Corporation may in connection with the maintenance of any cemetery provided or maintained by them under the Public Health Acts or any burial ground provided or maintained by them under the Burial Acts 1852 to 1906 alter repair straighten or maintain any tombstone or monument and put in order and maintain any grave space therein.

(2) Before the Corporation exercise any of the powers of this section they shall publish once at least in each of two successive weeks in one or more newspapers circulating in the borough notice of their intention so to do together with a statement of the works to be carried out and such notice shall also state that any person desiring to object to the carrying out of any such works shall give notice to the Corporation of his objection and the grounds thereof within the date stated in the notice which date shall not be earlier than ten days after the last publication of the notice. If any objection shall be so given to the Corporation and not withdrawn the works to which the objection relates shall not be carried out without the consent of the Secretary of State.

Expenses of
public
ceremonies &c.

184. The Corporation may pay—

- (a) reasonable expenses of the Corporation 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 the borough;
- (b) reasonable expenses in connection with official and courtesy visits by or on behalf of the Corporation and payments for travelling expenses and for expenses reasonably incurred by or on behalf of any member or officer of the Corporation in connection therewith; and
- (c) reasonable expenses in connection with the presentation of the freedom of the borough to persons whom the council may resolve to admit as honorary freemen.

Subscriptions
to scientific
bodies and
other expenses.

185. The Corporation 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 are engaged in investigations or the keeping of records of use or value to the Corporation and any reasonable expenses of the attendance of any members or officers of the Corporation at or of persons nominated by the Corporation 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 XIII.
—cont.

Provided that the payments to be made by the Corporation under this section shall not in any financial year exceed the equivalent of one-half 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 (Provisions as to precepts) of the Rating and Valuation Act 1925.

186. It shall be lawful for the Corporation—

Provision
of lectures.

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

Provided that the sum to be expended by the Corporation in any financial year on the provision of lectures shall not exceed the equivalent of two-thirds 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 (Provisions as to precepts) of the Rating and Valuation Act 1925 in addition to any moneys received by the Corporation under the provisions of this section.

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

Provision of
information
bureaux.

188. In connection with their powers under the two last preceding sections and under the Public Libraries Acts 1892 to 1919 the Corporation may publish and sell or dispose of bulletins journals and leaflets and documents of historical or literary interest having a local connection.

Power to
publish
bulletins &c.

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

Provision of
weighing
machines.

PART XIII.

—cont.

As to personal
weighing
machines.

190.—(1) In this section the expression “personal weighing machine” means any weighing machine which is used or exposed for use for the purpose of ascertaining the weight of a person—

(a) for the use of which a charge is made; or

(b) which is kept in any shop premises or place in the borough to which the public have access.

(2) As from the commencement of this section the owner or the person in charge of any personal weighing machine which is false or unjust shall be liable to a penalty not exceeding two pounds or in the case of a second or any subsequent offence five pounds and the machine shall be liable to be forfeited.

(3) A personal weighing machine shall not be used or exposed for use unless it has been examined and approved by an inspector of weights and measures of the Corporation and has been marked with a distinguishing mark by such inspector and after the expiration of twelve months from the commencement of this section if any person has in his possession or under his control any personal weighing machine which is not so marked he shall be liable to a penalty not exceeding two pounds or in the case of a second or subsequent offence five pounds and the machine shall be liable to be forfeited:

Provided that the provisions of this subsection shall not apply to any personal weighing machine owned by a travelling showman and used by him at pleasure fairs if such machine has been so marked by an inspector of weights and measures of any local authority or has been duly stamped under the provisions of the Weights and Measures Acts 1878 to 1936 not more than three months before any day on which such machine is used or exposed for use in the borough and the said mark or stamp has not been cancelled.

(4) If any person forges or counterfeits or removes any such distinguishing mark as is referred to in the last foregoing subsection or knowingly exposes for use any personal weighing machine without any such mark or with such forged or counterfeit mark thereon he shall be liable to a penalty not exceeding five pounds and the machine shall be liable to be forfeited.

