



CHAPTER xxx

An Act to extend the boundary of the borough of Abingdon to empower the mayor aldermen and burgesses of the borough to acquire and use lands to provide for the extinction of common or commonable rights over Abingdon Common to make provision with regard to fishing in and in the neighbourhood of the borough to provide for the dissolution of a joint committee appointed by the council of the borough and the parish council of the parish of Saint Helen Without to make further provision for the improvement health local government and finances of the borough and for other purposes. [1st August 1951.]

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

And whereas the common lands (hereinafter referred to as "Abingdon Common") in the parish of Saint Helen Without in the rural district of Abingdon and known as Abingdon Common adjoin the borough:

And whereas it is expedient to authorise the Corporation to acquire Abingdon Common and to make provision for the extinction of the common or commonable or any other rights over the same and to confer powers upon the Corporation with regard to Abingdon Common and to make provision with regard thereto as is in this Act provided:

And whereas it is expedient to confer further powers upon the Corporation for the acquisition and use of lands and easements:

And whereas the parishes of Radley and Saint Helen Without in the said rural district of Abingdon adjoin the borough:

And whereas it is expedient to alter and extend the boundary of the borough so as to include therein parts of the said parishes:

And whereas by an indenture dated the twenty-fifth day of June eighteen hundred and ninety-five and made between John Henley Shawe Phillips of the first part Charles Alfred Pryce of the second part Thomas Franklin of the third part and the Corporation of the fourth part certain rivers waters rivulets and streams and all the waters fishings and fishery of part of the river Thames and other fishings therein mentioned were conveyed to the Corporation upon trust for the free use benefit and enjoyment of the inhabitants of Abingdon and the public generally subject to such regulations as the Corporation might from time to time make and approve:

And whereas it is expedient to make further provision for the control and improvement of the said fishings and fishery:

And whereas in the year 1861 a burial ground in Spring Road in the borough was provided by a joint board of the parishes of Saint Helen and Saint Nicholas in pursuance of the Burial Act 1852 and the Burial Act 1853:

15 & 16 Vict.
c. 85.

16 & 17 Vict.
c. 134.

56 & 57 Vict.
c. 73.

And whereas by virtue of the Local Government Act 1894 the powers and duties of the said joint board were transferred to a joint committee appointed by the council of the borough of Abingdon and the parish council of the parish of Saint Helen Without:

And whereas the said joint committee have provided a further burial ground known as Spring Gardens burial ground in the borough:

And whereas it is expedient to make provision for the dissolution of the said joint committee and for the transfer to the Corporation of the property rights powers liabilities and obligations thereof:

And whereas by divers charters and customs the Corporation are required to make certain annual payments to the vicar of the parish of Abingdon and it is expedient to empower the Corporation to redeem the said payments:

And whereas it is expedient to make further provision in relation to the health local government and improvement of the borough:

And whereas it is expedient to make further provision with regard to the finances of the borough:

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

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

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

23 & 24 Geo. 5.
c. 51.

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

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

PART I

PRELIMINARY

1.—(1) This Act may be cited as the Abingdon Corporation Act 1951.

Short and
collective
titles.

(2) The local Acts as defined in section 4 (Interpretation) of this Act and this Act may be jointly cited as the Abingdon Corporation Act and Orders 1890 to 1951.

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

Division of
Act into Parts.

Part I.—Preliminary.

Part II.—Lands common etc.

Part III.—Extension of borough.

Part IV.—Fisheries.

Part V.—Burial grounds and dissolution of joint committee.

Part VI.—Finance.

Part VII.—Miscellaneous.

Part VIII.—General.

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

Incorporation
of Lands
Clauses Acts
8 & 9 Vict.
c. 18.

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

PART I
—cont.

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

19 & 20 Geo. 5.
c. 17.

4.—(1) In this Act the several words and expressions to which meanings are assigned by section 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.

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

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

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

“The added areas” means the added parts of Radley and the added part of Saint Helen Without ;

“The added parts of Radley” and “the added part of Saint Helen Without” mean respectively the parts of the parish of Radley and the part of the parish of Saint Helen Without which are respectively included within the inner edge of the red line on the borough map and “the excluded part of Radley” and “the excluded part of Saint Helen Without” mean respectively the remaining parts of those parishes ;

“The appointed day” means the first day of April nineteen hundred and fifty-two ;

“The borough” means before the appointed day the existing borough of Abingdon and on and after the appointed day the existing borough as extended by this Act ;

“The borough map” means the map signed in triplicate by Sir Charles MacAndrew the chairman of the committee of the House of Commons to which the Bill for this Act was referred one copy of which map has been deposited in the office of the Clerk of the Parliaments House of Lords one in the Private Bill Office of the House of Commons and one with the town clerk at his office ;

“The burial grounds” means the Spring Road burial ground and the Spring Gardens burial ground in the borough or either of them ;

“The conservators” means the Conservators of the River Thames ;

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

“The corporate fisheries” means so much of the river as lies between Nuneham railway bridge and a point two hundred yards measured upstream from the junction of the Andersey backwater with the river near Culham bridge ;

- “The Corporation” means the mayor aldermen and burgesses of the borough acting by the council;
- “The council” means the council of the borough;
- “The county” means the administrative county of Berks and “the county council” means the county council of the county;
- “Daily penalty” means a penalty for each day on which an offence is continued after conviction therefor;
- “Enactment” includes this Act and any general or local Act order byelaw or regulation for the time being in force;
- “Existing” in relation to any area altered by this Act means existing immediately before the appointed day;
- “The existing parishes” means the existing parishes of Radley and Saint Helen Without in the rural district;
- “The general rate fund” means the general rate fund of the borough;
- “The joint committee” means the Abingdon and Saint Helen Without Joint Burial Committee appointed by the Corporation and the parish council of the parish of Saint Helen Without for the exercise of the powers and duties of the Burial Acts 1852 to 1906 in respect of the burial grounds;
- “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 ;
- “The local Acts” means the unrepealed provisions of the Orders specified in the schedule to this Act and so much of the confirmation Acts specified in that schedule as relates to those Orders ;
- “The Minister” means the Minister of Local Government and Planning;
- “The parish councils” means the parish councils of the existing parishes;
- “Revenues of the Corporation” includes all such funds rates contributions and other revenues receivable by the Corporation as are mentioned in section 218 of the Act of 1933;
- “The river” means the river Thames or Isis;
- “The riverside” means the strips of land sixty feet wide abutting on either side of so much of the river as lies between Culham bridge and Nuneham railway bridge;
- “The rural district” and “the rural council” mean respectively the rural district of Abingdon and the rural district council of that district;

9 & 10 Geo. 5.
c. 57.10 & 11 Geo. 6.
c. 51.

