CHAPTER lxxxiv.

An Act to authorise the transfer to the Corporation of the City of London of moneys forming part of the trophy tax to confer further powers on the Corporation in reference to Bunhill Fields Burial Ground and in reference to the working of the tramway of the Corporation authorised by the Foreign Cattle Market Deptford Act 1898 to confer further powers on the Corporation with respect to the control of streets and structures in streets and buildings and in reference to repair of streets to enable the Corporation to enter into agreements with the Stepney Borough Council in reference to the special rate leviable in the city under the Great Tower Hill Act 1869 to make further provisions for the health and good government of the city to empower the Corporation to borrow money and for other purposes. A.D. 1911.

[18th August 1911.]

WHEREAS by an Act passed in the thirteenth and fourteenth years of the reign of His late Majesty King Charles II. intituled "An Act for ordering the forces in the several Counties of this Kingdom" and by an Act passed in the first year of the reign of His late Majesty King George IV. Chapter 100 intituled "An Act for amending and reducing into one Act of Parliament "two several Acts passed in the thirty-sixth and thirty-ninth years "of the reign of His late Majesty King George III. for the "better ordering and further regulating of the Militia of the "City of London" His Majesty's Lieutenants for the city of London were authorised to raise and to continue to raise and levy in every year in and for the city of London a certain tax called and hereinafter referred to as the "trophy tax" and also certain other expenses in relation to the militia:

A.D. 1911.

And whereas by section 16 of the City of London (Union of Parishes) Act 1907 it was enacted that His Majesty's Lieutenants for the city of London in lieu of issuing precepts as theretofore should issue precepts to the mayor aldermen and commons of the city of London in common council assembled (hereinafter in this Act called "the common council") requiring them from time to time to raise the trophy tax and that the common council should raise the same as part of the general rate:

And whereas at the date of the passing of the last-mentioned Act there were in the hands of the deputies or officers of the several wards or precincts of the city of London certain sums of money representing portions of the trophy tax raised by them previous to the passing of that Act which moneys still remain in their hands and it is expedient that those moneys should be paid over to the mayor and commonalty and citizens of the city of London (hereinafter in this Act called "the Corporation") to be applied by them in accordance with the provisions hereinafter in this Act contained:

And whereas by an Act passed in the 30th and 31st years of the reign of Her late Majesty Queen Victoria chapter 38 intituled "An Act for the preservation of Bunhill Fields Burial "Ground in the County of Middlesex as an open space and other "purposes relating thereto" provision was made for the preservation of the Bunhill Fields Burial Ground as an open space in the hands of and to be managed by the Corporation and their successors and since the passing of that Act such burial ground has been preserved as an open space and is managed by the Corporation and it is expedient that further powers should be given to the Corporation with reference to the management of such burial ground:

And whereas by the Metropolitan Commons (Mitcham) Supplemental Act 1891 a scheme for the management of Mitcham Common Upper Green Lower Green Figgs Marsh and Beddington Corner in the parishes of Mitcham Beddington and Wallington in the county of Surrey (hereinafter and in the said scheme called "the commons") under the Metropolitan Commons Act 1866 and the Metropolitan Commons Amendment Act 1869 was confirmed and under that scheme it was directed that certain conservators should be appointed by certain persons and bodies and that other conservators should be elected as in the said scheme mentioned in whom were vested the management of the commons:

And whereas it is expedient that the Corporation should be authorised to appoint an additional conservator of the commons to act in the management thereof under the said scheme:

And whereas by an Act passed in the thirty-seventh year of the reign of His late Majesty King George III. cap. 87 (hereinafter called "the Great Tower Hill Act 1797") intituled "An Act for paving lighting watching cleansing watering "improving and keeping in repair Great Tower Hill and for "removing and preventing nuisances and annoyances within "the same" a body of trustees was constituted for the purpose of laying out paving and maintaining and lighting Great Tower Hill partly in the county of Middlesex and partly in the city of London and power was conferred on such trustees of levying a special rate on the owners and occupiers of houses and premises abutting on Great Tower Hill:

And whereas the premises liable to such rate included certain premises formerly in the parishes of Allhallows Barking and Saint Olave Hart Street in the city of London:

And whereas such rate was duly levied in respect of premises within such parishes:

And whereas by the Great Tower Hill Act 1869 it was enacted that in order to defray the expenses of the board of works for the Whitechapel district (hereinafter called "the Whitechapel District Board") incurred by them under the Metropolis Management Act 1855 in relation to Great Tower Hill they should from time to time by order under their seal require the overseers of the several parishes in which the houses and premises rateable under the Great Tower Hill Act 1797 are situate to levy and pay the sums which they were required to pay and that those overseers should obey such order:

And whereas since the passing of the last-mentioned Act the overseers for the parishes of Allhallows Barking and Saint Olave Hart Street aforesaid have duly levied and paid the sums required to be paid by them in pursuance of the last-mentioned Act:

And whereas by the London Government Act 1899 the powers of the Whitechapel District Board were transferred to the council of the metropolitan borough of Stepney (hereinafter called "the Stepney Borough Council") and such rate has continued to be paid to such council up to the thirty-first day of March one thousand nine hundred and seven:

A.D. 1911.