(5) (a) Any inspector of weights and measures of the Corporation may at all reasonable times inspect and examine any personal weighing machine in the borough and may seize and detain any such machine which is liable to be forfeited under the provisions of this section, and may for the purposes of such inspection and examination enter any place (whether

open or closed) where there is reasonable cause to believe that there is a personal weighing machine which he is authorised to inspect and examine.

PART XIII.
—cont.

(b) Any person who neglects or refuses to produce for such inspection any personal weighing machine in his possession or on his premises or refuses to permit any such inspector of weights and measures to examine the same or obstructs the entry of such inspector or otherwise obstructs or hinders him from acting under this section shall be liable to a penalty not exceeding five pounds or in the case of a second or any subsequent offence ten pounds.

(6) The Corporation may make byelaws—

(a) generally with respect to the examination and inspection of personal weighing machines and the distinguishing marks to be fixed to personal weighing machines under this section and the circumstances and conditions in and under which such marks may be affixed or cancelled;

(b) with respect to the tests to be applied for the purpose of ascertaining the accuracy and efficiency of personal weighing machines;

(c) for fixing the fees to be paid to the Corporation for the examination approval and marking of personal weighing machines under this section or for the examination of such personal weighing machines as are found to be incorrect or defective;

(d) for fixing the limits of error to be allowed on examination and approval or on inspection and examination of any personal weighing machine under this section.

191.—(1) Every undertaking or agreement under seal expressed to be given or made in pursuance of this section and being—

Undertakings
to bind
successive
owners.

(a) an undertaking given by or to the Corporation to or by the owner of any legal estate in land or property;
or

(b) an agreement between the Corporation and any such owner;

on the passing of plans or otherwise in connection with such land or property shall be binding upon such owner and his successors in title and all persons claiming through or under him or them and upon the Corporation and such owner and other persons upon whom such undertaking or agreement is binding shall be entitled to require from the Corporation a copy thereof.

PART XIII.
—cont.

(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 such undertaking or agreement shall not be binding upon any person in whom any other legal estate in such land or property is vested at the date thereof nor upon his successors in title unless such person joins in such undertaking or agreement.

Amendment
of section 4 of
Ipswich
Fishery Act
1867.

192. Section 4 (Fishery to be under control of committee of Corporation) of the Ipswich Fishery Act 1867 shall have effect as if for the words "on the second Wednesday in the month of August" there were substituted the words "at the annual meeting of the council or at such other meeting of the council as the council may from time to time determine."

PART XIV.

GENERAL.

Compensation
how to be
determined.

193. When any compensation costs damages or expenses is or are by this Act or by any local Act or Order for the time being in force in the borough directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 (Compensation to individuals for damage resulting from exercise of powers under Act) of the Act of 1936.

Apportion-
ment of
expenses in
case of joint
owners.

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

Breach of
conditions
of consent
of Corporation.

195. Where under any enactment the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the works or the doing of the act or thing without the required consent.

196. Whenever the Corporation or any of their officers under any enactment execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to execute re-execute or alter such work or do such act or thing the Corporation or their officer shall not as between themselves or himself and such owner occupier or other person in the absence of any negligence on their or his 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 Corporation or such officer 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 accordingly be recoverable by the Corporation or such officer.

PART XIV.
—cont.
In executing works for owner Corporation liable for negligence only.

197.—(1) As respects byelaws made under this Act the confirming authority for the purposes of section 250 (Procedure &c. for making byelaws) of the Act of 1933 shall be—

As to byelaws.

- (a) in the case of byelaws made under Part III (Transport) of this Act the Minister of Transport;
- (b) in the case of byelaws made under section 123 (Byelaws as to inspection of meat) of this Act the Minister of Food;
- (c) in the case of byelaws made under the following sections of this Act (namely):—
 - Section 132 (Establishment of golf course);
 - Section 137 (Byelaws as to employment agencies);
 - Section 171 (Shelters &c. for passengers);
 - Section 175 (Byelaws as to pleasure fairs);
 the Secretary of State;
- (d) in the case of byelaws made under section 180 (Aerodrome undertaking) of this Act the Minister of Civil Aviation;
- (e) in the case of byelaws made under section 190 (As to personal weighing machines) of this Act the Board of Trade; and
- (f) in all other cases the Minister.