PART I
—cont.

“ The specified lands ” means the lands numbered 1 to 19 on the deposited plans ;

“ 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 ;

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

“ The town clerk ” means the town clerk of the borough ;

“ 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 and the Lands Tribunal Act 1949.

38 & 39 Vict.
c. 83.

12 13 & 14
Geo. 6. c. 42.

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

PART II

LANDS COMMON ETC.

Power to
acquire lands.

5.—(1) Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the following purposes (namely):—

(a) as regards the specified lands for the purposes of this Part of this Act ;

(b) as regards the lands numbered 20 to 25 and 29 to 35 on the deposited plans for the purpose of providing access to and right of way beside the river and for the purpose of fishing.

(2) In the exercise of the powers of this section the Corporation shall not in any manner interfere with or obstruct any public right of towing over any of the lands hereinbefore referred to.

(3) The powers of the Corporation for the compulsory purchase of land under this section shall cease after the expiration of three years from the first day of October nineteen hundred and fifty-one.

6.—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plans or in the deposited book of reference the Corporation after giving ten days' notice to the owner lessee and occupier of the land in question may apply to two justices having jurisdiction in the county or borough in which the land is situate for the correction thereof.

PART II
—cont.Correction
of errors in
deposited
plans and
book of
reference.

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

(3) Any such certificate shall be deposited with the clerk of the county council of the county in which the land is situated and a copy thereof shall be deposited with every clerk of a local authority and chairman of a parish council or parish meeting with whom a copy of the deposited plans (or of so much thereof as includes the land to which the certificate relates) has been deposited in accordance with the standing orders of the Houses of Parliament or who has the custody of any such copy so deposited and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Corporation to take the land in accordance with the certificate.

(4) Any certificate or copy deposited under this section with any person shall be kept by him with the other documents to which it relates.

7. At any time after serving a notice to treat in respect of any land that may be acquired compulsorily under this Act but not less than one month after giving the owner and occupier of the land notice of their intention to exercise the powers of this section the Corporation may enter on and take possession of the land or such part thereof as is specified in the last-mentioned notice without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845 :

Power to
expedite entry.

Provided that the Corporation shall pay the like compensation for land of which possession is taken under this section and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with.

8. Any person acting on behalf of the Corporation and duly authorised by the town clerk may at all reasonable times enter on any land that may be acquired compulsorily under this Act for the purpose of surveying or valuing the land :

Power to enter
for survey or
valuation.

Provided that no land shall be entered under this section unless the Corporation not less than twenty-four hours before the

PART II
—cont.

first entry and not less than twelve hours before any subsequent entry have given notice to the owner and occupier of the land.

Disregard of recent improvements and interests.

9. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act the tribunal shall not take into account—

(a) any improvement or alteration made or building erected after the fifth day of December nineteen hundred and fifty ; or

(b) any interest in the land created after the said date ;

which in the opinion of the tribunal was not reasonably necessary and was made erected or created with a view to obtaining or increasing the compensation or purchase money.

Power to acquire easements only.

10.—(1) (a) The Corporation may acquire such easements and rights in the lands numbered 26 27 and 28 on the deposited plans as they may require for the purpose of providing access to and right of way beside the river.

(b) In lieu of acquiring any of the lands specified in paragraph (b) of subsection (1) of section 5 (Power to acquire lands) of this Act the Corporation may acquire such easements and rights in those lands as they may require for the purpose specified in that paragraph.

(2) Accordingly the Corporation may give notice to treat in respect of any such easement or right describing the nature thereof and the provisions of the Lands Clauses Acts shall apply in relation to the acquisition of such easements and rights as if they were lands within the meaning of those Acts.

(3) Where the Corporation have acquired an easement or right only in any land under this section—

(a) they shall not be required or (except by agreement) entitled to fence off or sever that land from the adjoining land ;

(b) the owner or occupier of the land for the time being shall subject to the easement or right have the same right to use the land for grazing cattle and horses and for similar purposes as if this Act had not been passed.

Grant of easements by persons under disability.

11.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may if he thinks fit subject to the provisions of those Acts grant to the Corporation any easement or right required for the purposes of this Act in or over or affecting any such lands (not being an easement or right of water in which some person other than the grantor has an interest).

(2) The provisions of the said Acts with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesaid.

12.—(1) The council may pass a resolution to extinguish the common or commonable rights over the specified lands as from a date (in this section called “the specified date”) to be specified in their resolution such date not being less than six months after the publication of the notice referred to in subsection (2) of this section. Extinction of common rights.

(2) The Corporation shall publish notice of the passing of such resolution in a local newspaper circulating in the borough.

(3) On the specified date all common or commonable rights over the specified lands or (if the Corporation shall not have acquired or served notices to treat in respect of the whole of the specified lands) the parts thereof which shall have been acquired or in respect of which notices to treat shall have been served on the owners thereof shall be and are hereby extinguished.

(4) On the specified date the Act passed in the fourth year of the reign of Queen Victoria intituled “An Act for inclosing and improving lands in the parishes of Saint Helen and Saint Nicholas Abingdon in the county of Berks” shall be and is hereby repealed and the award made and executed under that Act shall cease to operate.

13.—(1) The Corporation shall pay or make compensation for the common or commonable rights extinguished by this Act to the persons (if any) who have lawfully exercised such rights at any time between the first day of November nineteen hundred and thirty-three and the first day of November nineteen hundred and forty-three and who shall within a period of six months after the publication of the notice referred to in the last preceding section deliver to the Corporation a claim in writing to such compensation. Compensation for rights extinguished.

(2) If the Corporation shall dispute the right of any person to compensation under subsection (1) of this section such dispute shall be settled by arbitration under the Arbitration Act 1950. 14 Geo. 6.
c. 27.

(3) The compensation to be paid or made by the Corporation under subsection (1) of this section to any person entitled to such compensation shall be settled in manner provided by the Lands Clauses Acts:

Provided that the council may by resolution passed within one month after the expiration of the period within which claims for compensation are to be delivered to them under subsection (1) of this section determine that all questions of compensation arising under this section shall be settled in accordance with subsection (4) of this section.

PART II
—cont.

