Croydon Corporation Act, 1956

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CHAPTER lxxvi

An Act to authorise the mayor aldermen and burgesses of the borough of Croydon to construct street works and to purchase lands compulsorily for those and other purposes to make further provision for the health local government improvement and finances of the borough to provide for the variation of certain agreements relating to the reception and treatment of sewage and to make further provision with regard to sewerage and the prevention of flooding and for other purposes.

[2nd August 1956.]

WHEREAS—

(1) The borough of Croydon (in this Act called "the borough") is a county borough under the management and local government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation"):

(2) It is expedient to empower the Corporation to make and maintain the street works described in this Act:

(3) It is expedient to confer on the Corporation powers relative to the purchase and use of lands for the several purposes mentioned in this Act:

(4) Under an agreement dated the sixteenth day of February nineteen hundred and thirty-four and made between the urban district council of Coulsdon and Purley (hereinafter called the "Coulsdon Council") of the one part and the Corporation of the other part the Corporation are receiving into their sewers and treating the sewage from portions of the urban district of Coulsdon and Purley upon and subject to the terms and provisions of that agreement:

(5) Under an agreement dated the eleventh day of May nineteen hundred and thirty-four and made between the urban district council of Banstead of the first part the Corporation of the second part and the Coulsdon Council of the third part the Coulsdon Council receive into their sewers and the Corporation receive into their sewers and treat sewage from portions of the urban district of Banstead upon and subject to the terms and provisions of that agreement:

(6) Under an agreement dated the twenty-seventh day of September nineteen hundred and thirty-four and made between the urban district council of Carshalton of the one part and the Corporation of the other part the Corporation receive and treat at the Corporation's sewage works at Beddington the sewage from a portion of the urban district of Carshalton and receive through the sewers of the Coulsdon Council and the Corporation's sewers and treat the sewage from other portions of the said urban district of Carshalton upon and subject to the terms and provisions of that agreement:

(7) Under an agreement dated the thirtieth day of March nineteen hundred and thirty-five and made between the Coulsdon Council of the one part and the urban district council of Carshalton of the other part provision is made for the reception into the sewers of the Coulsdon Council of the sewage from parts of the urban district of Carshalton and the conveyance thereof to the sewers of the Corporation:

(8) Under an agreement dated the ninth day of October ninteen hundred and thirty-four and made between the urban district council of Caterham and Warlingham of the first part the Corporation of the second part and the Coulsdon Council of the third part the Coulsdon Council receive into their sewers and the Corporation receive into their sewers and treat the sewage from portions of the urban district of Caterham and Warlingham upon and subject to the terms and provisions of that agreement:

(9) From time to time flooding occurs from sewers at or near the junction of Brighton Road Purley Road Russell Hill Road and Banstead Road:

(10) It is expedient that the provisions of this Act with regard to the said agreements be enacted and that provision be made for the prevention of the said flooding:

(11) It is expedient to make further provision in reference to the health local government improvement and finances of the borough and to confer upon the Corporation the further powers contained in this Act:

(12) It is expedient that the other provisions contained in this Act be enacted:

(13) The purposes of this Act cannot be effected without the authority of Parliament:

(14) Estimates have been prepared by the Corporation for and in connection with the following purposes:—

	£
(*a*) The construction of the street works authorised by this Act and works in connection therewith	728,300
(*b*) The provision of an assembly hall and other buildings and works authorised by section 61 (Power to provide assembly hall etc.) of this Act	1,350,000

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

(16) 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:

(17) Plans and sections showing the lines and levels of the works authorised by this Act and showing the lands required or which may be taken for the purposes or under the powers of this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited with the town clerk of the borough which plans sections and book of reference are in this Act referred to respectively as the deposited plans sections and book of reference:

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

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Croydon Corporation Act 1956.

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Lands.
Part III.—Street works.
Part IV.—Streets.
Part V.—Sanitation buildings etc.
Part VI.—Premises used for sales by auction.

PART I —*cont.*

Part VII.—Finance.
Part VIII.—Miscellaneous.
Part IX.—General.

Incorporation of Lands Clauses Acts.

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

(*a*) section 92 and sections 127 to 132 of the Lands Clauses Consolidation Act 1845 are not incorporated with this Act;

(*b*) the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and sufficient without the addition of the sureties mentioned in that section.

Interpretation.

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

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

"the Act of 1933" means the Local Government Act 1933;

"the Act of 1936" means the Public Health Act 1936;

"the appointed day" has the meaning assigned to it by section 67 (The appointed day) of this Act;

"the borough" means the county borough of Croydon;

"the commission" means the British Transport Commission;

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

"the Corporation" means the mayor aldermen and burgesses of the borough;

"the council" means the council of the borough;

"daily fine" means a fine for each day on which an offence is continued after conviction therefor;

"enactment" includes an enactment in this Act or in any general or local Act and any order byelaw or regulation for the time being in force;

"the general rate fund" and "the general rate" mean respectively the general rate fund and the general rate of the borough;

PART II —*cont.*

(3) If the tribunal determines as aforesaid compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the Corporation that part of the house building factory park or garden.

Power to expedite entry.

8. 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 three months 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:

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.

Power to enter for survey or valuation.

9. Any person acting on behalf of the Corporation and duly authorised by the town clerk may at all reasonable times enter on any land which the Corporation are authorised by this Act to acquire compulsorily for the purpose of surveying or valuing the land:

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

10. 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-five; 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.

PART II —*cont.*

Set-off of betterment against compensation.

11. In determining the amount of compensation or purchase money payable to any person in respect of his interest in land acquired under this Act in a case where—

(*a*) he has an interest in any other land contiguous with or adjacent to the land so acquired; and

(*b*) the value of his interest in any such contiguous or adjacent land is enhanced by reason of the execution of the works authorised by this Act or any of them;

the amount of the enhancement in value shall be set off against the compensation or purchase money.

Extinction of private rights of way.

12.—(1) Any private right of way over any land that may be acquired compulsorily under this Act shall if the council so resolve and give notice of their resolution to the owner of the right be extinguished as from the acquisition of the land whether compulsorily or by agreement or as from the expiration of one month from the service of the notice whichever is the later.

(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.

Grant of easements by persons under disability.

13.—(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 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.

Provision of substituted sites.

14. The power of the Corporation of purchasing land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners and occupiers of land that may be acquired under any enactment.

Power to reinstate owners or occupiers of property.

15.—(1) The Corporation may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired under this Act with respect to his reinstatement elsewhere.

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

PART II —*cont.*

Allowances to displaced persons.

16.—(1) The Corporation may pay to any person displaced from any building acquired under this Act such reasonable allowance as they may think fit towards the loss which in their opinion he will sustain by reason of his having to quit the building or by reason of the disturbance of his trade or business.

(2) In estimating the said loss the Corporation shall have regard to the period for which the premises occupied by that person might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose.

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

Agreements with adjoining owners.

17.—(1) The Corporation may enter into and carry into effect agreements with any person being the owner of or interested in any land abutting on any portion either of the street works authorised by this Act or of land that may be acquired under this Act with respect to the sale by the Corporation to him of any land (including any part of a street or highway appropriated by the Corporation under this Act and not required for those works).

(2) The Corporation may accept as satisfaction of the whole or any part of the consideration for any such sale the grant by the purchaser of any land required by the Corporation for the purposes of this Act or any easement or right therein.