(2) Notwithstanding the provisions of any Act or Order relating to the procedure for making byelaws by the Corporation the provisions of section 250 of the Act of 1933

PART XIV. shall apply to all byelaws to be made by the Corporation in respect of their transport undertaking and in the application of such last-mentioned provisions the Minister of Transport shall be the confirming authority.
—cont.

Restriction on right to prosecute.

198. Section 298 (Restriction on right to prosecute) of the Act of 1936 shall apply to offences created by or under Part V (Streets buildings sewers and drains) Part VI (Infectious disease and sanitary matters) and Part VII (Food) of this Act or by or under the following sections of this Act (namely):—

Section 167. (As to barriers in streets);

Section 170 (Notice of processions to be given);

Section 178 (Silencers for internal combustion engines);

as if they were offences created by or under that Act.

Damages and charges to be settled by court.

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

Application of Arbitration Acts.

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

Inquiries by Ministers.

201. The Minister the Minister of Transport and the Minister of Fuel and Power may hold such inquiries as they may consider necessary in regard to the exercise of any powers conferred upon them or the giving of consents under this Act and section 290 (Power of government departments to direct inquiries) of the Act of 1933 shall apply accordingly.

Commencement of certain provisions of this Act.

202.—(1) The provisions of this Act to which this section applies shall come into operation on but not until such date as may be fixed by a resolution of the council of which date public notice shall be given by the Corporation by advertisement in one or more local newspapers circulating in the borough Every such advertisement shall also state the effect of the provisions to which it relates and the date specified

therein as the date on which such provisions shall come into operation shall not be less than one month after the date of publication of the advertisement:

Provided that if the provision is one which requires the licensing or registration of any person or premises the application for the licence or registration may be made and determined before the provision comes into operation.

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

(3) This section shall apply to Part IX (Employment agencies) of this Act and to the following sections of this Act (namely):—

- Section 106 (Parents &c. to notify certain diseases);
- Section 107 (Restrictions on attendance at schools and places of assembly);
- Section 121 (Registration of hairdressers and barbers and their premises);
- Section 124 (Notice of slaughter of animal unfit for food);
- Section 125 (Animals slaughtered outside slaughterhouses);
- Section 126 (Registration of hawkers of food and their premises);
- Section 127 (Registration of vendors of shell-fish and their premises);
- Section 176 (Places used for boxing or wrestling entertainments to be licensed);
- Section 190 (As to personal weighing machines).

(4) As respects any of the said provisions which requires the licensing or registration of persons carrying on any business or of premises used for any purpose it shall be lawful for any person who when such provision comes into operation—

- (a) was carrying on any such business or using any premises for any such purpose; and
- (b) has made application in accordance with the provisions of this Act for such licence or registration as is required by this Act;

to continue to carry on such business and to use such premises for such purpose until such time as he has been informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (6) of section 203 (As to appeals) of this Act.

PART XIV.
—cont.
As to appeals.

203.—(1) Any person aggrieved by any requirement refusal or other decision of the Corporation or of any officer thereof under Part V (Streets buildings sewers and drains) (except section 96 (As to defective drains &c.)) Part VI (Infectious disease and sanitary matters) Part VII (Food) and Part IX (Employment agencies) of this Act may except where otherwise expressly provided or when some other right of appeal is conferred by this Act appeal to a court of summary jurisdiction.

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

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

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

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

(6) Where any requirement refusal order determination or other decision against which a right of appeal is conferred by this Act involves the execution of any work or the taking of any action or makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time of such requirement refusal order determination or other decision or to use any premises for any purpose for which they were lawfully used up to such time—

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

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

(c) subject to the proviso to subsection (2) of section 71 (Restriction on erection of stands &c.) of this Act

any such person may carry on such business and use such premises for such purpose;

PART XIV.
—cont.

until the time for appealing has expired or when an appeal is lodged until the appeal has been disposed of or withdrawn or fails for non-prosecution thereof.

(7) Where upon an appeal under this Act a court varies or reverses any requirement refusal or other decision of the Corporation effect shall be given to the order of the court; and in particular any necessary consent certificate or other document shall be granted or issued and any necessary entry in any register shall be made.