(4) If the council pass the resolution referred to in subsection (3) of this section the following provisions shall have effect (namely):—

- (a) The Corporation shall within six weeks after the expiration of the period within which claims for compensation are to be delivered to them under subsection (1) of this section convene a meeting of the persons who have delivered such claims in the same manner as if the rights extinguished by this Act were commonable rights within the meaning of section 102 of the Lands Clauses Consolidation Act 1845 ;
- (b) Such meeting shall be held at a time and place determined by the mayor of the borough and shall be convened by the service personally or by post of a notice thereof upon each of the persons referred to in the last foregoing paragraph but the failure of any such person to receive a notice shall not invalidate the meeting or the business to be transacted thereat and any such business may be transacted although all of such persons are not present ;
- (c) Such meeting shall proceed to the appointment of a committee in manner provided by section 103 of the Lands Clauses Consolidation Act 1845 and in the event of such committee and the Corporation being unable to agree upon a sum of money or other compensation to represent the value of the rights extinguished by this Act of the persons entitled to compensation under this section the question shall be determined and compensation shall be paid and apportioned in accordance with the provisions of the Lands Clauses Acts which relate to the determination apportionment and payment of compensation for commonable and other rights referred to in sections 99 to 107 of the Lands Clauses Consolidation Act 1845.

Application
of provisions
relating to
commons.

14. In the application to the specified lands of sections 99 to 107 of the Lands Clauses Consolidation Act 1845 those provisions shall have effect subject to the last two foregoing sections and nothing in those last two sections shall affect the compensation to be paid to the owner of the specified lands.

Extinction of
private rights
of way.

15.—(1) All private rights of way over any land that may be acquired compulsorily under this Act shall as from the acquisition of the land whether compulsorily or by agreement be extinguished.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Corporation compensation to be determined in case of dispute under

and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

PART II
—cont.

16.—(1) In this section “agriculture” includes horticulture fruit growing seed growing dairy farming and livestock breeding and keeping the use of land as grazing land meadow land osier land market gardens and nursery grounds and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes and “agricultural” shall be construed accordingly.

Power to use
or let lands for
agricultural
purposes.

(2) The Corporation may—

(a) retain hold manage and use for agricultural purposes or may let for such purposes the whole or any part of the specified lands ; or

(b) retain hold manage and use for such purposes part of those lands and let part for such purposes.

(3) For the purposes of this section the Corporation may purchase lease erect and maintain buildings and may provide purchase hire sell let and dispose of all stock plant material apparatus appliances and things and generally do all acts and things necessary or expedient for the said purposes or incidental thereto as they shall think fit.

(4) Nothing in this Act shall entitle the Corporation to sell by retail milk or milk products obtained from the use of the specified lands by the Corporation for dairy farming.

(5) The Corporation may sell the whole or any part of the specified lands to the Minister of Agriculture and Fisheries or with the consent of that Minister to any other person.

17.—(1) The Corporation may from time to time appropriate for the purpose of any of their powers or duties including the purpose of providing public walks and recreation grounds so much of the specified lands as they may think fit not exceeding in the whole twenty-five acres or such greater quantity as may from time to time be approved by the Minister of Agriculture and Fisheries.

Power to
appropriate
etc. part of
specified
lands.

(2) On an appropriation of land under this section such adjustment shall be made in the accounts of the Corporation as the Minister may direct.

(3) The Corporation may make byelaws for the regulation of any lands appropriated under the powers of this section as a public walk or recreation ground and may by such byelaws provide for the removal from such public walk or recreation ground of any person infringing any such byelaw by any officer of the Corporation or constable.

PART II
—cont.For protection
of British
Transport
Commission.

18. Notwithstanding anything contained in this Act or shown on the deposited plans the Corporation shall not unless otherwise agreed in writing between the Corporation and the British Transport Commission (in this section referred to as "the commission") enter upon take or use under the powers of this Act any part of the lands of the commission in the rural district shown and coloured green on the plan signed for purposes of identification by Ernest William Johnston Nicholson on behalf of the Corporation and by Miles Beevor on behalf of the commission.

PART III

EXTENSION OF BOROUGH

*Alteration of boundaries*Commence-
ment of Part
III of Act.

19. Save as otherwise expressly provided and except so far as there may be anything in the subject matter or context inconsistent therewith this Part of this Act shall come into operation on the appointed day:

Provided that for the purposes of—

- (a) the preparation of the register of local government electors to be published in the year nineteen hundred and fifty-two;
- (b) any election under the Act of 1933 for any area consisting in whole or in part of any area affected by this Act held on or after the appointed day and proceedings preliminary or relating thereto and the qualification of candidates for election at any such election; and
- (c) the preparation of any precept or contribution order to be issued or made in respect of any period commencing on or after the appointed day;

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

Borough map.

20.—(1) Copies of the borough map certified by the town clerk to be true shall be sent by him as soon as may be after the passing of this Act to the clerk of the county council to the clerk of the rural council to the Board of Inland Revenue to the Commissioners of Customs and Excise to the Registrar-General to the Board of Trade to the Postmaster-General to the Ministers of Local Government and Planning Transport Agriculture and Fisheries and Fuel and Power respectively and to the Boundary Commission for England.

(2) Copies of or extracts from the borough 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 of such map so far as it relates to the boundary of any area altered by this Part of this Act.

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

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

21.—(1) The boundary of the existing borough the area Extension whereof is included within the outer edge of the black line on the of borough. borough map shall be altered so as to include the added areas.

(2) The boundary of the borough shall be that shown by the inner edge of the red line on the borough map and the whole of the area within that boundary shall be the borough of Abingdon.

22.—(1) The added areas shall be added to and form part Alteration of the parish of Abingdon. of parishes.

(2) The excluded part of Radley and the excluded part of Saint Helen Without shall respectively form the parishes of Radley and Saint Helen Without.

Councillors and other members of local authorities

23. The persons who hold office immediately before the appointed day as mayor aldermen and councillors of the existing borough shall on the appointed day become the mayor aldermen and councillors of the borough and shall respectively retire from office on the day on which they would have retired from office if this Act had not been passed. Existing mayor aldermen and councillors.

24.—(1) This section shall come into operation on the date of the passing of this Act but any scheme or Order in Council made under the provisions hereinafter mentioned as applied into wards. by this section shall not take effect until the appointed day except for the purposes of any election of councillors which may be required by such scheme or Order in Council.

(2) The council shall not later than the first day of November nineteen hundred and fifty-one or such later date as the Secretary of State may allow present a petition under and in accordance with the provisions of section 25 of the Act of 1933 praying for any of the things mentioned in paragraph (a) paragraph (d) or paragraph (e) of subsection (1) of that section.

PART III
—cont.

(3) Failing presentation by the council of a petition under subsection (2) of this section section 25 of the Act of 1933 shall have effect as if a petition praying for a division of the borough into wards and for an alteration of the number of councillors had been presented by the council to His Majesty and the requirements of subsection (1) of the said section 25 had been complied with and the petition stood referred to the Secretary of State.