Development of land.

18.—(1) (*a*) The Corporation may lay out and develop the whole or any part of the lands delineated on the deposited plans and described in the deposited book of reference and may on any such lands erect and maintain houses flats shops offices commercial and other buildings and construct sewer drain pave channel and kerb streets.

(*b*) The Corporation may with the consent of the Minister lay out and develop any land other than the land referred to in paragraph (*a*) of this subsection for the time being belonging to them and not required for the purpose for which it was acquired and may on any such land erect and maintain houses flats shops offices commercial industrial and other buildings and construct sewer drain pave channel and kerb streets:

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

PART II —*cont.*

Provided also that the powers of this subsection shall not be exercised with respect to any land within the urban district of Orpington without the consent of the council of that urban district but such consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld shall be determined by the Minister.

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

(3) The Corporation may if they think fit instead of exercising the foregoing powers of this section in relation to any part of the lands delineated on the deposited plans and described in the deposited book of reference sell or lease such part of such lands to any person for that purpose.

(4) Sections 164 and 165 of the Act of 1933 shall not apply to any land acquired under this Act.

Saving for St. Matthew's Church.

19. Notwithstanding anything contained in this Act the Corporation shall not under the powers of this Act enter upon take or use the whole or any part of the buildings known as St. Matthew's Church George Street and the other premises coloured pink on the plan signed by the Reverend Francis Edward Drewett the vicar of the parish of St. Matthew Croydon and by Ernest Taberner on behalf of the Corporation one copy of which has been deposited with the said vicar and the other copy with the town clerk.

PART III

STREET WORKS

Power to construct street works.

20. Subject to the provisions of this Act the Corporation may within the borough make and maintain in the lines and according to the levels shown on the deposited plans and sections the street works referred to in this section together with all necessary and proper works and conveniences connected therewith or incidental thereto (that is to say):—

Street Work No. 1 A widening and improvement of Wellesley Road on the easterly side between Walpole Road and George Street and of George Street on the northerly side near its junction with Wellesley Road.

Street Work No. 2 A widening and improvement of Park Lane on the easterly side commencing at its junction with Beech House Road and terminating at its junction with George Street.

Street Work No. 3 A widening and improvement of George Street on the southerly side between Park Lane and Addiscombe Road and of Addiscombe Road on

the southerly side between George Street and Altyre Road and of Altyre Road on the westerly side including a widening of the southerly side of the bridge and approaches carrying George Street and Addiscombe Road over the railway of the commission.

Street Work No. 4 A new street commencing at Park Lane and terminating at the access road from Fairfield to George Street.

Street Work No. 5 A widening and improvement of Barclay Road on the northerly side.

Street Work No. 6 A new street in continuation of Barclay Road from Chatsworth Road to Fairfield Road including a new bridge and approaches thereto over the railway of the commission.

Street Work No. 7 A new street from Hazledean Road to Fairfield Road.

Street Work No. 8 A widening and improvement of Fairfield Road and Chepstow Road on both sides.

Street Work No. 9 A new street from Park Hill Rise to Radcliffe Road.

Street Work No. 10 A widening and improvement of Addiscombe Road on the northerly side at or near its junction with Clyde Road.

Street Work No. 11 A widening and improvement of Addiscombe Road on the southerly side and of Radcliffe Road on the north-easterly side at or near the junction of those roads.

Street Work No. 12 A widening and improvement of Crown Hill on the northerly side and of North End on the westerly side at or near their junction commencing in Crown Hill opposite Middle Street and terminating at the northern boundary of No. 9 North End:

Provided that notwithstanding anything shown on the deposited plans and sections the Corporation shall not under the powers of this Act—

(1) construct so much of Street Work No. 3 as comprises the widening and improvement of Altyre Road; or

(2) construct the new street (Street Work No. 7) to a greater width than forty feet except at its junction with Fairfield Road.

21. In the construction of the street works authorised by this Act the Corporation may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding five feet either upwards or downwards. Limits of deviation.

PART III —*cont.*

Power to make subsidiary works.

22.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Corporation in connection with the street works authorised by this Act may—

(*a*) make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous with the said works or any of them;

(*b*) make diversions widenings or alterations of lines or levels of any existing streets for the purpose of connecting the same with the said works or any of them or of crossing under or over the same or otherwise;

(*c*) construct and provide carriageways footways vaults cellars arches sewers drains subways sunken or other ornamental gardens and other works and conveniences;

(*d*) stop up and appropriate the site and soil of so much of any streets as shall be rendered unnecessary by the exercise of the powers of this Part of this Act;

(*e*) execute any works for the protection of any adjoining land or buildings; and

(*f*) remove alter divert or stop up any drain sewer channel or watercourse the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer or water in any channel or watercourse.

(2) Any paving metalling or materials in on or under any street altered or diverted by the Corporation under the powers of this Part of this Act and any sewers drains and works (hereinafter called "apparatus") rendered unnecessary by the substitution of other apparatus therefor shall vest in the Corporation and the substituted apparatus shall be under the same jurisdiction care management and direction as the existing apparatus for which it may be so substituted.

(3) In the exercise of the powers conferred by this section the Corporation shall cause as little detriment and inconvenience as circumstances admit to any person and shall make reasonable compensation for any damage caused to any person by the exercise of such powers.

(4) Within the limits of deviation shown on the deposited plans the Corporation may raise sink or otherwise alter the position of any of the steps areas cellars windows and pipes or spouts belonging to any house or building and may remove all other obstructions so that the same be done with as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and shall make reasonable compensation for any damage caused by the exercise of the powers of this subsection.

PART III —*cont.*

(5) Any question of disputed compensation payable under the foregoing provisions of this section shall be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as amended by the Lands Tribunal Act 1949.

Stopping up of highways.

23.—(1) (*a*) The Corporation may stop up the whole or such portion or portions as they think fit of so much of the highways referred to in this subsection as is shown on the deposited plans as intended to be stopped up and thereupon all rights of way over or along the same shall be extinguished and the Corporation may appropriate and use the sites of the highways stopped up:

Provided that the Corporation shall not under the powers of this subsection stop up any part of a highway unless—

(*a*) it is bounded on both sides by lands belonging to the Corporation; or

(*b*) the Corporation obtain the consent of the owners lessees and occupiers of the houses and lands on both sides thereof.

(*b*) The highways hereinbefore referred to are (i) Hooker's Place (ii) the access road from George Street to Fairfield (iii) Hazledean Road (iv) Fairfield Road (v) Wellesley Court Road and (vi) Fairfield Footpath.

(2) Any person who suffers loss by the extinguishment of any private 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.

Notice to commissioner of police.

24. Before the Corporation break up or otherwise interfere with any street in the metropolitan police district in connection with the execution of any works under the powers of this Act they shall (except in case of emergency) give fourteen days' notice in writing to the commissioner of police of the metropolis and make such arrangements with the said commissioner as may be reasonably necessary so as to cause as little interference as may be reasonably practicable with the traffic in such street during the execution of such works.

For protection of Postmaster-General.