204. The following provisions which have been superseded or which have ceased to have effective operation are hereby repealed:— Repeal of enactments.

The Ipswich Corporation Act 1911—

- Section 21 (Rates payable by owners of small houses);
- Section 25 (Supply of water by hose-pipe to stables &c.);
- Section 38 (No building allowed until street defined);
- Section 41 (Forecourts to be fenced off from street);
and
- Section 49 (Improper construction or repair of water-closet or drain):

The Act of 1925—

- Subsection (1) of section 10 (Vehicles not to be deemed light locomotives or motor cars);
- Section 18 (Trolley vehicles to form part of tramway undertaking);
- Section 26 (Lost property);
- Section 42 (Provision of concerts entertainments &c.);
- Section 60 (As to hoardings and similar structures);
- Section 65 (Larders to be provided);
- Section 69 (To prevent spread of infectious disease amongst children in Sunday schools &c.);
- Section 70 (Power to close Sunday schools in certain events);
- Section 71 (Special provisions to prevent spread of infectious diseases);
- Section 72 (Extended meaning of "infectious disease" for certain purposes);
- Section 76 (Penalty on withholding information from medical officer);
- Section 84 (Notice of slaughter of animal unfit for human food);

PART XIV.
—cont.

- Section 92 (Discontinuance of offensive trade);
 Section 94 (Houses infested with vermin to be cleansed); and
 Part VIII (Common lodging-houses).

Application of
provisions of
Act of 1936.

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

- 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 286 (Proof of resolutions &c.);
 Section 287 (Power to enter premises);
 Section 288 (Penalty for obstructing execution of Act);
 Section 289 (Power to require occupier to permit works to be executed by owner);
 Section 291 (Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments);
 Section 292 (Power to make a charge in respect of establishment expenses);
 Section 293 (Recovery of expenses &c.);
 Section 294 (Limitation of liability of certain owners);
 Section 295 (Power of local authority to grant charging orders);
 Section 296 (Summary proceedings for offences);
 Section 297 (Continuing offences and penalties);
 Section 299 (Inclusion of several sums in one complaint &c.);
 Section 304 (Judges and justices not to be disqualified by liability to rates);
 Section 328 (Powers of Act to be cumulative);
 Section 329 (Saving for certain provisions of the Land Charges Act 1925):

Provided that the said sections 277 287 288 289 291 292 294 295 and 329 shall only apply to the provisions contained in

Part V (Streets buildings sewers and drains) Part VI (Infectious disease and sanitary matters) and Part VII (Food) of this Act.

PART XIV.
—cont.

(2) Sections 283 284 285 293 296 and 299 of the Act of 1936 shall extend and apply in relation to any local Act for the time being in force in the borough as if such sections were re-enacted in that local Act and in terms made applicable thereto.

(3) Sections 283 and 284 of the Act of 1936 shall apply to the local planning authority as though they were a council.

206. Section 265 (Protection of local authority and their officers from personal liability) of the Public Health Act 1875 shall extend and apply to the purposes of this Act or any local enactment for the time being in force in the borough as if the same were re-enacted therein.

Application of section 265 of Public Health Act 1875.

207.—(1) Where in exercise of the powers conferred by section 18 (Stopping up of highways) of this Act any highway specified in that section or any portion of such a highway is stopped up or where any highway or portion of a highway is stopped up in pursuance of an order made under section 74 (Stopping up and diversion of highways) of this Act the following provisions shall unless otherwise agreed in writing between the Corporation 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:—

For further protection of Postmaster General.

(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 (2) of this section unless before the expiration of that period the Postmaster-General has given notice to the Corporation 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 Corporation 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 Corporation the expense of providing in

PART XIV.
—cont.

substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster-General may require;

- (d) Where under paragraph (b) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the Corporation and the provisions of the Telegraph Acts 1863 to 1943 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

(2) As soon as the whole or any portion of any highway has been stopped up the Corporation 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 (1) of this section shall commence to run from the date on which such notice is sent.