(4) For the purposes of this section the provisions of this Part of this Act altering the boundaries of the borough shall be deemed to have come into operation on the date of the passing of this Act.

Qualification
for election
and office.

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

County
electoral
divisions.

26. Subject to the provisions of the Act of 1933 with respect to the alteration of electoral divisions of the county the following provisions shall have effect:—

- (1) The added parts of Radley and so much of the added part of Saint Helen Without as lies to the east of the Wootton road shall be separated from the existing Hormer electoral division of the county and shall be included in the Abingdon East electoral division of the county;
- (2) The remainder of the added part of Saint Helen Without shall be separated from the Marcham electoral division of the county and shall be included in the Abingdon West electoral division of the county;
- (3) The persons who immediately before the appointed day are the county councillors representing respectively the existing Hormer Marcham Abingdon East and Abingdon West electoral divisions of the county shall continue in office and be deemed to have been elected for the same respective divisions as altered by this Part of this Act and shall retire on the day on which they would have retired from office if this Act had not been passed.

District
councillors and
continuance
of rural
council.

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

- (a) the persons who immediately before the appointed day are the rural district councillors for the existing

parishes shall be deemed to have been elected to represent those parishes respectively as altered by this Part of this Act on the rural council and shall retire on the day on which they would have retired from office if this Act had not been passed ;

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

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

Parish councils
and parish
councillors.

(a) the persons immediately before the appointed day in office as parish councillors for the existing parishes respectively shall on the appointed day become parish councillors for those parishes respectively as altered by this Part of this Act but shall retire from office on the day on which they would have retired from office if this Act had not been passed ;

(b) the parish councils of the existing parishes shall be the parish councils of those parishes as altered by this Part of this Act.

29. Any casual vacancy which may exist on the appointed day in the office of borough councillor county councillor rural district councillor or parish councillor for the existing borough or for any electoral division or parish which by virtue of this Part of this Act is altered shall be deemed to exist in the office of councillor for the borough as extended by this Act or in the office of councillor for the altered electoral division or parish.

Casual
vacancies.

Administrative provisions

30. The rural council (except as provided by section 42 (Contribution orders precepts and arrears of rates) of this Act) and the parish councils shall cease to exercise any powers or discharge any duties in respect of any part of the added areas.

Powers of
rural and
parish councils.

31.—(1) The added areas shall be deemed to form part of the rating area of the borough.

Rating area
and valuation
lists.

(2) The valuation list of the existing borough and the portions of the valuation list of the rural district which relate to hereditaments within the added areas shall together form the valuation list of the borough as from the appointed day.

(3) The remaining portions of the valuation list of the rural district shall be the valuation list of that district as from the appointed day.

PART III
—cont.

Deduction in
ascertaining
rateable value
of certain
properties.
15 & 16 Geo. 5.
c. 90.

32. For the purposes of all valuation lists of the borough under the Rating and Valuation Act 1925 the deduction to be made under paragraph (c) of subsection (1) of section 22 of that Act from the net annual value of such rateable hereditaments within the added areas as are included in class (3) of the hereditaments specified in column (1) of Part II of the Second Schedule to that Act shall be the same as the deduction made from the net annual value of similar hereditaments in the existing borough.

Differential
rating.

33.—(1) For the purposes of this section “the local authority” means the rural council or either of the parish councils.

(2) The Minister may if he thinks fit on the application of the local authority (such application to be made in writing before the expiration of a period of two months after the passing of this Act) order that for the period or periods (not exceeding ten years) stated in the order the total amount in the pound of the general rate to be made and levied upon rateable hereditaments existing on the twenty-seventh day of November nineteen hundred and fifty situate in any part of the added areas shall be less than the total amount in the pound of the general rate to be made and levied upon hereditaments within the area of the existing borough by such sum or sums (if any) as may seem equitable to him after considering any representations which may be made to him by the Corporation.

Local land
charges
registers.
15 & 16 Geo. 5.
c. 22.

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

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

(3) Until the entries are made as aforesaid or until the expiration of two months from the appointed day whichever be the earlier day the following provisions shall have effect in respect of all land within the added areas:—

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

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

35.—(1) At a local government election for any electoral area consisting in whole or in part of any area affected by this Part of this Act held on or after the sixteenth day of March nineteen hundred and fifty-two and before the appointed day the town clerk in the case of an election for an electoral area within the borough and the electoral registration officer of the Berkshire registration area in the case of an election for an electoral area outside the borough shall make such alteration or rearrangement of the register of local government electors as may be necessary for the purposes of such election. Provisions as to register of electors.

(2) The additional expense (if any) incurred by the town clerk or the electoral registration officer as the case may be which may be solely attributable to an alteration or rearrangement of the register of local government electors under this section shall be defrayed by the Corporation.

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

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

PART III

—cont.

Acts orders etc.

Local Acts adoptive Acts byelaws etc.

38.—(1) (a) The unrepealed provisions of the local Acts and any other local Act affecting the existing borough or the Corporation thereof and in force within the existing borough immediately before the appointed day ;

(b) The provisions of any public general Act in force throughout the existing borough immediately before the appointed day by virtue of an adoption by the council or their predecessors and any order in force under such Act throughout the existing borough ;

14 Geo. 6.
c. 28.

(c) Any order made under the Shops Act 1950 and in force immediately before the appointed day in the existing borough ;

shall extend and apply to the borough and any reference therein to the existing borough or the Corporation thereof shall be deemed to refer to the borough and the Corporation.

(2) (a) The provisions of any public general Act in force in the added areas immediately before the appointed day by virtue of an adoption by the rural council or their predecessors and any order in force under such Act in the added areas ; and

(b) The provisions of any such order as is referred to in paragraph (b) or (c) of subsection (1) of this section and in force immediately before the appointed day in any part of the added areas ;

shall cease to have effect in relation to the added areas.

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

Sunday
Entertainments
Act 1932.
22 & 23 Geo. 5.
c. 51.

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

Byelaws
regulations
and scales
of charges.

40.—(1) All byelaws made by the Corporation and in force immediately before the appointed day shall apply to the borough until repealed or altered and any byelaw made by the rural council and in force immediately before the appointed day shall on that day cease to apply within the added areas.

(2) (a) All byelaws made by the county council and in force within the existing borough shall apply to the borough until repealed or altered.

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

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

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

Property liabilities etc. and debts

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

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

(2) All rates in respect of any period prior to the appointed day and not collected before the appointed day in respect of hereditaments within the added areas shall be collected and recovered as if this Act had not been passed.