25.—(1) Where in pursuance of the powers conferred by section 22 (Power to make subsidiary works) or section 23 (Stopping up of highways) of this Act any highway or part of a highway is stopped up the following provisions shall unless otherwise agreed in writing between the Corporation and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is

PART III —*cont.*

under in upon over along or across such highway or part of a highway at the time of such stopping up:—

(*a*) The power of the Postmaster-General to remove the line shall be exercisable notwithstanding the stopping up of the highway or part of the highway so however that the said power shall not be exercisable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in subsection (2) of this section unless before the expiration of that period the Postmaster-General has given notice to the Corporation of his intention to remove the line or that part thereof as the case may be:

(*b*) The Postmaster-General may by notice to the Corporation in that behalf abandon the said line or any part thereof and shall be deemed as respects the line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it:

(*c*) The Postmaster-General shall be entitled to recover from the Corporation the expense of providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster-General may require:

(*d*) Where under paragraph (*b*) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the Corporation and the provisions of the Telegraph Acts 1863 to 1954 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

(2) As soon as the whole or any part of any highway has been stopped up the Corporation shall send by post to the Postmaster-General a notice informing him of such stopping up and the period of three months mentioned in subsection (1) of this section shall commence to run from the date on which such notice is sent.

(3) In this section the expression "telegraphic line" has the same meaning as in the Telegraph Act 1878.

For protection of commission.

26. For the protection of the Commission the following provisions shall unless otherwise agreed in writing between the Corporation and the commission apply and have effect:—

(1) In this section—

"railway property" means the lands belonging to or occupied by the commission and numbered 50

PART III —*cont.*

51 52 and 121 on the deposited plans (except so much of the said properties numbered 51 and 52 as may be reasonably required for the purpose of Street Work No. 3 authorised by this Act) and the railway and railway works of the commission;

"the authorised works" means so much of Street Work No. 3 and Street Work No. 6 authorised by section 20 (Power to construct street works) of this Act as may be situated upon across under or over any of the railway property or may affect the same:

(2) The Corporation shall not under the powers of this Act acquire compulsorily any of the railway property but the Corporation may acquire and the commission shall sell and grant accordingly such easements and rights in and over the railway property within the limits of deviation on the deposited plans as they may reasonably require for the purposes of the authorised works and the payment to be made by the Corporation to the commission for any such easement or right shall be determined in accordance with the Lands Clauses Acts:

(3) The Corporation shall not commence to construct any part of the authorised works without the consent of the commission which consent shall not be unreasonably withheld but may be given subject to such terms and conditions with regard to the construction repair maintenance renewal or alteration of the said works as may be reasonable:

(4) Any dispute or difference arising between the Corporation and the commission under this section shall be referred to and settled by a single arbitrator to be agreed between the parties or failing agreement to be appointed on the application of either of them (after notice in writing to the other) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1950 shall apply to such arbitration.

PART IV

STREETS

Lands for amenity of streets.

27. The Corporation may and shall be deemed always to have had power to acquire by agreement (whether by way of purchase lease exchange or gift) any land which in their opinion it is desirable the Corporation should acquire for the purpose of providing an amenity to the lands and houses abutting on any street in the borough.

PART IV —*cont.*

Trees grass verges and gardens.

28.—(1) Subject to the provisions of this section the Corporation shall have power in any street vested in them or on any land acquired by them for the purpose of the construction or improvement of any such street or for preventing the erection of buildings detrimental to the view from the street or on any land acquired by them or deemed to have been acquired by them under the powers of section 27 (Lands for amenity of streets) of this Act—

(*a*) to plant trees or shrubs or place tubs in which to grow trees or shrubs;

(*b*) to lay out grass verges or gardens;

(*c*) to attach baskets for plants to posts or standards provided by the Corporation or with the consent of the owner thereof to any other posts or standards;

(*d*) to provide guards or fences and otherwise do anything expedient for the maintenance or protection of such trees shrubs tubs baskets grass verges or gardens;

(*e*) to cut down any such tree or shrub to remove any such tub or basket and to abolish any such grass verge or garden or enlarge or diminish the area thereof.

(2) The powers conferred by this section shall not be exercised so as to hinder the reasonable use of the street by any person entitled to the use thereof or so as to be a nuisance or injurious to the owner or occupier of any land or premises abutting on the street.

(3) Without prejudice to the provisions of section 15 (Extension of section 150 of Public Health Act 1875) of the Croydon Corporation Act 1935 section 1 of the Roads Improvement Act 1925 shall cease to apply to highways vested in the Corporation or to any such land as is referred to in subsection (1) of this section and anything done by the Corporation under that section with respect to such highways or lands before the passing of this Act shall be deemed to have been done under this section.

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

Verges etc. of housing estates.

29.—(1) Where in pursuance of—

(*a*) the Housing Acts 1936 to 1952; or

(*b*) section 28 (Trees grass verges and gardens) of this Act;

any grass verge garden or space is provided or laid out by the Corporation and maintained in an ornamental condition

PART IV —*cont.*

or mown by them they may by notice prohibit persons from entering upon or causing or permitting vehicles to enter upon any such grass verge garden or space.

(2) Any such notice as is referred to in the foregoing subsection shall be conspicuously posted on or in proximity to the grass verge garden or space to which it relates and if any person contravenes a notice so posted he shall be liable to a fine not exceeding twenty shillings.

Fencing of forecourts.

30.—(1) Where the forecourt of any premises abutting on a street in the borough or any steps or projection or goods (whether for sale or not) placed in any such forecourt is or are a source of danger obstruction or inconvenience to the public the Corporation may by notice require the owner or occupier of the premises to fence the forecourt from the street.

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

Forecourts injurious to amenities of street.

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

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

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

Maintenance of forecourts to which public have access.

32.—(1) Where the forecourt of any premises abutting upon a street in the borough is unfenced and is habitually used or is open to use by the public as part of the footway of such street the Corporation may by notice require the owner or occupier of the forecourt to carry out such work as may be necessary to make good any want of repair to the forecourt or to remove any source of danger to persons using the same.

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

PART IV —*cont.*

Provided that—

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

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

Urgent repairs of private streets.

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

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

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

PART V

SANITATION BUILDINGS ETC.

Recovery of cost of maintaining public sewers.

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

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

PART V —*cont.*

Delegation of power to examine and test drains etc.

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

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

(*a*) that a sanitary convenience drain private sewer or cesspool is in such a condition as to be prejudicial to health or a nuisance ; or

(*b*) that a drain or private sewer communicating directly or indirectly with a public sewer is so defective as to admit subsoil water ;

he may examine its condition and for that purpose may apply any test other than a test by water under pressure and if he deems it necessary open the ground.

(3) If on examination the convenience drain sewer or cesspool is found to be in proper condition the Corporation shall as soon as possible reinstate any ground which has been opened by the medical officer or the sanitary inspector and make good any damage done by him.

Summary power to remedy stopped-up drains etc.

36.—(1) If it appears to the medical officer or the sanitary inspector that on any premises in the borough a drain private sewer water-closet or soil pipe is stopped up he may by notice require the owner or occupier of the premises to remedy the defect within forty-eight hours from the service of the notice.

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

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

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

(*a*) whether any requirement contained in a notice served under this section or any work done by the Corporation was reasonable ; and

(*b*) whether the expenses incurred by the Corporation in doing the work or any part thereof ought to be borne wholly or partly by the person on whom the notice was served ;

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

PART V —*cont.*

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

Ruinous and dilapidated buildings and neglected sites.