(3) If in the exercise or intended exercise of the powers conferred on them by section 54 (Amendment of section 17 of Public Health Acts Amendment Act 1907) or section 58 (Power to vary width of carriageways and footways) of this Act (which said sections are hereinafter referred to as "the specified sections") the Corporation require an alteration either temporarily or permanently in any telegraphic line belonging to or used by the Postmaster-General the enactments numbered (1) to (8) in section 7 of the Telegraph Act 1878 shall apply with respect to such alteration.

(4) If in consequence of the exercise or intended exercise by the Corporation of any of the powers conferred on them by the specified sections the Postmaster-General considers it necessary or expedient that an alteration should be made in any telegraphic line belonging to or used by him and placed in any street affected by the exercise or intended exercise by the Corporation of any of the said powers the Postmaster-General may himself make such alteration in such telegraphic line as he deems necessary or expedient and the Corporation shall pay to the Postmaster-General all the expenses incurred by him in respect of such alteration and the amount of any loss or damage sustained by him in consequence thereof:

Provided that—

- (a) before making such alteration the Postmaster-General shall give a notice to the Corporation containing particulars of the telegraphic line to be altered and of the nature of the alteration he intends to make;

(b) the Corporation may within fourteen days of the receipt of the notice give to the Postmaster-General a notice objecting to the alteration on the ground that it is unnecessary or unreasonable and thereupon a difference shall be deemed to have arisen and sections 4 and 5 of the Telegraph Act 1878 shall apply accordingly and the tribunal by which the difference is determined may make such order as it thinks just as to the alteration (if any) to be made in the telegraphic line and as to the manner in which the proposed work of the Corporation is to be carried out.

(5) In this section the expression "alteration" has the same meaning as in the Telegraph Act 1878.

208. For the protection of the British Electricity Authority and the Eastern Electricity Board (each of which is in this section referred to as "the electricity undertakers") the following provisions shall notwithstanding anything in this Act and unless otherwise agreed in writing between the Corporation and the electricity undertakers apply and have effect:—

(1) In this section—

the expression "apparatus" means all or any electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to the electricity undertakers: 45 & 46 Vict. c. 56.

(2) Before equipping any trolley vehicle route the Corporation shall give seven days' notice to the electricity undertakers of their intention to erect or construct any work for that purpose and shall at the same time deliver to the electricity undertakers a plan and section of the proposed work. If it should appear to the electricity undertakers that the erection or construction of the proposed work would interfere with or endanger any apparatus or interfere with or impede the supply of electricity by the electricity undertakers the electricity undertakers may give notice to the Corporation to raise or lower or otherwise alter the position of such apparatus or to support the same or to substitute temporarily or otherwise other apparatus in such manner as may be considered necessary and any difference as to the necessity of such raising lowering alteration support or substitution shall be settled by arbitration in manner provided by section 28 of the Electric Lighting Act 1882:

Provided that if the Corporation are required by an arbitrator to alter the position of any such

PART XIV.
cont.—

apparatus the alterations shall be carried out subject to and in accordance with the provisions of paragraphs (e) to (i) of section 17 of the schedule to the Electric Lighting (Clauses) Act 1899:

- (3) Nothing in section 55 (Further powers as to future line of street) of this Act shall without the consent of the electricity undertakers apply to or affect any property occupied or used by the electricity undertakers for the purposes of their undertaking Provided that such consent shall not be unreasonably withheld and any question whether any such consent is unreasonably withheld shall be determined by the Minister of Fuel and Power:
- (4) Whenever pursuant to any agreement entered into under the powers of section 56 (Adjustment of boundaries of streets) of this Act the Corporation propose to give or convey to any person any part of a street in over or under which any apparatus is laid or placed, the Corporation shall give to the electricity undertakers notice of their proposal accompanied by a plan showing the position and dimensions of the portion of the street proposed to be given or conveyed and notwithstanding any agreement entered into or grant or conveyance executed by the Corporation under that section the electricity undertakers their engineers and workmen shall have and may exercise the same powers rights and privileges with respect to the apparatus as if the land in over or under which the apparatus is laid or placed had continued to be part of the street or the electricity undertakers may at their option (and if reasonably so required by the Corporation or the owner of the land shall) alter the position of the apparatus to such other position in over or under the footway or carriageway of the street as altered under the said powers as may be reasonable:
- (5) Not less than twenty-eight days before the Corporation—
 - (a) pursuant to section 59 (Crossings over footways) of this Act—
 - (i) require the construction of a carriage-crossing across any footway in or under which any apparatus is for the time being situate; or
 - (ii) allow the use of any such footway as a crossing for any horse or horse-drawn or mechanically propelled vehicle (other than a motor-cycle); or