Supplementary provisions

43.—(1) The powers and duties of the Abingdon court of record and the quarter sessions recorder clerk of the peace and justices of the peace for the existing borough and of the clerk to those justices shall extend to and apply throughout the borough: Jurisdiction of borough justices etc. extended.

PART III
—cont.

Provided that subject to the provisions of subsection (3) of section 40 (Byelaws regulations and scales of charges) of this Act—

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

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

(3) Where immediately before the appointed day a probation order made or having effect as if made under section 3 of the 11 & 12 Geo. 6. Criminal Justice Act 1948 is in force and the probationer is c. 58. residing in any part of the added areas the supervising court may if a petty sessional division of the county is named in the order amend the order under paragraph 2 of the First Schedule to that Act as if the probationer had changed his residence and nothing in the proviso to subsection (1) of this section shall be construed in relation to any probation order whenever made as preventing the justices of the peace for the borough as the supervising court from dealing with the probationer in pursuance of any power conferred upon them by the said Act of 1948.

High steward
and officers of
Corporation
continued.

44.—(1) The high steward of the existing borough who holds office immediately before the appointed day shall continue to be the high steward of the borough.

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

Borough
auditors.

45. The auditors of the existing borough elected or appointed under section 237 of the Act of 1933 who are in office on the appointed day shall continue in office until their successors are elected or appointed.

Parish books
and documents.

46.—(1) All public books writings and papers of either of the existing parishes relating exclusively to any part of the added areas and all documents relating exclusively to any part of the added areas and directed by law to be kept with the public books writings and papers of such parish (except any book or document

relating to the affairs of the church or to ecclesiastical charities or to a parochial non-ecclesiastical charity) and all plans papers and writings of the rural council relating exclusively to any part of the added areas shall be deposited in such custody as the Corporation may direct.

(2) Any ratepayer of any area of which either of the existing parishes forms part shall at all times have the same right of inspection and of making extracts from the public books writings papers and documents referred to in this section as he would have had if this Act had not been passed.

47. Where in consequence of any alteration of areas or Financial authorities made by this Part of this Act any adjustment of any adjustments. property income debts liabilities or expenses so far as they are affected by the alteration is required an adjustment shall be made between the councils or other authorities affected under and in accordance with section 151 of the Act of 1933 in all respects as if this Act were an order under Part VI of the Act of 1933.

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

Provided that—

(a) any action cause of action or proceeding which immediately before the appointed day is pending or existing by or against any such authority in relation exclusively to any part of the added areas may be continued prosecuted and enforced by or against the Corporation; and

(b) all contracts deeds bonds agreements and other instruments or any licence permission or exemption (subsisting immediately before the appointed day) entered into or made by any such authority (or their predecessors) in relation exclusively to any part of the added areas shall continue in force as fully and effectually as if instead of such authority (or their predecessors) the Corporation had been a party thereto.

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

PART III
—cont.

Saving for
qualification of
councillors.

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

Other saving
provisions.

50. Nothing in this Part of this Act shall—

- (a) be construed as restricting any power under the Act of 1929 or the Act of 1933 of altering any of the areas or the constitution of any authority or committee ;
- (b) alter the area of any constituency ;
- (c) alter the area of any ecclesiastical parish or prejudice vary or affect any power right interest or jurisdiction in over or in connection with any charitable endowment ;
- (d) (save as in this Act expressly provided) affect the provisions of the Rating and Valuation Acts 1925 to 1940 or Parts III IV and V of the Local Government Act 1948 ; or
- (e) affect land tax.

11 & 12 Geo. 6.
c. 26.

As to supply
of water.

51. Nothing in this Part of this Act shall alter the area within which the Corporation may supply water or shall prejudice or affect the existing rights and powers of the mayor aldermen and citizens of Oxford to supply water in the added areas or any part thereof.

PART IV

FISHERIES

Fishing
permits.

52.—(1) In this section the expression “local resident” means any person who—

- (a) for the time being is registered in the local government register of electors as a resident of premises situate within three miles of the guildhall in the borough ; or
- (b) satisfies the Corporation or an authorised officer of the Corporation that for a period of not less than three months immediately preceding the making by him of an application for a fishing permit under this section he has been resident within three miles of the said guildhall.

(2) No person shall fish or attempt to fish in or from the corporate fisheries without a permit (in this Part of this Act referred to as a “fishing permit”) from the Corporation authorising him so to do.

(3) No fee shall be charged for the grant or renewal of a fishing permit to a local resident.

(4) Any person (other than a local resident) making an application under this section for the grant or renewal of a fishing permit shall when making the same pay to the Corporation such fee as the Corporation may fix:

Provided that the Corporation may fix different fees in respect of different periods not exceeding one shilling in respect of an application for a permit for one day or twenty shillings in respect of an application for the grant or renewal of a permit for a period exceeding one day and not exceeding one year.

(5) The Corporation shall as soon as reasonably practicable after the receipt of an application under this section and (except in the case of an application by a local resident) of the appropriate fee grant or renew a fishing permit to the applicant for such period not exceeding one year as may be specified in the application and may attach such conditions as they may think fit:

Provided that the Corporation may—

(a) refuse to grant or renew a fishing permit to any person other than a local resident on the ground that if such permit were granted or renewed the number of fishing permits would be excessive having regard to the size of the corporate fisheries; or

(b) refuse to grant or renew a permit to any person or at any time revoke a permit granted to any person if such person has contravened any condition attached to a fishing permit or has been convicted of an offence against any byelaw made under this Part of this Act.

(6) (a) The Corporation shall not—

(i) refuse to grant or renew a fishing permit for a period exceeding one month; or

(ii) revoke a fishing permit granted for such period;

unless they shall have given to the person applying for such permit or renewal or holding the permit proposed to be revoked not less than seven days' previous notice that objections have been or will be taken to such grant or renewal or that a revocation is proposed and if within seven days after the receipt of such notice the applicant or holder requires to be heard the grant or renewal shall not be refused or the permit revoked unless the Corporation have afforded him an opportunity of being heard before a committee of the council against the refusal or revocation.

(b) Any notice served under this subsection shall state the objections to the grant or renewal or the grounds on which the revocation is proposed and shall notify the aforesaid opportunity of being heard.

PART IV
—cont.

(7) Every person who fishes or attempts to fish in or from the corporate fisheries without a fishing permit or obtains or attempts to obtain a fishing permit by wilful misrepresentation shall be liable to a penalty not exceeding forty shillings.

Byelaws as to
fisheries etc.