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

(2) Where a building in the borough is by reason of its ruinous or dilapidated condition seriously detrimental to the amenities of the neighbourhood the Corporation may by notice require the owner thereof—

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

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

as may be necessary in the interests of amenity.

(3) Where rubbish or other material resulting from or exposed by the demolition or collapse of a building in the borough is lying on the site of the building or on any land occupied with the building and by reason thereof the site or land is in such a condition as to be seriously detrimental to the amenities of the neighbourhood the Corporation may by notice require the owner of the site or land to take such steps for removing the rubbish or material as may be necessary in the interests of amenity.

(4) The provisions of section 290 of the Act of 1936 shall apply in relation to notices given under this section as they apply in relation to the notices mentioned in subsection (1) of that section and in their application to a notice given under subsection (2) of this section—

(*a*) subsection (2) of the said section 290 shall be construed as requiring the notice to indicate both the nature of the works of repair or restoration and the works of demolition and removal of rubbish or material; and

(*b*) subsection (6) of the said section 290 shall be construed as authorising the Corporation to execute subject to the provisions of that subsection at their election either the works of repair or restoration or the works of demolition and removal of rubbish or material.

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

(6) In this section the expression "building" includes any structure. PART V —*cont.*

Cleansing of filthy or verminous premises.

38. Section 83 of the Act of 1936 shall in its application to the borough have effect as if the following subsection were substituted for subsection (1) thereof:—

"(1) Where the local authority upon consideration of a report from any of their officers or other information in their possession are satisfied that any premises other than a factory within the meaning of the Factories Act 1937—

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

(*b*) are verminous;

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

(i) distempering or whitewashing the interior surface thereof; or

(ii) in the case of premises used for human habitation or as shops or offices papering or painting the said interior surface;

and the notice may require among other things the removal of wallpaper or other covering of the walls or in the case of verminous premises the taking of such steps as may be necessary for removing or destroying vermin."

Prohibition of sale of verminous articles.

39.—(1) No dealer shall in the borough—

(*a*) prepare for sale;

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

(*c*) deposit for sale or preparation for sale;

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

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

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

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

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

PART V —*cont.*

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

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

(5) For the purposes of this section—

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

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

(*c*) the expression "preparation for sale" shall not include disinfestation.

Noise nuisance.

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

Provided that—

(*a*) in any proceedings brought by virtue of this section under the said Part III in respect of a noise occasioned in the course of any trade or business it shall be a defence for the defendant to prove that he has used the best practicable means for preventing or mitigating the noise having regard to the cost and to other relevant circumstances;

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

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

(3) Nothing in this section shall affect the power of the Corporation to make byelaws under section 249 of the Act of 1933.

Application of Part III of Act of 1936 to statutory undertakers.

41. Nothing in any local Act or order in force in the borough applying to any statutory undertakers shall prevent the provisions of Part III of the Act of 1936 applying to any premises in the borough of those undertakers.

PART VI

PREMISES USED FOR SALES BY AUCTION

Definitions for this Part of Act.

42.—(1) In this Part of this Act—

the expression "premises" includes land;

the expression "prescribed articles" means any plate plated articles linen china glass books pictures prints furniture jewellery articles of household or personal use or ornament or any musical or scientific instruments or apparatus; and

the expression "sale by auction" includes any public sale at which a salesman invites an assembly of persons or any of them to acquire prescribed articles by competitive bidding.

(2) This Part of this Act applies to any sale by auction on any premises in the borough of any prescribed article whether or not in combination with the sale by auction of any other articles or things.

Registration of premises used for sales by auction.

43.—(1) As from the appointed day no premises in the borough shall be used for the conduct of any sale by auction to which this Part of this Act applies unless they are registered under this section for that purpose by the Corporation.

(2) Subject to the following provisions of this section the Corporation shall on the application of the occupier of or of a person proposing to occupy any such premises register those premises under this section.

(3) If—

(*a*) it appears to the Corporation—

(i) that any premises for the registration of which application has been made under this section or which are registered under this section are unsuitable for use for the purpose of conducting sales by auction; or

(ii) that any such premises have been used for the purpose of conducting otherwise than in good faith any sale by auction;

(*b*) the applicant for registration or the occupier for the time being of any such premises has been convicted of any offence involving fraud or dishonesty;

the Corporation shall if they propose to take the matter into consideration serve on the applicant or occupier as the case may be a notice stating the place and time not being less than seven days after the date of the service of the notice at which they propose to do so and informing him that he may attend

PART VI —*cont.*

before them with any witnesses whom he desires to call at the place and time mentioned to show cause why the Corporation should not for reasons specified in the notice refuse the application or as the case may be cancel the registration of the premises.

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

(5) A person aggrieved by a decision of the Corporation under this section to refuse to register any premises or to cancel a registration of any premises may appeal to a magistrates' court.

(6) (*a*) In the event of the occupier of premises registered under this section ceasing to occupy the premises otherwise than by reason of his death he shall within seven days after so ceasing give to the Corporation notice thereof.

(*b*) If a person required to give notice under this subsection fails to do so he shall be liable to a fine not exceeding five pounds.

(7) In the event of the occupier of premises registered under this section dying or ceasing to occupy the premises the registration of the premises then in force shall (unless previously cancelled under this section) continue in force for a period of three months from the date of death or cesser of occupation but shall upon the expiration of that period cease to have effect.

(8) Any person who conducts or assists in conducting a sale by auction to which this Part of this Act applies on any premises in the borough which are not registered under this section and any person who knowingly permits any such premises to be used for the purpose of conducting a sale by auction shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Exemptions.

44. Notwithstanding anything in the last preceding section sales by auction to which this Part of this Act applies of the undermentioned classes may be conducted on premises which are not registered under that section:—

(*a*) sales at intervals of not less than six months of prescribed articles so long as no substantial part of the articles was brought on to the premises for the purposes of the sale;

(*b*) sales for the purpose of assisting the funds of any voluntary organisation if the whole or substantially the whole of the proceeds of sale are devoted to the funds of the organisation. PART VI —*cont.*

As to section 287 of Act of 1936.

45. For the purposes of paragraph (*a*) of subsection (1) of section 287 of the Act of 1936 as applied by this Act the provisions of this Part of this Act shall be provisions which it is the duty of the Corporation to enforce.

PART VII

FINANCE

Power to borrow.

46.—(1) The Corporation shall have power in addition and without prejudice to their powers of borrowing under the Act of 1933 from time to time to borrow without the consent of any sanctioning authority for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall repay any sum so borrowed within such periods as the Corporation may determine not exceeding those respectively mentioned in the third column of the said table (namely):—

(1)	(2)	(3)
Purpose	Amount	Period for repayment calculated from the date or dates of borrowing
(*a*) The purchase of lands under the powers of this Act	The sum requisite	Sixty years.
(*b*) The construction of the street works authorised by this Act and works in connection therewith	£728,300	Twenty years.
(*c*) The provision of an assembly hall and other buildings and works authorised by section 61 (Power to provide assembly hall etc.) of this Act	£1,350,000	Fifty years.
(*d*) The payment of the costs charges and expenses of this Act	The sum requisite	Five years.

(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 purposes of the said Part IX.

PART VII —*cont.*

Saving for powers of Treasury.

47. It shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act) otherwise than in compliance with the provisions of any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Water reserve fund.