(b) pursuant to section 51 (Means of access to buildings) of this Act require the provision of means of communication across any such footway;

the Corporation shall give notice to the electricity undertakers and if in consequence of the construction of the carriage-crossing or means of communication across such footway or the use of such footway for the purpose aforesaid it shall be reasonably necessary to alter the position of the apparatus in or under the footway the electricity undertakers may and if so required by the Corporation shall alter the position of the apparatus to such other position as may be reasonable:

- (6) (a) The Corporation shall so exercise the powers of section 69 (Power to lay out grass margins &c. in streets) of this Act as not to obstruct or render less convenient the access to any apparatus and shall so maintain every tree planted under the powers conferred by that section that the same does not injuriously affect any apparatus;

(b) Whenever under the powers of the said section 69 the Corporation add to the footway or carriageway of any street any grass margin in over or under which any apparatus is for the time being situate the electricity undertakers may alter the position of the apparatus to such other position in over or under—

(i) the reduced grass margin (if any) of the street; or

(ii) the carriageway or footway of the street as altered;

as may be reasonable:

- (7) Not less than twenty-eight days before the Corporation in the exercise of the powers of section 58 (Power to vary width of carriageways and footways) or section 69 (Power to lay out grass margins &c. in streets) of this Act add to the carriageway of a street any portion of the footway in over or under which any apparatus is for the time being situate the Corporation shall give to the electricity undertakers notice of their intention so to do accompanied by a plan and section of the intended alteration and the electricity undertakers may if it is reasonably necessary and if so required by the Corporation shall alter the position of the apparatus to such other position in over or under the carriageway or the footway as may be reasonable:

PART XIV
—cont.

- (8) The electricity undertakers within fourteen days after the receipt of a notice from the Corporation pursuant to subsection (4) or subsection (5) or subsection (7) of this section shall give to the Corporation not less than fourteen days' notice of their intention to alter the position of any apparatus (otherwise than on the requirement of the Corporation) under the provisions of the relevant subsection and shall at the same time deliver to the Corporation a plan and section of the proposed alteration. If such plan and section be not disapproved by the Corporation within fourteen days from the receipt thereof the proposed position of the apparatus shown thereon shall be deemed to be reasonable:
- (9) Where the Corporation under the powers of section 73 (Temporary stoppage of streets) of this Act stop up temporarily any street in which any apparatus is situate they shall provide reasonable access for the officers servants and workmen of the electricity undertakers for the purpose of enabling them to inspect repair and renew any such apparatus or to lay or place new apparatus:
- (10) (a) Whenever by virtue of section 74 (Stopping up and diversion of highways) of this Act any highway or part of a highway in over or under which any apparatus is for the time being situate is stopped up or diverted the electricity undertakers shall be at liberty—
- (i) to remove the apparatus to and relay or replace the same in over or under 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 electricity undertakers may reasonably determine; or
 - (ii) if it is reasonably necessary so to do to provide and lay or place other apparatus in over or under such substituted highway or other position in lieu of such existing apparatus;
- (b) Whenever by reason of the exercise by the Corporation of the powers of the said section any apparatus (other than apparatus for which new apparatus has been substituted at the expense of the Corporation under the provisions of this section) is rendered derelict useless or unnecessary the Corporation shall forthwith pay to the electricity undertakers such a sum as may be agreed between the Corporation and the electricity undertakers or as

failing such agreement may be determined by arbitration as hereinafter provided to be the value of such apparatus and such apparatus shall upon such payment become the property of the Corporation:

(11) The Corporation shall repay to the electricity undertakers the reasonable expenses incurred by them of or in connection with—

(a) the alteration of the position of any apparatus under the provisions of subsection (4) or subsection (5) or subsection (6) or subsection (7) of this section; or