53.—(1) The Corporation may make byelaws with respect to—

- (a) the corporate fisheries Abbey Stream Mill Stream and the part of the river Ock of which the Corporation are for the time being riparian owners ;
- (b) those parts of the riverside which are owned by or are under the control of the Corporation or to which the public have access ; and
- (c) any land for the time being belonging to the Corporation within the borough which is in the neighbourhood of any of the said rivers and streams ;

for all or any of the following purposes (that is to say):—

- (i) for prescribing the parts of the riverside over which holders of fishing permits and the public generally may respectively pass and repass ;
- (ii) for preventing injury to or disfigurement of the riverside or other land or the trees fences and bridges and for preventing interference with cattle and generally for the prevention or restraint of any act or thing tending to the injury or disfigurement of the riverside or other land or tending to interfere with the use thereof by the holders of fishing permits or the public ;
- (iii) generally for the enforcement of the provisions of this Part of this Act :

Provided as follows:—

- (a) No byelaw made under this section shall affect any public right of towing ;
- (b) If and so far as a byelaw made under this section is inconsistent with a byelaw made by the conservators the latter shall prevail.

(2) The Corporation shall not less than one month before making any byelaws under this section furnish the conservators with a draft of the proposed byelaws and shall on submitting the byelaws to the confirming authority for confirmation furnish the confirming authority with a copy of any representation made to the Corporation in writing by the conservators and a statement showing the effect if any given to such representation.

Powers of
Corporation.

54.—(1) The Corporation may do all such acts and things as may be necessary or desirable for the maintenance and improvement of the corporate fisheries and for those purposes they may (if they think fit)—

- (a) maintain improve and cleanse the corporate fisheries and the banks and bed thereof ;

- (b) restock the corporate fisheries with fish ;
- (c) maintain and improve the riverside and provide and maintain footbridges over the streams backwaters and ditches crossing the same ;
- (d) provide and maintain mooring places for boats used by the holders of fishing permits ;
- (e) provide and maintain or contribute to the provision and maintenance of facilities for ferrying holders of fishing permits across the river and make reasonable charges for the use of such facilities.

(2) The powers conferred by this section in so far as they affect the banks or bed of the river or any stream or backwater under the jurisdiction or control of the conservators and the provision or maintenance of facilities for ferrying holders of fishing permits across the river shall not be exercised by the Corporation without the previous consent in writing of the conservators but the consent of the conservators to the provision or maintenance of any such facilities shall not be unreasonably withheld and any question as to whether or not any consent for that purpose is unreasonably withheld shall be determined by the Minister of Transport.

55.—(1) The Corporation may appoint water keepers for securing the observance of the provisions of this Part of this Act and of the byelaws made thereunder. Appointment
of water
keepers.

(2) Any person fishing or attempting to fish in or from the corporate fisheries shall on being so requested by any such water keeper (who shall produce if so required some duly authenticated document showing his authority) produce his fishing permit or give his name and address.

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

56. The Corporation may enter into and carry into effect agreements with any association or group of associations representing fishermen for and in connection with— Agreements
with
associations
of fishermen.

- (1) the issue or renewal (but not the refusal or revocation) of fishing permits by such association or group of associations ;
 - (2) the compounding of fees payable for permits by members of such association or group of associations ;
 - (3) the exercise by such association or group of associations on behalf of the Corporation of any of the powers of section 54 (Powers of Corporation) and subsection (1) of section 55 (Appointment of water keepers) of this Act ;
- upon such terms and conditions as may be specified in such agreements or otherwise approved by the Corporation.

PART V

BURIAL GROUNDS AND DISSOLUTION OF JOINT COMMITTEE

Dissolution
of joint
committee and
transfer of
property etc. to
Corporation.

57.—(1) On the appointed day the joint committee shall by virtue of this Act be dissolved and cease to exist.

(2) The burial grounds and all other property and rights and powers which immediately before the appointed day belonged to or were vested in the joint committee or any person in trust for them or on their behalf shall as from the appointed day by virtue of this Act and subject to the provisions thereof be transferred to and vest in the Corporation.

(3) All liabilities and obligations which immediately before the appointed day were binding upon the joint committee shall as from the appointed day by virtue of this Act and subject to the provisions thereof be transferred to and become binding upon the Corporation.

(4) On or before the appointed day all minute books accounts and other documents of or relating to the joint committee or relating to the burial grounds shall be delivered to the Corporation.

Actions not
to abate.

58. If at the appointed day any action arbitration or proceeding or any cause of action arbitration or proceeding is pending or existing against or in favour of the joint committee in relation to any property right privilege debt liability or obligation the same shall not abate or be discontinued or in anywise be prejudicially affected by reason of the dissolution of the joint committee but the same may be continued prosecuted and enforced by against or in favour of the Corporation as and when it might have been continued prosecuted and enforced by against or in favour of the joint committee if this Act had not been passed.

Contracts
with joint
committee to
be binding on
Corporation.

59. Except as in this Act otherwise expressly provided all agreements conveyances contracts deeds and other instruments entered into or made with or by the joint committee and in force at the appointed day shall be as binding and of as full force and effect in every respect against or in favour of the Corporation and may be enforced as fully and effectually as if instead of the joint committee the Corporation had been a party thereto.

Books etc. to
remain
evidence.

60. All books and documents which if the dissolution of the joint committee had not taken place would have been evidence in respect of any matter for or against the joint committee shall be admitted in evidence in respect of the same or the like matter for or against the Corporation.

Corporation to
be burial board.

61.—(1) As from the appointed day the Corporation shall be the burial board for the borough and the Corporation shall have within the borough to the exclusion of any other burial

authority all powers duties and liabilities of a burial board under the Burial Acts 1852 to 1906:

PART V
—cont.

Provided that no approval sanction or authorisation of the vestry of any parish in the borough shall be required in respect of any act of the Corporation as the burial board.

(2) The Corporation may by byelaw repeal any byelaws regulations tables of fees or payments and scales of charges in force with respect to the burial grounds immediately before the appointed day but until and except to the extent that they are so repealed all such byelaws regulations tables of fees or payments and scales of charges shall continue in force throughout the borough as if the same had been made by the Corporation:

Provided that this subsection shall not apply to any table of fees approved by the Secretary of State under section 3 of the Burial Act 1900. 63 & 64 Vict.
c. 15.

62. Notwithstanding anything contained in this Act the inhabitants of the parish of Saint Helen Without shall— Rights of
inhabitants of
Saint Helen
Without.