48. The proviso to subsection (1) of section 47 of the Croydon Corporation Act 1935 (which provides that the amount set apart in any one year to provide a reserve fund in respect of the water undertaking shall not exceed a sum equal to one-half per centum of the aggregate capital expenditure of the Corporation on that undertaking) shall cease to have effect.

Gratuities to servants.

49. The Corporation may and shall be deemed always to have had the power to grant to any of their servants who has ceased to be employed by them before the passing of this Act a gratuity by way of periodical payments not exceeding in any year one-half of the annual emoluments of the employment:

Provided that the Corporation shall not under the powers of this section grant a gratuity to any servant who is entitled to a superannuation allowance under the Local Government Superannuation Act 1937 or to a benefit under regulations made under section 1 of the Local Government Superannuation Act 1953.

Expenses of public ceremonies etc.

50.—(1) The Corporation may pay reasonable expenses for or in connection with the presentation of the freedom of the borough to persons whom the council may resolve to admit as honorary freemen.

(2) The Corporation may—

(*a*) make contributions not exceeding in any one year the sum of five hundred pounds to any organisation formed for the purpose of fostering good relations between cities and towns in the United Kingdom and other cities and towns in Europe;

(*b*) pay reasonable expenses for or in connection with the entertainment of members of athletic sporting or cultural teams clubs or societies visiting the borough from any European country outside the United Kingdom; and

(*c*) pay reasonable travelling expenses of members of athletic sporting and cultural teams clubs and societies from the borough visiting any European country outside the United Kingdom.

PART VII —*cont.*
Collection and recovery of water rates etc.

51.—(1) Any water rent water rate or water charge payable to the Corporation may be demanded and collected together with the general rate and the same books may be used for the said rent rate or charge and the general rate.

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

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

(4) In this section " water charge " includes a meter rent.

PART VIII

MISCELLANEOUS

Power to erect weighbridges.

52.—(1) The Corporation may within the borough erect and maintain on any highway or on any open space or public place on or adjoining any highway such weighbridges or weighing-machines and offices in connection therewith as they may consider necessary or desirable for the use of the public.

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

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

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

Golf courses.

53.—(1) The Corporation may provide a golf course and for that purpose may by agreement acquire whether by way of purchase lease or exchange land whether situated within or without the borough:

Provided that the powers of this subsection shall not be exercised with respect to any land outside the borough without the consent of the council of the county district in which the land is situate but such consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld shall be determined by the Minister.

PART VIII —*cont.*

(2) The Corporation may provide such buildings and execute such works as may be necessary or expedient in connection with the provision of any golf course under this section and references in the following provisions of this section to a golf course so provided shall include references to any buildings provided or works executed under this subsection and to anything with which any such golf course or building is equipped by virtue of section 271 of the Act of 1936 as applied by this Act.

(3) The Corporation may either—

(*a*) themselves manage any golf course provided under this section making such reasonable charges for the use thereof or admission thereto as they think fit ; or

(*b*) let it or any part thereof for such consideration and on such terms and conditions as they think fit.

(4) The Corporation may—

(*a*) at any such golf course provide and sell refreshments of all kinds subject to the provisions of all enactments relating thereto ;

(*b*) enter into any agreement or arrangement for the provision and sale of refreshments as aforesaid ;

(*c*) grant upon such terms and conditions and for such period as they think fit the right so to provide and sell refreshments ;

(*d*) by themselves or any person appointed by them in that behalf apply for and hold licences for the sale of intoxicating liquor or tobacco at any such golf course.

(5) The Corporation may make byelaws for regulating the use of golf courses provided under this section whether within or without the borough and the conduct of persons using them or resorting thereto.

Hairdressers and barbers.

54.—(1) As from the appointed day no person shall carry on the business of a hairdresser's or barber's shop on any premises in the borough unless he and those premises are registered by the Corporation for the purpose.

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

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

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

PART VIII —*cont.*

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

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

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

(*b*) in the case of a contravention of a byelaw to a fine not exceeding five pounds and the court by which he is convicted may (in lieu of or in addition to imposing a fine) order the suspension or the cancellation of his registration.

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

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

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

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

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

Removal etc. of dangerous trees.

55.—(1) If it appears to the Corporation that for the prevention of danger to persons generally or of damage to property any tree in the borough should be removed cut or felled the Corporation may serve a notice on the owner or occupier of the premises on which such tree is growing or situated requiring him within twenty-one days to remove cut or fell the tree or execute such other works as the Corporation may consider necessary to prevent the danger.

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

PART VIII —*cont.*

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

Provided that for the purposes of such application the said section 290 shall have effect as if for paragraph (*a*) of subsection (3) thereof there were substituted the following paragraph:—

" (*a*) that the notice or requirement is unreasonable ".

Removal of trees etc. from streets.

56. Where any tree or structure or any part thereof falls on or across any street in the borough the Corporation may remove the same and recover the reasonable cost of so doing from the owner thereof or if such owner was not in beneficial occupation of the land upon which such tree or structure or any part thereof was situated from the occupier of the land.

Agreements to maintain *graves and tombstones.*

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

(*a*) The said sum shall subject to the next following paragraph and any other enactment authorising its application in some other manner be invested in statutory securities;

(*b*) If and in so far as the cost of maintaining the grave or tombstone in accordance with the agreement exceeds in any year the interest received on the said sum the cost shall be defrayed out of the capital of the said sum;

(*c*) At the expiration of the period fixed by the agreement for the maintenance of the grave or tombstone the 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 ground or crematorium.

(2) In this section—

" burial ground " includes a cemetery;

" grave " includes a grave space niche or urn;

PART VIII —*cont.*

" 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 county council or 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 ;

" tombstone " includes a monument or other memorial of a deceased person.

Extension of power to maintain burial grounds.

58.—(1) The powers of the Corporation in relation to a burial ground maintainable by them shall include power—

(*a*) to put and keep in order any tombstone therein ;

(*b*) to level any grave therein or remove any tombstone or movable memorial on any grave therein or the railings surrounding any grave or tombstone therein :

Provided that the Corporation shall not remove any headstone under the powers conferred by paragraph (*b*) of this subsection unless it is in a dilapidated condition.

(2) Before exercising the powers conferred by paragraph (*b*) of the foregoing subsection the Corporation shall give notice of their intention to do so—

(*a*) by publishing the notice once in each of two successive weeks in a local newspaper circulating in the borough with an interval between each publication of not less than six clear days ;

(*b*) by displaying the notice in a conspicuous position in the burial ground ; and

(*c*) by serving the notice upon the owner of the grave or upon a relative of a deceased person whose remains are interred therein if after reasonable inquiry the name and address of such owner or relative can be ascertained.

(3) The said notice shall—

(*a*) contain brief particulars of the Corporation's proposals and if necessary specify an address at which full particulars of the proposals can be obtained ;

(*b*) specify the date on which it is intended that the Corporation shall begin to carry out the proposals which shall not be earlier than the fourteenth day after the last publication of the notice in a newspaper as aforesaid or the twenty-first day after the notice is first displayed in the burial ground as aforesaid or where notice is served under paragraph (*c*) of subsection (2) of this section the twenty-first day after such service ;

(*c*) state the effect of the next following subsection.

PART VIII —*cont.*

(4) If notice of objection to the proposals and of the ground thereof is given to the Corporation before the date so specified and is not withdrawn before the expiration of fourteen days from that date the proposals to which the objection relates shall not be carried out without the consent of the Minister.