And whereas by the City of London (Union of Parishes) Act 1907 the various parishes of the city of London including the parishes of Allhallows Barking and Saint Olave Hart Street were united into one parish called the parish of the city of London and the powers of the overseers of such parishes were transferred to the common council:

And whereas doubts having arisen in consequence of the passing of the London Government Act 1899 as to the liability of the said parishes within the city of London to the special rate as aforesaid and in consequence of such doubts and the difficulties of recovering such special rate the same has not been levied by the overseers of such parishes or by the common council since the year one thousand nine hundred and eight:

And whereas by the Borough of Stepney (Tower of London) Scheme 1901 made in pursuance of the London Government Act 1899 the Corporation were empowered to agree with the Stepney Borough Council for the payment to them by the Corporation of a capital sum or terminable annuity in lieu of the special rate leviable within the city of London but no provision was made by such scheme for the purpose of enabling the Corporation to recoup themselves in respect of any money so paid to the Stepney Borough Council:

And whereas it is expedient that the Corporation should be enabled to agree with the Stepney Borough Council for the payment to them of an annual sum or principal sum by way of commutation of such special rate and to charge such expenses as part of the expenses payable out of the general rate of the city of London:

And whereas it is expedient that further powers be granted to the Corporation for the improvement of the health and for the better government of the city of London and that the former Acts relating to the said city be in divers particulars altered and amended and the powers thereof extended as in this Act provided:

And whereas it is expedient that further powers be granted to the Corporation for the borrowing of money for the purposes authorised by this Act or some of them:

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

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:— A.D. 1911.

Part I.

Preliminary.

1. This Act may be cited as the City of London (Various Powers) Act 1911. Short title.

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

Part I.—Preliminary.
Part II.—As to Trophy Tax.
Part III.—Bunhill Fields Burial Ground.
Part IV.—Mitcham &c. Commons.
Part V.—As to Deptford Tramway.
Part VI.—Amendment of Municipal Elections Amendment Act 1867.
Part VII.—Police and Street Trading.
Part VIII.—Streets and Buildings.
Part IX.—Public Health.
Part X.—As to Special Rate under Great Tower Hill Act 1869.
Part XI.—Miscellaneous and Finance.

3. In this Act the following expressions shall have the following meanings:— Definitions.

"The Corporation" means the mayor and commonalty and citizens of the city of London acting by the mayor aldermen and commons of that city in common council assembled;

"The common council" means the mayor aldermen and commons of the city of London in common council assembled;

"The commissioner of police" means the commissioner of the police force of the city of London and the liberties thereof;

"The Stepney Borough Council" means the council of the metropolitan borough of Stepney;

"Street" shall have the same meaning as in the City of London Sewers Act 1848;

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"The City of London Police Act 1839" means an Act passed in the second and third years of the reign of Her late Majesty Queen Victoria chapter 94 intituled "An Act for regulating the Police in the City of London."

Act to be executed by common council.

4. Subject to the provisions of this Act this Act shall be carried into execution by the Corporation acting by the common council and the common council may delegate to any committee or committees of the Corporation all or any of the powers conferred on the common council by this Act.

PART II.

AS TO TROPHY TAX.

Payment to Corporation of moneys in hands of deputies &c. representing trophy tax.

5. From and after the passing of this Act the deputies or officers of the several wards or precincts of the city of London and any other persons in whose hands such moneys shall remain may pay over to the Corporation all moneys in their hands being part of the trophy tax or otherwise collected by them for the purpose of defraying the charges incidental to the expenses of the militia under the said Act of 1 Geo. IV. cap. 100 previous to the passing of the City of London (Union of Parishes) Act 1907 and the receipt of the Corporation shall be a good and sufficient discharge in respect thereof and all such moneys shall be expended by the Corporation in defraying any expenses payable out of the general rate.

PART III.

BUNHILL FIELDS BURIAL GROUND.

As to Bunhill Fields Burial Ground.

6.—(1) The powers of the Corporation of making and enforcing byelaws and recovery of penalties under section 15 of the Open Spaces Act 1906 shall extend in all respects to the Bunhill Fields Burial Ground as if such burial ground were an open space or burial ground referred to in such section.

(2) For the purposes of enactments empowering the police the burial ground shall be deemed a place of public resort and any keeper or other officer of the Corporation appointed to keep order in the said burial ground shall have all such powers and privileges and be subject to such duties in relation to public safety and the preservation of order and protection of property in the said burial ground as any police constable has and is liable to within the police district in which the burial ground

is situate Provided that no such officer shall act as a police constable until he has been sworn in as a constable and unless he be in uniform or if in plain clothes be provided with a warrant. A.D. 1911.

(3) In this section the expression "burial ground" shall have the same meaning as "the burial ground" referred to in the said Act of 30 and 31 Vict. cap. 38 recited in the preamble of this Act.

PART IV.

MITCHAM &C. COMMONS.

Power to appoint conservator of Mitcham &c. Commons.

7.—(1) It shall be lawful for the Corporation at any time after the first day of October one thousand nine hundred and eleven to appoint an additional conservator of the commons known as Mitcham Common Upper Green Lower Green Figgs Marsh and Beddington Corner to act in the management of the commons under the scheme confirmed by the Metropolitan Commons (Mitcham) Supplemental Act 1891 and the number of conservators under such scheme shall be deemed to be increased accordingly.

(2) Any conservator appointed by the Corporation shall be deemed an appointed conservator within the meaning of the said scheme and shall have and may exercise all the powers and authorities conferred on appointed conservators by such scheme and the provisions of the said scheme with reference to the appointment and filling up vacancies of appointed conservators or otherwise in reference to appointed conservators shall apply to any conservator to be appointed by the Corporation and to the Corporation as if they had been originally authorised to appoint conservators by the said scheme.

PART V.

AS TO DEPTFORD TRAMWAY.

Power to work Deptford Tramway by electricity &c.

8.—(1) Notwithstanding anything in the Tramways Act 1870 and the Foreign Cattle Market Deptford Act 1898 the tramway authorised by section 12 (Power to make tramway) of such last-mentioned Act (hereinafter in this Act referred to as "the tramway") may be worked by steam or electrical power and the expression "mechanical power" in subsections (3) (4) and (5) of section 14 (As to working of tramway) of the Foreign Cattle

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Market Deptford Act 1898 shall be read and have effect as if such expression included steam or electric power.

(2) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade.