- (1) for a period of ten years after the appointed day be entitled to use the burial grounds at the same fees and charges and under the same regulations as for the time being are applicable to the inhabitants of the borough;
- (2) after the said period be entitled to use the burial grounds at such fees and charges as the Corporation may prescribe for such inhabitants.

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

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

- (a) the said sum shall subject to the next following paragraph and any other enactment authorising its application in some other manner be invested in statutory securities;
- (b) if and in so far as the cost of maintaining the grave or tombstone in accordance with the agreement exceeds in any year the interest received on the said sum the cost shall be defrayed out of the capital of the said sum;

PART V
—cont.

- (c) at the expiration of the period fixed by the agreement for the maintenance of the grave or tombstone the Corporation may apply the capital of the said sum or so much thereof as has not been expended under the last foregoing paragraph in any manner in which capital money may properly be applied by them under any enactment ;
- (d) the amount of the capital of the said sum and the interest thereon shall be shown separately in the accounts of the Corporation relating to the burial grounds or cemetery.
- (2) In this section—
the expression “cemetery” includes a crematorium ;
the expression “grave” includes a grave space niche or urn ;
the expression “tombstone” includes a monument or other memorial of a deceased person.

PART VI

FINANCE

Power to
borrow.

65.—(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 repay 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 :—

Purpose	Amount	Period for repayment
(a) The purchase of lands and easements including the payment of any compensation payable by the Corporation under Part II of this Act.	The sum requisite.	Sixty years from the date or dates of borrowing.
(b) The payment of the cost of redeeming the annual payments to the vicar of Abingdon under section 74 (Redemption of payments to vicar of Abingdon) of this Act.	The sum requisite.	Forty years from the date or dates of borrowing.
(c) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

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

66. It shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act) otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945 or of any order for the time being in force 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.

67.—(1) The Corporation may (if they think fit) establish a fund (to be called “the renewal and repairs fund”) for the purpose of defraying the expenditure to be incurred from time to time in repairing maintaining and renewing any buildings works plant tools machinery appliances vehicles boilers and equipment and apparatus in connection therewith office machinery furniture fittings and appliances or things and may from time to time apply the moneys of the fund in defraying such expenditure but this section shall not apply to expenditure in connection with any buildings works plant appliances or things for the purposes of any undertaking of the Corporation from which revenue is derived or to any building in respect of which they are required by the Acts relating to housing to keep a housing repairs account.

Renewal and repairs fund.

(2) The Corporation may from time to time pay into the renewal and repairs fund such sums as they think fit from the revenue of the general rate fund (including a sum equal to the interest earned on the renewal and repairs fund and any income arising from the application of that fund to the purposes authorised) but the maximum amount standing to the credit of the renewal and repairs fund shall not except with the approval of the Minister at any time exceed ten thousand pounds.

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

(b) Any income arising from the investment of the moneys in the renewal and repairs fund in the manner provided by this subsection and any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund.

68. 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

Recovery of rates from persons removing.

PART VI
—cont.

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 by departing from the said premises the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the person named therein forthwith to enter the premises and to seize sufficient goods and chattels of the person in default to meet the claim and to detain them until the complaint is determined upon the return of the summons.

PART VII

MISCELLANEOUS

Prohibition
of building
until street
formed and
sewered.

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

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

(2) Any such notice shall be given to the person by whom or on whose behalf the plan and sections were deposited and the prohibition imposed thereby shall be binding on successive owners of the land to which it relates.

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

16 & 17 Geo. 5.
c. 11. Provided that this subsection shall have effect subject to the provisions of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 with respect to the avoidance of any such notice for want of registration as a local land charge.

55 & 56 Vict.
c. 57. (4) The execution of any works under the provisions of this section shall not relieve any person from any liability under the Private Street Works Act 1892 or any local Act relating to private street works for the time being in force in the borough.

Adjustment of
boundaries
of streets.

70.—(1) Subject to the provisions of this section the Corporation may enter into and carry into effect agreements with persons having a legal interest in land adjoining any street in the borough not being a trunk road for the adjustment of the boundary of the street.

(2) For the purposes of this section the Corporation—

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

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

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

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

(5) Where the street is a county road (whether the Corporation have claimed to exercise the functions of maintenance and repair of the street or not) no such agreement shall be entered into except with the consent of the county council.

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

(7) Where pursuant to this section the Corporation enter into an agreement with a person having a legal interest in land adjoining any street for the conveyance to that person of the site of any part of the street and immediately before the date on which the site ceases to be part of the street there was under in upon over along or across such site any telegraphic line belonging to or used by the Postmaster-General the Postmaster-General shall continue to have the same powers in respect of that line as if such site had remained part of the street:

Provided that if any person in whom such site is vested desires that such telegraphic line should be altered paragraphs (1) to (8) of section 7 of the Telegraph Act 1878 shall apply to the alteration and accordingly shall have effect subject to any necessary modifications as if references therein to undertakers included references to the said person desiring the alteration. 41 & 42 Vict. c. 76.

(8) As between the Corporation and the Postmaster-General nothing in the foregoing subsection shall affect the operation of Part II of the Public Utilities Street Works Act 1950 or the rights of the Postmaster-General and the Corporation thereunder. 14 Geo. 6. c. 39.

(9) In this section—

(a) the expression “ratepayers” has the same meaning as in the Rating and Valuation Act 1925; and

PART VII
—cont.

(b) the expressions “alter” and “telegraphic line” have the same meanings as in the Telegraph Act 1878.

Means of
access to
buildings.

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

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

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

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

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

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

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

Provided that this subsection shall have effect subject to the provisions of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926 with respect to the avoidance of any such notice for want of registration as a local land charge.

Byelaws as to
pleasure fairs.

72.—(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 any pleasure fair;

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

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

- (a) which is for the time being used wholly or mainly for providing (whether or not in combination with any other entertainment) any entertainment to which this section applies; and
- (b) for admission to which or for the use of the contrivances in which a charge is made.

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

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

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

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

(5) The Corporation shall—

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

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

PART VII

—cont.

Restriction
on mooring
house-boats.

73.—(1) In this section the expression “house-boat” includes any ship lighter keel barge launch boat or craft however navigated which is not for the time being registered as a launch by the conservators decked or otherwise structurally covered in and which is or is capable of being used as a place of habitation (whether by day and night or the one or the other) or as a place for accommodating or receiving persons for the purpose of shelter recreation entertainment or refreshment or as club premises or as offices or as a kitchen pantry or store place.

(2) No house-boat shall be moored to or alongside or near the bank on the northerly side of so much of the river as lies between the mouth of the river Ock adjoining Saint Helen’s wharf and Abingdon bridge at its junction with Bridge Street.