(5) Unless within three months after the first publication of the notice required by paragraph (*a*) of subsection (2) of this section or where notice is served under paragraph (*c*) of that subsection within three months after such service whichever is the later any tombstones memorials or railings removed under this section are claimed the Corporation may put them to such use as they think appropriate or destroy them.

(6) Where any tombstone is removed under this section the Corporation may erect at their own expense in substitution a tombstone of a value not exceeding twenty-five pounds.

(7) The Corporation shall cause to be made a record of each tombstone and memorial removed under this section and deposit a copy of the record with the Registrar-General.

(8) Where a faculty or licence of a consistory court is required for any work nothing in this section shall relieve the Corporation of their obligation to obtain such a faculty or licence and where the Corporation obtain a faculty or licence for any work subsections (2) to (5) of this section shall not apply to that work.

(9) In this section—

" burial ground " includes a cemetery ;

" grave " includes a grave space ;

" tombstone " includes a kerb and any fixed memorial to the dead.

Boxing and wrestling entertainments.

59.—(1) As from the appointed day the provisions of the Home Counties (Music and Dancing) Licensing Act 1926 shall in their application to the borough extend to any place kept for the purposes of any boxing or wrestling entertainment as though any such entertainment were of the like kind with public dancing and music :

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

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

(*a*) by travelling showmen at pleasure fairs ;

PART VIII —*cont.*

(*b*) by bona fide organisations associations clubs or societies whether for juveniles or adults and whether corporate or unincorporate which are not carried on for profit; or

(*c*) by any university university college college of a university training college establishment of further education or school.

Byelaws as to pleasure fairs etc.

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

(*a*) for regulating the hours during which pleasure fairs and roller-skating rinks may be open to the public;

(*b*) for securing safe and adequate means of ingress to and egress from any pleasure fair or roller-skating rink;

(*c*) for the prevention and suppression of nuisances and for preserving sanitary conditions cleanliness order and public safety at any pleasure fair or roller-skating rink.

(2) In this section—

(*a*) the expression "pleasure fair" means any place—

(i) 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

(ii) for admission to which or for the use of the contrivances in which a charge is made;

(*b*) the expression "roller-skating rink" means any place which is for the time being used wholly or mainly for roller-skating and for admission to 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*) coconut 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.

PART VIII —*cont.*

(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 entertainment which is not run for profit and is not carried on for more than seven consecutive days ; or

(*c*) 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 pleasure fairs and roller-skating rinks and for different kinds of pleasure fairs.

(7) For the purposes of paragraph (*a*) of subsection (1) of section 287 of the Act of 1936 as applied by this Act the provisions of any byelaws made under this section shall be provisions which it is the duty of the Corporation to enforce.

Power to provide assembly hall etc.

61.—(1) The Corporation may upon the lands in the borough for the time being belonging to them and lying between George Street Park Lane Barclay Road and the railway of the commission provide erect and maintain—

(*a*) an assembly hall office buildings and other buildings with restaurants incidental thereto ; and

(*b*) a car park or garage (whether on the ground level or underground or on one or more storeys) ;

and may fit up and furnish the same and provide and maintain all necessary roads approaches accesses works and conveniences in connection therewith.

(2) The Corporation may lease or grant or let with or without charge the use of any part or parts of the said assembly hall and other buildings on such terms and conditions as the Corporation may think fit.

(3) (*a*) The Corporation may subject to the provisions of all enactments relating thereto in connection with any function or entertainment held at the said assembly hall or restaurants sell

and supply or enter into any agreement or arrangement with any person for the sale and supply of refreshments to the public attending such function or entertainment.

(*b*) The Corporation or any person appointed by them in that behalf may apply for and hold licences for the sale of intoxicating liquor or tobacco for the purposes of this subsection.

School agreements.

62.—(1) Any agreement entered into between the Corporation and the parent or guardian of a pupil at any secondary school may make provision for the payment by such parent or guardian to the Corporation of any sum not exceeding ten pounds in the event of the pupil ceasing without reasonable cause to attend such school before the date fixed by such agreement for the pupil to cease such attendance and the Corporation shall be entitled without proof of any actual damage incurred by reason of such pupil ceasing to attend such school to recover from such parent or guardian any sum not exceeding the sum specified in the agreement which the court may think fit to award in all the circumstances of the case.

(2) For the purposes of this section the expression " secondary school " includes—

(*a*) a secondary school as defined by section 114 of the Education Act 1944; and

(*b*) a school in respect of which grants are paid by the Minister of Education under regulations made in pursuance of paragraph (*b*) of subsection (1) of section 100 of that Act and in which secondary education as defined by section 8 of that Act is provided.

As to certain sewerage agreements.

63.—(1) In this section unless the subject or context otherwise requires the following expressions have the meanings hereby respectively assigned to them:—

" the agreements " means the Banstead agreement the Carshalton agreements the Caterham agreement and the Coulsdon agreement as amended from time to time by agreement between the parties or by or in pursuance of this section;

" the Banstead agreement " means the agreement dated the eleventh day of May nineteen hundred and thirty-four and made between the urban district council of Banstead of the first part the Corporation of the second part and the urban district council of Coulsdon and Purley of the third part;

" the Carshalton agreements " means the agreement dated the twenty-seventh day of September nineteen hundred and thirty-four and made between the urban district council of Carshalton of the one part and the Corporation of the other part and the agreement dated the

PART VIII —*cont.*

thirtieth day of March nineteen hundred and thirty-five and made between the urban district council of Coulsdon and Purley of the one part and the urban district council of Carshalton of the other part;

" the Caterham agreement " means the agreement dated the ninth day of October nineteen hundred and thirty-four and made between the urban district council of Caterham and Warlingham of the first part the Corporation of the second part and the urban district council of Coulsdon and Purley of the third part;

" the Coulsdon agreement " means the agreement dated the sixteenth day of February nineteen hundred and thirty-four and made between the urban district council of Coulsdon and Purley of the one part and the Corporation of the other part;

" the engineer " means the engineer to be appointed by agreement between the local authorities or in default of agreement by the President of the Institution of Civil Engineers on the application of any of the local authorities after giving notice in writing to the other local authorities or (if the engineer so appointed refuses to act or is incapable of acting or dies) another engineer appointed in like manner in his place;

" the Purley flooding " means the flooding referred to in the preamble to this Act;

" the local authorities " means the Corporation the urban district council of Banstead the urban district council of Carshalton the urban district council of Caterham and Warlingham and the urban district council of Coulsdon and Purley.

(2) (*a*) Within six months after the passing of this Act the Corporation shall refer to the engineer the question as to what action is necessary to prevent the Purley flooding and as soon as may be thereafter the engineer shall after giving to each of the local authorities (after not less than six weeks' notice in writing) an opportunity of being heard prepare a draft scheme (hereinafter referred to as " the scheme ") prescribing the action to be taken and the works (if any) to be executed to prevent the Purley flooding but at the same time maintaining the right of the local authorities under the agreements to discharge sewage matter from their respective areas into the sewers of the Corporation or (as the case may be) into the sewers of the urban district council of Coulsdon and Purley.

(*b*) If the engineer shall give notice in writing to any of the local authorities requiring them to afford to him reasonable access to their sewerage works or to supply to him any such

information or to prepare and supply to him any such particulars as he may require for the purpose of preparing the scheme such local authority shall comply with such requirement.