(b) the removal and relaying or replacing of any apparatus or the provision and laying or placing of any new apparatus under the provisions of subsection (10) of this section;

and the reasonable costs of and incidental to (i) the cutting off of any apparatus from any other apparatus and (ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this subsection:

(12) Section 76 (Streets broken up to be reinstated) of this Act shall not apply to the electricity undertakers:

(13) The Corporation shall not exercise any of the powers of the following sections of this Act:—

Section 65 (Power to place fences near school entrances &c.);

Section 67 (Power to provide tubs for trees &c.);

Section 68 (Planting of trees in streets);

Section 131 (Transmission of entertainments);

Section 167 (As to barriers in streets);

Section 171 (Shelters &c. for passengers);

Section 172 (Police telephone call boxes and shelters);

so as to cause damage to or obstruct or render less convenient the access to any apparatus:

(14) Nothing in any byelaw made under section 116 (Byelaws as to tipping refuse) of this Act shall extend or apply to the tipping by the electricity undertakers of any dust spoil or refuse on any land for the time being belonging to them and forming part of the site of or used in connection with a station for generating electricity:

(15) (a) Any question or dispute which may arise between the Corporation and the electricity undertakers under

PART XIV.
—cont.

this section (other than a question or dispute as to the meaning or construction of this section which does not arise in the course of the arbitration) shall be referred to arbitration;

(b) In settling any question or dispute under this section the arbitrator shall have regard to any duties or obligations which the electricity undertakers may be under in respect of any apparatus and may if he thinks fit require the Corporation 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.

Saving for
town and
country
planning.

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

Crown rights.

210. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

Costs of Act.

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

The SCHEDULE referred to in the foregoing Act.

PROVISIONS AS TO CORPORATION 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 Corporation may determine.

2.—(a) Bonds may be issued at such price and at such rates of interest as the Corporation may from time to time determine:

Provided that bonds shall not be issued at a lower price 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 Corporation.

(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 revenue of the Corporation 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 office of the treasurer 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 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 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 Corporation 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 Corporation on the production thereof may cancel it and issue a new certificate in lieu thereof.

(3) If a certificate is lost or destroyed the Corporation 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.

(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.....

COUNTY BOROUGH OF IPSWICH
IPSWICH CORPORATION BONDS

.....per centum Ipswich Corporation bond repayable at par on the19..... at the.....
This is to certify that.....
of.....
is the registered holder of a Corporation bond for pounds (£.....) issued by the mayor aldermen and burgesses of the borough of Ipswich under the Ipswich Corporation Act 1948 at

The corporate seal of the }
mayor aldermen and bur- }
gesses of the borough of }
Ipswich was hereunto affixed }
in the presence of }

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 Corporation 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
IPSWICH CORPORATION BONDS

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 saidsubject to the conditions aforesaid.

As witness our hands and seals this.....day of.....
nineteen 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 Corporation.

(3) The deed of transfer shall be delivered to and retained by the Corporation and the Corporation shall enter a note thereof in a book to be called the " Register of transfers of Ipswich Corporation bonds " (hereinafter called " the register ") and shall endorse on the deed of transfer a notice of that entry.

(4) The Corporation 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 Corporation as aforesaid the Corporation 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 Corporation 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 Corporation may close the register for a period not exceeding thirty days immediately before the thirty-first day of March and the thirtieth day of September respectively in any year and notwithstanding the receipt by the Corporation during those periods of any deed of transfer the half-yearly payment of interest next falling due may be made to the persons registered as holders of 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 Corporation 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 Corporation shall issue a certificate accordingly.

(2) Until such evidence as aforesaid has been furnished to the Corporation the Corporation 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.—(1) Unless the holder of a bond otherwise requests the Corporation may pay the interest thereon by posting a warrant to the holder at his address as shown in the register.

(2) The posting by the Corporation of a letter containing an interest warrant addressed to a holder as aforesaid shall as respects the liability of the Corporation be equivalent to the delivery of the warrant to the holder himself.

11. The Corporation 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.

12. The production to the Corporation 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 Corporation as sufficient evidence of the grant.

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