Special provisions as to use of electrical power,

9. The following provisions shall apply to the use of electrical power under this Act unless such power is entirely contained in and carried along with the carriages:—

(1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance:

(2) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to injuriously interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus:

(3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return:

(4) The Corporation shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the

currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking:

(5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintenance and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents:

(6) If any difference arises between the Corporation and any other party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be:

(7) The expression "Corporation" in this section shall include licencees and any person owning working or running carriages over the tramway.

Alteration of telegraph lines of Postmaster-General.

10. Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

For protection of Post Office telegraph lines.

11. In the event of the tramway being worked by electrical power the following provisions shall have effect:—

(1) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by the Postmaster-General and the currents

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in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. Any difference which arises between the Postmaster-General and the Corporation as to compliance with this subsection shall be determined by arbitration:

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of their undertaking the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:

(3) Before any electric line is laid down or any act or work for working the tramway by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work. Any difference which arises between the Postmaster-General and the Corporation as to any requirements so made shall be determined by arbitration:

(4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Corporation is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Corporation's works or to the working of the tramway the engineer-in-chief of the Post Office or any person appointed in writing by

him may at all times when electrical energy is being generated by the Corporation enter any of the Corporation's works for the purpose of inspecting the Corporation's plant and the working of the same and the Corporation shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Corporation pursuant to the Board of Trade regulations:

(5) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues:

(6) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice:

(7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work:

(8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act:

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(9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882:

(10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act:

(11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid:

(12) In this section the expression "the Corporation" includes their lessees and any person owning working or running carriages on the tramway.

Use of tramway posts by Postmaster-General.

12.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Corporation in connection with the tramway and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions:—

(A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramway:

(B) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any

matter referred to in such notice shall be determined as hereinafter provided:

(c) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expenses of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramway or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section:

(d) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as hereinafter provided:

(e) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road:

(f) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair:

(g) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants:

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(H) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as hereinafter provided:

(I) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramway or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants:

(J) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Corporation the value of the same Provided that if the Corporation or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus in connection with the tramway or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connection with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and such company or person in relation

to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as hereinafter provided.

(3) All differences arising under this section shall be determined in manner provided by sections four and five of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section—

The expression "the Corporation" includes their lessees;

The expression "telegraph" has the same meaning as in the Telegraph Act 1869;

Other expressions have the same meaning as in the Telegraph Act 1878.

Works for mechanical working &c. of tramways.

13.—(1) For the purpose of working the tramway by mechanical power and for the purpose of forming connections between the tramway and any generating station or any engine machinery or apparatus of the Corporation the Corporation may on in under or over any road street or highway (including footpaths) bridge or public place in the parish of Saint Paul Deptford in which any part of the tramway is situate and any other road street or highway (including footpaths) bridge or public place within the said parish adjoining or near to the tramway or on in under or over which it may be necessary or convenient for such purpose so to do construct lay down erect renew alter or repair cables electric mains wires posts plates tubes apparatus and appliances and may make and maintain openings and ways and the Corporation may make alterations in the tramway as may be necessary to adapt the same for working by mechanical power and may for such purposes or any of them subject to the provisions of Part II. of the Tramways Act 1870 open and break up any such road street or highway (including footpaths) bridge or place and any tramways sewers drains water or gas pipes tubes wires and electric telephonic and telegraphic apparatus therein thereon or thereunder Provided that the Corporation shall not break up or interfere with any tramway or sewer of the London County Council or prevent or interfere with access to or the working of any such tramway except with the consent of and subject to such terms and conditions as may be imposed by the said council:

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Provided as follows:—

(A) All posts and apparatus erected by the Corporation under the powers of this Act in any street or road shall be of such design and shall be placed in such position as the road authority may approve Provided that no post or other apparatus shall be erected on the carriageway except with the consent of the Board of Trade:

(B) The route in which any electrical apparatus is to be laid or erected for the purpose of connecting the tramway with a generating station shall be approved by the London County Council and by the road authority within whose jurisdiction each portion of the route is situate:

(C) All cables electric mains wires posts plates tubes apparatus and appliances laid down erected maintained renewed altered or repaired and all openings and ways made or maintained under the provisions of this section shall be in accordance with plans and specifications previously submitted to and approved by the London County Council.

(2) Nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply.

(3) Nothing in this section shall authorise the Corporation to lay down or erect cables electric mains wires posts tubes or other apparatus or appliances in on under or over the Surrey Canal or the towing path of such canal or any road street or highway bridge or place vested in or under the control or management of the Port of London Authority.

Tramways Act to apply to apparatus used for mechanical power.

14. The provisions of sections 26 to 33 41 and 49 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of a tramway) shall be incorporated with this Act and shall apply to all cables electric mains wires posts plates tubes and other apparatus and appliances used or to be used by the Corporation for the purposes of mechanical power as if the same were part of a tramway.

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For protection of Royal Observatory Greenwich.

15. If the Admiralty are of opinion that the generation or use of electrical energy under or for the purposes of this Act by the Corporation injuriously affects or is likely injuriously to affect any instrument or apparatus in or adjacent to the Royal Observatory at Greenwich including the magnetic pavilion or the efficient working of such instrument or apparatus the Admiralty may after such inspection and inquiry as they think proper require that the Corporation shall use such precautions including insulated returns as the Admiralty may deem necessary for the prevention of such injurious affection and the Corporation shall forthwith comply with such requisition For the purpose of this section any person authorised in writing by the Admiralty shall have access at all reasonable times to the works and apparatus of the Corporation who shall give all due facilities for the inspection Provided always that in the event of any instrument or apparatus hereafter used in the said observatory which may be of a different character and of materially greater delicacy than those used therein at the passing of this Act the Admiralty shall consider and may in their discretion determine to what extent the powers of this section should be exercised regard being had to the interests of the public as well as to the purposes of the instruments or apparatus as the case may be The Admiralty Suits Act 1868 shall apply for the purposes of proceedings in regard to any breach of the provisions of this section or for injurious affection of the said observatory or instruments or apparatus.