(*c*) The provisions of section 12 and subsection (3) of section 13 of the Arbitration Act 1950 shall apply to a reference under paragraph (*a*) of this subsection as if the engineer were an arbitrator.

(3) The engineer in preparing the scheme and the Minister in confirming the scheme shall have regard to all relevant facts including the respective obligations of the local authorities under the agreements (as they existed immediately prior to the passing of this Act) and any apportionment under paragraph (*f*) of subsection (4) of this section of the cost of carrying out and maintaining the works prescribed by the scheme shall so far as reasonably practicable be related first to those obligations and then to any benefits and advantages which may be derived by the local authorities from the works to be executed under the scheme and which are additional to the benefits and advantages for which provision is made in the agreements as they existed immediately prior to the passing of this Act.

(4) Without prejudice to the generality of the provisions of subsection (2) of this section a scheme under the said subsection may—

(*a*) require the exclusion so far as reasonably practicable of surface water from any foul water sewers of any of the local authorities which sewers discharge directly or indirectly into the sewer at the junction of Brighton Road Purley Road Russell Hill Road and Banstead Road or into the sewer in the Brighton Road to the north of the last-mentioned sewer between the said junction and Napier Road ;

(*b*) require the repair enlargement or duplication of any of the sewers of any of the local authorities ;

(*c*) require the construction of any necessary sewers and incidental works ;

(*d*) specify the authority by whom any of the works referred to in paragraph (*b*) or paragraph (*c*) of this subsection are to be executed ;

(*e*) contain an estimate of the cost of the works referred to in paragraph (*b*) and paragraph (*c*) of this subsection ;

(*f*) state the engineer's fees and the costs and expenses incurred by him (but not including the costs and expenses incurred by any of the local authorities) preliminary to and of and incidental to the preparation and making of the scheme and specify how those fees costs and expenses and the costs and expenses of and incidental to the confirmation of the scheme and the

PART VIII —*cont.*

cost of carrying out and maintaining the works referred to in paragraph (*b*) or paragraph (*c*) of this subsection shall be borne and the manner in which all or any of the local authorities shall discharge their liability under the scheme whether by way of capital contribution or by periodical payments and provide for the periodical review or revision of any such periodical payments;

(*g*) specify the provision to be made for vesting any such sewers and other works in any of the local authorities and for inspection thereof by any other of the local authorities during construction;

(*h*) provide that any dispute arising under any of the agreements or under the scheme shall be determined by a single arbitrator to be appointed by agreement between the parties or in default of such agreement by the Minister; and

(*i*) contain such incidental and consequential provisions as may be necessary or expedient.

(5) Forthwith after preparing the scheme the engineer shall send copies of the same to the Corporation and to the other local authorities and the Corporation shall submit the scheme to the Minister.

(6) Upon submitting the scheme to the Minister the Corporation shall—

(*a*) deposit a copy for public inspection at the office of each of the local authorities; and

(*b*) publish in one or more local newspapers circulating in the areas of the local authorities a notice—

(i) stating the general effect of the scheme;

(ii) specifying the places where a copy of the scheme may be inspected by any person free of charge at all reasonable hours during a period of two months from the date of the first publication of the notice; and

(iii) stating that within the said period any person affected by the scheme may by notice to the Minister object to the confirmation of the scheme.

(7) The Minister shall cause a local inquiry to be held and each of the local authorities and any person by whom objection has been duly made shall be entitled to be heard at the inquiry.

(8) (*a*) After considering the report of the person by whom the inquiry was held the Minister may by order (hereinafter refered to as "the order") confirm the scheme with or without amendment or modification and the order may contain such incidental and consequential provisions as the Minister thinks necessary or expedient.

PART VIII —*cont.*

(*b*) As soon as may be after the making of the order the Minister shall send a copy of the order to each of the local authorities.

(9) The order shall for all purposes be binding upon the local authorities and effect shall be given thereto and to the agreements as if the provisions of the order were included in each of them Where the provisions of any of the agreements (as they existed immediately prior to the passing of this Act) conflict with the provisions of the order that agreement shall be deemed to be amended or modified as provided for in the order Any sums payable under the order to any of the local authorities may be recovered by that authority in a court of competent jurisdiction.

(10) The provisions of Part II of the Act of 1936 shall so far as applicable apply to the construction by any of the local authorities of any works required by the order as if those works were works which it is the duty of that local authority to provide under section 14 of the Act of 1936.

Further powers as to libraries.

64.—(1) Notwithstanding anything contained in the Public Libraries Acts 1892 to 1919 the powers of the Corporation under those Acts in relation to any library provided by them under those Acts shall include—

(*a*) the power to provide and lend or permit the use of gramophone records pictures films film strips lantern slides prints engravings and photographs ;

(*b*) the power to charge such reasonable sum as the Corporation may prescribe for the reservation of an article ;

(*c*) the power to prescribe a period not being less than seven days within which any article borrowed from such library must be returned thereto ;

(*d*) the power to recover from any person who fails within such prescribed period to return to such library any article so borrowed such reasonable sum as the Corporation may prescribe in respect of each week or portion of a week in which he so fails to return such article together with any expenses incurred by the Corporation in sending to such person notices in respect of such article ;

(*e*) the power to prohibit any such person from borrowing any other article from any library provided by the Corporation under those Acts until such person has paid any such sum as is due to the Corporation under paragraph (*d*) of this subsection ;

PART VIII —*cont.*

(*f*) the power to prescribe different periods and charges for the purposes of this section in relation to different articles or kinds of articles:

Provided that—

(i) nothing in this subsection shall be deemed to authorise the Corporation to do any act or thing in relation to any work or other subject-matter in or in relation to which copyright may subsist except with the consent of the person in whom the sole right to do or to authorise the doing of that act or thing in relation to that work or subject-matter is for the time being vested under the law relating to copyright;

(ii) the sums prescribed by the Corporation for the purposes of paragraph (*d*) of this subsection shall not exceed sixpence or such greater sum as may be approved from time to time by the Minister of Education.

(2) In this section the expression "article" includes a book gramophone record picture film film strip lantern slide map plan print engraving or photograph.

PART IX

GENERAL

Confirming authority for byelaws.

65. As respects byelaws made under this Act the confirming authority for the purpose of section 250 of the Act of 1933 shall be the Minister except that in the case of byelaws made under section 53 (Golf courses) and section 60 (Byelaws as to pleasure fairs etc.) the confirming authority shall be the Secretary of State.

Local inquiries.

66.—(1) Any Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act.

(2) Subsections (2) to (5) of section 290 of the Act of 1933 shall apply in relation to any such inquiry and for that purpose the definition of the expression "department" in subsection (8) of that section shall include any Minister of the Crown having functions under this Act as well as the Ministers therein mentioned.

(3) In this section the expression "Minister of the Crown" has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act 1946.

PART IX —*cont.*

The appointed day.

67.—(1) For the purposes of this Act the expression "the appointed day" means such day as may be fixed by resolution of the council subject to and in accordance with the provisions of this section.