(3) If any person contravenes the provisions of this section he shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

Redemption
of payments
to vicar of
Abingdon.

74.—(1) In this section “the annual payments” means and includes—

- (a) the payment of five shillings which the Corporation are required by the charter granted by King Philip and Queen Mary to pay yearly to the vicar of the parish church of Abingdon ;
- (b) the sum of six shilling and eightpence which the Corporation pay annually to the vicar of Abingdon ; and
- (c) the full and entire sum of twenty pounds which the Corporation are commanded by charter granted by King James II to pay yearly to the vicar of the parish church of the borough.

(2) The council with the consent of the parochial church council of Saint Helen Abingdon may at any time by resolution determine to redeem the annual payments on a date to be specified in such resolution which date is in this section referred to as “the date of redemption”.

(3) On or before the date of redemption the Corporation shall transfer to the said parochial church council or their nominee government stock or such other stock as may be agreed upon between the Corporation and the said parochial church council of such amount that the gross annual dividend on such stock will equal the annual payments:

Provided that if any dispute shall arise as to the nature or amount of stock to be transferred under this subsection the same shall be determined by an arbitrator to be appointed (in default of agreement) on the application of either party by the President of the Law Society.

(4) Notwithstanding anything contained in any charter and notwithstanding any custom or any obligation of the Corporation howsoever arising the annual payments shall cease and determine on the date of redemption.

75. For the protection of the Southern Electricity Board and the Southern Gas Board (each of whom is in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the Corporation and the board apply and have effect:—

For protection
of electricity
and gas boards.

(1) In this section "apparatus" means—

(a) as regards the Southern Electricity Board all or any electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to that board; and

45 & 46 Vict.
c. 56.

(b) as regards the Southern Gas Board mains pipes and other works and apparatus belonging to that board:

(2) Nothing in section 69 (Prohibition of building until street formed and sewered) of this Act shall prevent the board from beginning to erect or proceeding with the erection of a building (not being a house office or showroom) for the purposes of their undertaking abutting on any new street before such new street is constructed or sewered in accordance with street byelaws:

(3) Notwithstanding any agreement entered into under section 70 (Adjustment of boundaries of streets) of this Act the board shall continue to have the same powers and rights in respect of any apparatus which shall remain 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 and if by reason or in consequence of any such agreement the board deem it necessary to alter the position of any apparatus they shall be at liberty so to do and the expenses incurred by them in so doing shall be paid to them by the Corporation:

(4) The Corporation shall so exercise the powers of section 71 (Means of access to buildings) of this Act as not to cause any damage to or to obstruct or so far as practicable render less convenient the access to any apparatus:

(5) (a) Any difference which may arise between the Corporation and the board under this section (other than a difference as to the meaning or construction of this section which does not arise in the course of the arbitration) shall be referred to arbitration;

PART VII
—cont.

(b) In settling any difference under this section the arbitrator shall have regard to any duties or obligations which the board 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.

PART VIII

GENERAL

Confirming
authority
for byelaws.

76. As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Secretary of State except that in the case of byelaws made under section 61 (Corporation to be burial board) of this Act the confirming authority shall be the Minister.

Restriction
on right to
prosecute.

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

Appeals.

78.—(1) Section 300 of the Act of 1936 shall apply with respect to appeals to a court of summary jurisdiction under any enactment in this Act as it applies with respect to such appeals under any enactment in that Act and sections 301 and 302 of that Act shall apply accordingly.

(2) Where any requirement refusal or other decision of the Corporation against which a right of appeal is conferred by this Act involves the execution of any work or the taking of any action then until the time for appealing has expired or when an appeal is lodged until the appeal is disposed of or withdrawn or fails for want of prosecution no proceedings shall be taken in respect of any failure to execute the work or take the action nor shall the Corporation themselves execute the work or take the action.

Apportionment
of expenses
in case of
joint owners.

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

In executing
works for
owner
Corporation
liable for
negligence
only.

80. 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 shall not as between

themselves and such owner occupier or other person in the absence of any negligence on their part or the part of any of their officers or 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 be recoverable accordingly.

81. Where any damages expenses or charges are directed or authorised to be paid or recovered in addition to any penalty for any offence in this Act mentioned the amount of such damages expenses or charges in case of dispute respecting the same may be settled and determined by the court before whom any offender is convicted.

Damages and charges to be settled by court.

82. 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 Act 1950 shall apply to any such arbitration.

Application of Arbitration Act.

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

Application of provisions of Act of 1936.

- Section 271 (Interpretation of “provide”);
- Section 275 (Power of local authority to execute certain work on behalf of owners or occupiers);
- 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);

PART VIII
—CONT.

- 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 277 287 289 291 292 294 295 and 329 shall only apply to the provisions contained in the following sections of this Act (namely):—

- Section 69 (Prohibition of building until street formed and sewered);
- Section 70 (Adjustment of boundaries of streets);
- Section 71 (Means of access to buildings).

Saving for conservators.

20 & 21 Geo. 5.
c. 44.
22 & 23 Geo. 5.
c. xxxvii.
14 Geo. 6.
c. 1.

84.—(1) Nothing in or done under the Parts or section of this Act mentioned in subsection (2) of this section shall affect any right power authority jurisdiction or privilege of the conservators under the Land Drainage Act 1930 or the Thames Conservancy Acts 1932 and 1950.

(2) The Parts and section of this Act referred to in this section are—

- Part II (Lands common etc.);
- Part IV (Fisheries);
- Section 73 (Restriction on mooring house-boats).

Saving for town and country planning.

85. 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.

86. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.

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

PART VIII

—cont.

Costs of Act.

THE SCHEDULE

Session and chapter	Short title	Order relating to Abingdon thereby confirmed
38 & 39 Vict. c. clxxvi.	Local Government Board's Provisional Orders Confirmation (Abingdon &c.) Act 1875.	The Order dated 11th June 1875.
38 & 39 Vict. c. ccxi.	Local Government Board's Provisional Orders Confirmation (Abingdon Barnsley &c.) Act 1875.	The Order dated 12th June 1875.
41 Vict. c. xxxvii.	Local Government Board's Provisional Orders Confirmation (Abingdon &c.) Act 1878.	The Order dated 21st March 1878.
43 & 44 Vict. c. xxxvi.	Local Government Board's Provisional Orders Confirmation (Abingdon &c.) Act 1880.	The Order dated 1st May 1880.
53 & 54 Vict. c. clxxviii.	Local Government Board's Provisional Orders Confirmation (No. 9) Act 1890.	The Borough of Abingdon Order 1890.

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