For protection of London Brighton and South Coast Railway Company.

16. For the protection of the London Brighton and South Coast Railway Company (hereinafter referred to as "the Brighton Company") the following provisions shall have effect:—

(1) All works executed in pursuance of this Act or of any Act incorporated therewith and involving interference with or in any way affecting the railways roads approaches level crossings works lands and property of the Brighton Company (hereinafter together referred to as "the railways of the Brighton Company") and all works of maintenance repair renewal and removal involving such interference or affection (the said works executed in pursuance of this Act or of any incorporated Act and the said works of maintenance repair renewal or removal being hereinafter referred to as "the said works") shall be done under the superintendence and to the reasonable satisfaction of the

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principal engineer of the Brighton Company (hereinafter referred to as "the engineer") and according to plans to be previously submitted to and approved by him in writing within one month after such submission or in case of difference as may be determined by arbitration in manner hereinafter provided:

(2) The said works shall be done by and at the expense of the Corporation who shall restore and make good to the reasonable satisfaction of the engineer any portion of the railways of the Brighton Company which may be disturbed or interfered with and the said works shall be carried out so as to cause as little injury as may be to the railways of the Brighton Company and so as not to cause any interference with the passage or conduct of traffic thereover Provided nevertheless that if the engineer shall think it necessary that the said works or any of them shall be done or carried out by the Brighton Company and shall notify such desire to the Corporation the said works in respect of which the engineer shall within the aforesaid period of one month have notified such desire shall be done or carried out by the Brighton Company accordingly at the cost of the Corporation:

(3) If any injury to or interruption of the traffic of the Brighton Company shall arise from or be in any way owing to the said works the Corporation shall make full compensation to the Brighton Company in respect thereof:

(4) The Corporation shall bear and on demand pay to the Brighton Company all costs of the superintendence by the engineer of the said works when the same are done or carried out by the Corporation and all proper costs of watching lighting and protection of the railways of the Brighton Company in so far as they are affected by the said works during the carrying out of the said works but such superintendence by the Brighton Company shall not relieve the Corporation from liability for any accident which may be occasioned by or through the said works or by their contractors agents and workmen:

(5) The Corporation shall construct their electric lines and other works and shall work the tramway so as not to interfere with the telegraphic telephonic or signal wires or apparatus of the Brighton Company or the currents in such wires or apparatus and if any such interference shall take place the Brighton Company may cable or otherwise alter their wires or apparatus as they may think advisable and the reasonable expense of executing such works of alteration shall be borne by the Corporation:

(6) The Corporation shall from time to time pay to the Brighton Company any additional expense which the Brighton Company may incur in effecting any repair renewal widening alteration or extension of the railways of the Brighton Company by reason of the existence of any electric lines or works of the Corporation in over upon across or under the railways of the Brighton Company:

(7) The Brighton Company may at any time or times hereafter upon giving to the Corporation not less than seven days' notice thereof in writing signed by the engineer call upon the Corporation to divert or alter the level or position of any electric lines or other works of the Corporation constructed laid down or erected under the powers of this Act and passing in over upon across or under or in any way affecting the railways of the Brighton Company so as to admit of any repairs renewals widenings alterations or extensions of the railways of the Brighton Company which they may think necessary without being liable to pay the costs of such diversion or alteration or to pay any compensation in respect thereof:

(8) Notwithstanding anything contained in this Act or in any Act incorporated therewith the Corporation shall not enter upon take or use for any purpose the railways of the Brighton Company or any part thereof without the consent in writing of the Brighton Company first obtained:

(9) Any dispute or difference which may arise between the Corporation and the Brighton Company with reference to the provisions of this section or in any way arising

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thereout or as to any works to be carried out in pursuance thereof shall be settled by arbitration by an engineer to be agreed upon between the Corporation and the Brighton Company or failing agreement by an engineer to be appointed by the Board of Trade on the application of the Corporation and the Brighton Company or either of them and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of Deptford Borough Council.

17. In the event of the tramway being worked by electricity the Corporation shall not be entitled to work the same by the overhead system without the consent of the council for the Metropolitan Borough of Deptford.

For protection of South Metropolitan Gas Company.

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

(1) In this section "apparatus" means any mains pipes apparatus and other appliances belonging to the gas company:

(2) If within seven days after a notice under section 30 of the Tramways Act 1870 shall have been served upon the gas company that company so elect they may themselves execute all alterations to their apparatus as may from time to time be necessary and the cost of executing such alterations shall be repaid by the Corporation to the gas company Provided always that such alterations shall be carried out in accordance with the directions and to the reasonable satisfaction of the engineer of the Corporation:

(3) The Corporation shall not for the purposes of the works by this Act authorised cause any street to be lowered or raised nor the position of any apparatus to be altered so as to leave over such apparatus in any part a covering less than the covering now existing nor (unless the Corporation provide special means of access to the same to the satisfaction of the gas company) more than the covering now existing Provided that nothing in this subsection shall prejudice

or interfere with the rights of the gas company under the said section 30 of the Tramways Act 1870 to require the Corporation to lower or otherwise alter the position of any apparatus:

(4) If any difference arise between the Corporation or their engineer and the gas company or their engineer under this section such difference shall be settled by an engineer to be agreed upon between the Corporation and the gas company or failing such agreement by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply in case of the settlement of any such difference:

(5) The provisions of this section shall be in addition to and not in substitution for or derogation of any other provisions of this Act to the benefit of which the gas company would otherwise have been entitled.

For protection of Metropolitan Water Board.

19. For the protection of the Metropolitan Water Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the board and the Corporation have effect (that is to say):—

(1) In this section "apparatus" means any mains pipes apparatus and other appliances belonging to the board:

(2) The plan and section to be delivered by the Corporation under section 30 of the Tramways Act 1870 shall (in addition to any other particulars to be shown thereon) show all posts poles transformer boxes and other apparatus intended to be erected or constructed as part of or connected with the tramway outside the track and if the erection or construction of any such post pole transformer box or apparatus in the position proposed would in the opinion of the board endanger or prevent access to any of their apparatus the Corporation shall (subject as hereinafter provided) if so required by the board alter the position of such post pole transformer box or apparatus of the Corporation to such extent as the board may reasonably require in order to remove such danger Provided that if the Corporation dispute the necessity of any such alteration

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of position as aforesaid or contend that the matter can be more properly dealt with having regard to all the circumstances by lowering or altering the position of the apparatus of the board in accordance with section 30 of the Tramways Act 1870 then the question in dispute shall be settled by arbitration under this section;

If the cost of repairing relaying altering or otherwise dealing with any apparatus of the board shall be increased by reason or in consequence of the existence of any such post pole transformer box or apparatus of the Corporation as aforesaid the amount of such additional cost shall be borne by the Corporation and shall be repaid by them on demand to the board:

(3) If within seven days after a notice under section 30 of the Tramways Act 1870 shall have been served upon the board the board so elect they may themselves execute all alterations to their apparatus as may from time to time be necessary and the cost of executing such alterations shall be repaid by the Corporation to the board Provided always that such alterations shall be carried out in accordance with the directions and to the reasonable satisfaction of the engineer of the Corporation:

(4) The Corporation shall not for the purposes of the works by this Act authorised cause any street to be lowered or raised nor the position of any apparatus to be altered so as to leave over such apparatus in any part a covering less than the covering then existing nor (unless the Corporation provide special means of access to the same to the satisfaction of the board) more than the covering then existing Provided that nothing in this subsection shall prejudice or interfere with the rights of the board under the said section 30 of the Tramways Act 1870 to require the Corporation to lower or otherwise alter the position of any apparatus:

(5) The board may if they deem fit employ watchmen or inspectors to watch any works to be executed by the Corporation under this section or any other provision of this Act whereby any apparatus of the board will or may be interfered with or affected and the reasonable

expenses thereof shall be borne by the Corporation and be paid by them upon demand to the board:

(6) If any difference shall arise between the board and the Corporation with respect to any matters under this section such difference shall be settled by an engineer to be agreed upon between the board and the Corporation or failing such agreement by an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers:

(7) The provisions of this section shall be in addition to and not in substitution for or derogation of any other provisions of this Act to the benefit of which the board would otherwise have been entitled.

For protection of Admiralty.

20. Before commencing any works under this Part of this Act for the purpose of working the tramway by electrical power the Corporation shall give one month's previous notice of their intention to commence such work to the Admiralty In the event of the Corporation at any time hereafter applying for power to work the Railways Nos. 1 and 2 described in section 6 of the Foreign Cattle Market Deptford Act 1898 by electricity the Corporation will at the same time apply for powers to work by electricity the junctions connecting such railways with His Majesty's Victualling Yard at Deptford referred to in section 7 of such Act.

Expenses of Corporation in connection with tramway.

21. The costs and expenses of the Corporation in the execution of or in any wise relating to the powers conferred on them in connection with the tramway shall be paid by the Corporation out of any moneys received by them in respect of the Foreign Cattle Market.

Application of certain provisions of Foreign Cattle Market Deptford Act 1898.

22. The exercise of the powers of this Part of this Act and the working of the tramway thereunder shall be subject in all respects to the provisions of the Foreign Cattle Market Deptford Act 1898 except in so far as such provisions may be expressly varied by or be inconsistent with the provisions of this Part of this Act and all such provisions of the said Act of 1898 as may confer powers upon or afford protection to the London County Council or their property rights or interests shall apply to the exercise of the powers of this Part of this Act and the working of the tramway thereunder.

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PART VI.

AMENDMENT OF MUNICIPAL ELECTIONS AMENDMENT ACT 1867.

Amendment of section 5 of London Municipal Elections Amendment Act 1867.

23. Section 5 of the City of London Municipal Elections Amendment Act 1867 shall be read and have effect as if the words "a list in such order or form as may be prescribed by the Corporation" had been inserted in such section in lieu of the words "alphabetical list."

PART VII.

POLICE AND STREET TRADING.

Street trading.

24.—(1) In this section the expression "street trader" shall be deemed to include costermongers street hawkers and itinerant traders and the expression "street trading" shall mean the carrying on the business or occupation of a street trader Provided always that the expression "street trader" shall not be deemed to include such vendors of newspapers or periodicals as shall carry on their businesses without the use of any barrow or other vehicle.

(2) The commissioner of police shall within three months after the passing of this Act prepare a register (hereinafter in this section called "the register of street traders") of persons who are qualified as hereinafter in this section mentioned to be placed on the register of street traders.

(3) Any person who has regularly carried on the business of a street trader in the city of London for three years or longer prior to the first day of January one thousand nine hundred and eleven and who shall have sent notice in writing to the commissioner of police of his claim to be entered on the register of street traders within three months after the passing of this Act shall be entitled to be placed on the register of street traders.

(4) The commissioner of police shall as soon as practicable settle the register of street traders and shall give notice in writing to any person claiming to be entered on the register whose claim he shall have disallowed and any such person may within fourteen days after receipt of such notice appeal to the recorder of the city of London who shall determine whether such person is or is not entitled to have his name placed upon such register and whose decision shall be final and the register

so settled by the commissioner of police or as the case may be by the recorder of the city of London shall be the register of street traders for the purposes of this Act and shall be published Every notice by the commissioner of police of disallowance of any person's claim to be entered on the register shall be endorsed with a notice of the right of appeal under this subsection.

(5) The commissioner of police shall issue to every person whose name is placed upon the register of street traders a street traders' certificate and badge with a distinctive number and such person shall carry with him such certificate and shall wear such badge conspicuously and shall produce his certificate when required so to do by any alderman of the city of London or officer or constable of the City of London Police Force.

(6) Any person whose name is placed on the register of street traders who lends transfers or assigns his street traders' certificate or badge to any other person shall be liable to a penalty not exceeding five pounds for every such offence and on the third conviction for such offence the court may order his name to be removed from the register of street traders.

(7) In the event of any person whose name is placed on the register of street traders being hereafter convicted on indictment of any offence the court may order his name to be removed from such register and that he shall forfeit his street traders' certificate and badge.

(8) No person whose name is not for the time being entered on the register of street traders in pursuance of the provisions of this Act shall except during the period which any appeal in reference to such person under this section is pending and until the same is decided carry on the business of street trading within any street in the city of London.

(9) No street trader shall employ or permit any other person to assist him in carrying on his business as street trader.

(10) No street trader shall for the purpose of carrying on street trading use any barrow or other vehicle which exceeds nine feet in length or three feet in width and no part of such barrow or vehicle shall as regards the width project beyond the wheels.

(11) Any person who shall contravene any of the provisions of this section shall be liable to a penalty not exceeding five

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pounds for every such offence and a daily penalty of twenty shillings for each day during which such offence shall continue after conviction and it shall be lawful for any constable of the City of London Police Force to take into custody without warrant any person so offending provided the name and address of such person are unknown to and cannot be ascertained by such constable.

(12) The Corporation shall within one month after the passing of this Act give notice of the effect of the provisions of this section by posting such notice at the various police stations within the city of London.

(13) Where owing to the operation of the provisions of this section street traders shall have been in the opinion of the Corporation sufficiently diminished in numbers within the city of London it shall be lawful for the Corporation if they think fit to specify certain streets in which street trading may be carried on by street traders of any particular class other than persons on the register of street traders.

(14) Subsection (2) (c) of section 2 and section 3 of the City of London (Street Traffic) Act 1909 are hereby repealed.

Allowances to police.

25. The Corporation may if in any case they think fit grant to any constable of the City of London Police Force or to any clerk employed in or in connection with that force who has completed the necessary length of service to qualify him for a pension an annual sum by way of personal allowance in addition to his pay payable for such time and on such terms and conditions as they think fit and such allowance shall be considered as part of the expenses of the City of London Police Force but shall not be reckoned as part of the pay of any such grantee for the purpose of pension gratuity or allowance.

Extending subsection (14) of section 35 of City of London Police Act 1839.

26. Subsection (14) of section 35 of the City of London Police Act 1839 shall be read and have effect as if after the words "who shall" the following words were inserted (namely) "persistently or continuously after warning by a police con- "stable cry or call out or" and as if after the words "or use any other noisy instrument" the following words were inserted (namely) "whether musical or not."

As to street and other offences.

27. Every person who within the city of London and the liberties thereof shall commit any of the following offences in

any thoroughfare or other public place shall be liable to a penalty of not more than forty shillings for every such offence (that is to say):— A.D. 1911.

(A) Every person who wilfully interferes with or disturbs any house or trade refuse placed in a receptacle for the purpose of collection or removal by the sanitary authority or damages injures or interferes with any such receptacle:

(B) Every person who for the purposes of advertising or attracting the attention of the public defaces or without the consent of the Corporation marks the pavements of any street with chalk paint or other material.

As to expenses of Part VII. of Act.

28. The costs of carrying into execution this Part of this Act shall be paid by the Corporation as part of the expenses of the City of London Police Force.

PART VIII.

STREETS AND BUILDINGS.

Projections in streets &c.

29.—(1) The Corporation may make and enforce byelaws for the purpose of controlling the construction or erection or setting up on under or in such a manner as to project into or over any street of cellars vaults steps leading to cellars cellar flaps coal plates lamps cranes clocks reflectors signs pavement lights tablets sun blinds or any other structure or projection whether of a temporary or permanent character and hereinafter in this section referred to as "street projection" and may by such byelaws control and prescribe the dimensions height and extent of street projections or any other matter in connection therewith for securing the safety and protection of the public or the amenities of the street Provided that nothing in this section shall extend or apply to any wires or apparatus of the National Telephone Company Limited or to any canopies overhanging lamps illuminated or other signs maps poster cases and other railway advertisements and direction notices constructed erected or set up by any railway company with the consent of the Corporation or to any similar projections that may hereafter be set up to replace any such existing projections provided the same be of similar dimensions and character as such existing projections.

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(2) After the publication of any byelaws made under this section no person shall construct erect or set up on under or in such a manner as to project into or over any street any street projection except in accordance with the byelaws for the time being of the Corporation relating thereto.

(3) Any person who shall on under or in such a manner as to project into or over any street construct erect or set up any street projection contrary to the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a continuing penalty of twenty shillings for every day during which such street projection shall continue in contravention of such provisions and the Corporation or their officers may remove any such street projection and recover the expenses of such removal from the owner or occupier of the house or building against or in front of which such street projection shall be.

(4) The Corporation may provide by any byelaws for the exemption of any particular class of street projection to be specified in such byelaws on such terms and conditions (if any) as may be prescribed by any such byelaws.

(5) The Corporation at least one month before making an application to the Secretary of State for the confirmation of byelaws made in pursuance of the provisions of this section shall furnish a copy of the proposed byelaws to the London County Council who shall be entitled to make representations to and be heard by the said Secretary of State with regard to such byelaws before the same are confirmed.

As to erection of banners &c. in or over streets.

30. The Corporation may make and enforce byelaws for the purposes of controlling or prohibiting the placing or erection or attaching to any building of any flag banner or any device projecting into or over any street.

Any person who shall after the publication of any byelaws made under this section place or erect or attach to any building any flag banner or device projecting into or over any street except in accordance with the byelaws for the time being of the Corporation relating thereto shall be liable to a fine of forty shillings for any such offence and to a further penalty of twenty shillings for each day during which such offence shall continue after conviction.

The provisions of this section shall not extend to the placing or erecting or attaching to buildings of flags banners or devices on occasions of any public festivity or public ceremony or which

relate exclusively to the business of a railway company and which are placed or may be placed wholly upon or over any railway or railway station or premises belonging to a railway company.

As to repair of streets damaged by water or broken up for repair of water pipes.

31. Notwithstanding anything in any Act to the contrary in the event of any street or the pavement of any street in the city of London at any time being sunk broken injured or damaged by reason of the breaking bursting or want of repair of any water mains or pipes belonging to any water board hydraulic company or other company authority or person and laid beneath the surface of such street or pavement or in the event of any such street or pavement being broken or taken up for the purposes of repair or mending any water mains or pipes the Corporation or their engineer may cause notice to be given to such company board authority or person to whom such mains or pipes so belong forthwith to well and sufficiently repair and make good such street and pavement and the surface and soil thereof including any portion of such street or pavement which although not taken up may be damaged or affected by the works of such company board authority or person to the reasonable satisfaction of the Corporation or their engineer and if such company board authority or person to whom such notice shall be given shall not within twenty-four hours next after such notice so given as aforesaid take up such street or pavement and well and sufficiently repair and amend such mains or pipes and cause the ground to be well and sufficiently filled in and rammed down and the said street and pavement to be relaid and repaired to the reasonable satisfaction of the Corporation or their engineer then it shall be lawful for the Corporation to execute such work and relay and repair such street and pavement as aforesaid and to recover the cost thereof from such company board authority or person as the case may be.

Any question that may arise between the Corporation on the one hand and any such company board authority or person as aforesaid on the other hand as to whether some portion of such cost has been incurred owing to causes for which such company board authority or person are not responsible shall be settled by arbitration by an engineer to be appointed (in default of agreement) by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

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As to damage to lamps &c.

32. Section 118 of the City of London Sewers Act 1848 shall be read and have effect as if after the words "or other furniture thereof" the following words were inserted viz. "or "any street orderly bin underground convenience guide post "power hydrant guard post or other erection or apparatus in "the streets the property of the Corporation."

As to repair of areas kerbs &c.

33. The owner or occupier of any premises abutting on any street into on or under which any cellar or vault projects or abuts having a pavement light cellar flap grating or coal plate shall keep in repair such pavement light cellar flap grating or coal plate and the kerbs immediately adjoining the same and in the event of the non-repair or want of repair of any such pavement light cellar flap grating coal plate or kerbs the Corporation may give notice to such owner or occupier to repair the same and in the event of his failure to repair the same within seven days after such notice has been given it shall be lawful for the Corporation themselves to carry out such repair and to recover the expense thereof from such owner or occupier.

Extending provisions of City of London Sewers Act 1848 as to hoards &c. and shoring up of buildings.

34. Sections 162 163 and 164 of the City of London Sewers Act 1848 shall be deemed to extend to the shoring up of buildings and the erection of shores and the provisions of such sections with reference to the erection or setting up in any street of hoards fences or scaffolds and licences therefor and fees for licences and penalties and offences shall be deemed to extend to the shoring up of buildings and the erection of shores and to licences and fees for licences and to penalties and offences in respect thereof and such sections shall be read and have effect accordingly.

As to wooden structures.

35. No person shall set up in any place in the City of London any wooden structure without having first obtained for that purpose a licence from the Corporation and the Corporation may on any application for a licence under this section require such plans and other particulars in regard to such structure as they may think fit and the licence may contain such conditions with respect to the structure and the time for which it is to be permitted to continue in the said place as the Corporation think expedient.

Any person who shall contravene the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings for every day during

which any such wooden structure continues in contravention of the provisions of this section.

The provisions of this section shall not apply to—

(A) Hoards enclosing vacant land and not exceeding in any part twelve feet in height:

(B) Any wooden structure of a moveable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair:

(C) Hoardings and similar structures used for the purpose of advertising exceeding twelve feet in height and structures or erections erected or set up upon the railway or within the railway or station premises of any railway company and used for any of the purposes of or in connection with the traffic of such railway company.

For the purpose of this section the expression "wooden structure" means any hoarding situate on private property immediately abutting on the public way and any temporary stand or similar wooden structure erected for use in connection with public processions and festivities.

Exempting property of Inner and Middle Temple.

36. The places known as the Inner Temple and the Middle Temple and such lands buildings and property adjoining thereto as shall belong to the Honourable Societies of the Inner Temple and the Middle Temple respectively shall be exempt from the operation of this Part of this Act and of any byelaws made in pursuance of the provisions thereof.

For protection of Metropolitan Water Board and London Hydraulic Power Company.

37. For the further protection of the Metropolitan Water Board (in this section referred to as "the board") and the London Hydraulic Power Company (hereinafter referred to as "the power company") the following provisions shall unless otherwise agreed in writing between the board or the power company as the case may be and the Corporation have effect (that is to say):—

(A) Notwithstanding anything in the section of this Act of which the marginal note is "As to repair of streets "damaged by water or broken up for repair of water "pipes" it shall not be lawful for the Corporation

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without the consent in writing of the board or the power company as the case may be to repair or amend any main or pipe of the board or of the power company respectively :

(B) In any case in which the Corporation exercise the powers of the said section as varied by this section with respect to any street or pavement which is sunk broken injured or damaged by reason of the breakage bursting or want of repair of any main or pipe of the board or the power company or being broken up or taken up for the purposes of repair or mending any main or pipe of the board or power company as the case may be the board or the power company shall not be liable for any penalty under section 139 of the City of London Sewers Act 1848 or otherwise in respect of the failure to cause the ground to be filled in and rammed down and the pavement to be re-laid and repaired.

Saving for London Building Acts.

38. Nothing contained in this Part of this Act or in any byelaw made or licence granted or conditions attached to a licence under the provisions thereof shall affect the operation of the provisions of the London Building Acts 1894 to 1909 or any Act amending the same or the exercise of powers thereunder.

PART IX.

PUBLIC HEALTH.

As to unsound food &c.

39.—(1) Where any animal or article has been seized within the city of London under section 47 of the Public Health (London) Act 1891 and has been condemned as diseased or unsound or unwholesome or unfit for the food of man any person who sent consigned or delivered or caused to be sent consigned or delivered such animal or article for sale or for deposit for the purpose of sale or of preparation for sale shall be liable on summary conviction to a fine not exceeding fifty pounds or at the discretion of the court without the infliction of a fine to imprisonment for a term of not more than six months with or without hard labour unless he proves that at the time of the commission of such act he did not know and had no reason to believe that such animal or article was in such condition.

(2) Where any offence under this section appears to have been wholly or partially committed or has taken place outside

the city of London the Corporation or their officers may take or cause to be taken against any person in respect of such offence any proceedings in relation to such offence with the same incidence and consequences as if such offence were committed or took place wholly within the city.

Part X.

As to Special Rate under Great Tower Hill Act 1869.

As to agreements with Stepney Borough Council as to rate leviable in respect of Great Tower Hill.

40. It shall be lawful for the Corporation and the Stepney Borough Council to enter into agreements for all or any of the following purposes (namely):—

(1) For the payment by the Corporation to the Stepney Borough Council of an annual sum by way of commutation of the special rate now or formerly leviable within the parish of the city of London under the Great Tower Hill Act 1797 or the Great Tower Hill Act 1869 or the payment of a principal sum in extinguishment of such special rate now or formerly leviable within the parish of the city of London:

(2) For the acceptance by the Stepney Borough Council of an annual sum in commutation of such special rate or of any principal sum in extinguishment of such special rate as aforesaid:

And any such agreement may contain such other incidental matters and things as may be necessary for giving effect to the purposes thereof hereinbefore referred to and any such agreement made in pursuance of this section shall have due effect in law for the purposes of commuting or extinguishing any liability in respect of such special rate as aforesaid within the parish of the city of London.

Part XI.

Miscellaneous and Finance.

Recovery of penalties &c.

41. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

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Appeal to quarter sessions.

42. Any person who deems himself aggrieved by any conviction or order made by a court of summary jurisdiction on determining any information or complaint under this Act may save as otherwise provided in this Act or in any Act incorporated with this Act or any Part of this Act appeal therefrom in accordance with the Summary Jurisdiction Acts to a court of quarter sessions.

Penalties to be paid over to chamberlain &c.

43. All penalties recovered by the Corporation under this Act or any byelaw thereunder shall be paid to the chamberlain of the city of London and be by him carried to the credit of the general rate.

General provision as to byelaws.

44. All byelaws from time to time made by the Corporation under the powers of this Act shall except as in this Act otherwise provided be made under and according to the provisions with respect to byelaws contained in the provisions of the Public Health (London) Act 1891 save and except that such byelaws shall be confirmed by the Secretary of State instead of the Local Government Board.

Proof of byelaws.

45. The production of a copy of a byelaw made by the Corporation under any of the provisions of this Act if authenticated by the common seal of the Corporation shall until the contrary be proved be sufficient evidence of the due making and existence of the byelaw and if it be so stated in the copy of the byelaw having been approved or confirmed by the authority whose approval or confirmation is required to the making or before the enforcing of the byelaw.

Authentication and service of notices and protection of officers &c.

46. Notices orders and other such documents under this Act may be authenticated and served in the same manner as notices orders and other such documents may in the case of the city of London be authenticated and served under the Public Health (London) Act 1891 and section 124 of such Act shall apply to and in the case of any matter or thing done or contract entered into by the Corporation the common council or any member or officer of the Corporation or common council under this Act as if such section had been incorporated in this Act.

Powers of Act cumulative.

47. All powers rights and remedies given to the Corporation or the Commissioner of Police by this Act except where otherwise provided shall be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them and the

Corporation or the Commissioner of Police as the case may be may exercise such powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Saving rights &c. of Crown.

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

Expenses of execution of Act.

49. All expenses incurred by the Corporation in carrying into execution the provisions of this Act (except where otherwise provided) including any moneys to be paid to the Stepney Borough Council under the provisions of any agreement made in pursuance of this Act shall be paid out of the general rate and all moneys received by the Corporation under the provisions of this Act shall be carried to the credit of the general rate.

Power to borrow for certain expenses.

50. In order to raise money for defraying the expenses of the Corporation in executing such of the provisions of this Act the expenses whereof are to be borne by the general rate the Corporation in addition to any power of borrowing exerciseable by them under any other enactment may from time to time borrow and take up at interest the sums of money necessary for defraying such expenses and may secure the repayment of such sums by mortgage or by granting annuities for lives in like manner and under the same conditions as if such expenses incurred under the provisions of this Act were expenses incurred under the powers contained in the City of London Sewers Acts 1848 1851 and 1897.

Application of borrowed moneys.

51. All moneys borrowed by the Corporation under the powers of this Act shall be applied only to the purposes for which they are respectively authorised to be borrowed.

Expenses of Act.

52. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act as taxed and ascertained by the taxing officer of the House of Lords or of the House of Commons shall except as in this Act specially provided be paid by the Corporation out of the general rate.

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