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

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

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

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

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

(4) Either—

(*a*) a copy of any such newspaper containing any such notice; or

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

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

(5) Where any provision of this Act coming into operation on a day fixed by resolution under this section requires the registration of a person carrying on any business or of premises used for any purpose it shall be lawful for any person who—

(*a*) immediately before that day was carrying on that business or using any premises for that purpose; and

(*b*) had before that day duly applied for the registration required by that provision;

to continue to carry on that business and to use those premises for that purpose until he is informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (2) of section 69 (Appeals) of this Act.

Restriction on right to prosecute.

68. 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.

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

PART IX —*cont.*

(2) Where any requirement refusal or other decision of the Corporation against which a right of appeal is conferred by this Act—

(*a*) involves the execution of any work or the taking of any action ; or

(*b*) makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time of the requirement refusal or decision or to use any premises for any purpose for which they were lawfully used up to that time ;

then until the time for appealing has expired or when an appeal is lodged until the appeal is disposed of or withdrawn or fails for want of prosecution—

(i) no proceedings shall be taken in respect of any failure to execute the work or take the action nor shall the Corporation themselves execute the work or take the action ; and

(ii) that person may carry on that business and use those premises for that purpose.

Application of general provisions of Act of 1936.

70.—(1) The sections of the Act of 1936 mentioned in Part I of the schedule to this Act shall have effect as if references therein to that Act included a reference to this Act.

(2) The sections of the Act of 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included a reference to Part IV (Streets) and Part V (Sanitation buildings etc.) of this Act and also to the following sections of this Act (that is to say):—

Section 55 (Removal etc. of dangerous trees) ;

Section 56 (Removal of trees etc. from streets).

(3) The section of the Act of 1936 mentioned in Part III of the said schedule shall have effect as if references therein to that Act included a reference to Part IV (Streets) Part V (Sanitation Buildings etc.) and Part VI (Premises used for sales by auction) of this Act and also to the following sections of this Act (that is to say):—

Section 54 (Hairdressers and barbers) ;

Section 55 (Removal etc. of dangerous trees) ;

Section 60 (Byelaws as to pleasure fairs etc.).

Repeal.

71. The following enactments are hereby repealed:—

Croydon Corporation Act 1884—

Section 37 (Duplicate plans etc.) ;

Section 38 (Plans sections etc. to be signed).

PART IX —*cont.*

Croydon Corporation Act 1895—

Section 11 (Byelaws as to building materials);

Section 22 (Provisions as to houses without proper water supply);

Section 23 (Water supply to closets).

Croydon Corporation Act 1900—

Section 61 (Deposit of plan to be void after certain interval).

Croydon Corporation Act 1905—

Section 33 (Prohibition of building on lands filled up with gas refuse etc.).

Croydon Corporation Act 1924—

In section 4 (Interpretation of terms) the definition of "fire-resisting materials";

Section 94 (Means of escape from buildings in case of fire);

Section 100 (Byelaws as to alterations to old buildings);

Section 103 (Byelaws as to erection of dwelling-houses under continuous roof);

Section 106 (Area of habitable rooms);

Section 107 (Closet accommodation in houses occupied by more than one family);

Section 132 (Regulation dustbins).

Croydon Corporation Act 1927—

Section 92 (Further provisions as to means of escape from certain buildings in case of fire).

For protection of certain statutory undertakers.

72. For the protection of the South Eastern Gas Board the Central Electricity Authority and the South Eastern Electricity Board (each of whom is in this section referred to as "the undertakers") the following provisions shall unless otherwise agreed in writing between the Corporation and the undertakers apply and have effect:—

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

"apparatus" means—

(*a*) in relation to the South Eastern Gas Board mains pipes and other apparatus belonging to or maintained by such board;

(*b*) in relation to the Central Electricity Authority and the South Eastern Electricity Board

PART IX —*cont.*

electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to or maintained by the Central Electricity Authority or the South Eastern Electricity Board (as the case may be);

and includes any works constructed for the lodging therein of apparatus;

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

"position" includes depth:

(2) Notwithstanding anything in this Act or shown on the deposited plans the Corporation shall not under the powers of this Act acquire except by agreement any apparatus situate in a street:

(3) Whenever by virtue of the provisions of section 22 (Power to make subsidiary works) and section 23 (Stopping up of highways) of this Act any highway or portion of a highway to which either of those sections applies and in which any apparatus is situate is stopped up the undertakers shall notwithstanding such stopping up continue to have the same powers and rights in respect of any apparatus remaining in the highway or portion of a highway so stopped up as if the same had remained a highway or may and if reasonably so required by the Corporation shall—

(i) remove the apparatus and relay or replace the same in the highway (if any) substituted for the highway or portion of the highway so stopped up or in such other position as the undertakers may reasonably require; or

(ii) provide and lay or place other apparatus in such substituted highway or in such other position as aforesaid in lieu of such existing apparatus:

(4) Whenever by reason or in consequence of the exercise by the Corporation of the powers of the said sections 22 or 23 any apparatus (other than apparatus for which new apparatus has been substituted at the expense of the Corporation under the provisions of this section) is rendered derelict useless or unnecessary the Corporation shall forthwith pay to the undertakers such a sum as may be agreed between the Corporation and the undertakers or as failing agreement between them may be determined by arbitration to be the value of the apparatus so rendered derelict useless or unnecessary and such apparatus shall upon such payment become the property of the Corporation:

(5) The Corporation shall repay to the undertakers the reasonable expenses incurred by the undertakers of or in connection with the removal and relaying or replacing of any apparatus and the provision and laying or placing of any new apparatus under the provisions of paragraph (3) of this section and the reasonable costs of and incidental to—

(i) the cutting off of any apparatus from any other apparatus; and

(ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this paragraph:

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act 1950 (which imposes limitations on undertakers' rights to payment) shall so far as applicable extend and apply to any payment to be made by the Corporation under this paragraph as if the works hereinbefore in this paragraph mentioned were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed or settled by arbitration under section 72 (For protection of certain statutory undertakers) of the Croydon Corporation Act 1956":

(6) Nothing contained in section 29 (Verges etc. of housing estates) of this Act shall affect the rights of the undertakers with respect to any apparatus (including the placing of any apparatus) in any such grass verge garden or space as is referred to in that section:

Provided that in exercising such rights the undertakers shall not cause or permit except in the case of necessity horses or vehicles to enter upon any garden or any such grass verge or space as is maintained in an ornamental condition or mown;

(7) Nothing in the following sections of this Act shall relieve the Corporation from liability for damage caused by them to any apparatus in the exercise of the powers of the said sections and the Corporation shall so exercise those powers as not to render unreasonably inconvenient the access to any apparatus:—

Section 28 (Trees grass verges and gardens);

Section 52 (Power to erect weighbridges):

PART IX —*cont.*

(8) The Corporation the medical officer or the sanitary inspector (as the case may be) shall not in respect of any operational land within the meaning of the Town and Country Planning Act 1947 of the undertakers exercise the powers conferred upon them by section 35 (Delegation of power to examine and test drains etc.) or section 36 (Summary power to remedy stopped-up drains etc.) of this Act except with the consent of the undertakers which consent shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld shall be referred to arbitration:

(9) (*a*) Any difference which may arise between the Corporation and the undertakers under this section shall be referred to and determined by a single arbitrator to be agreed upon between the parties or in default of such agreement appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1950 shall apply to any such arbitration;

(*b*) In settling any difference under this section the arbitrator shall have regard to any duties or obligations which the undertakers may be under in respect of any apparatus and may if he thinks fit require the Corporation to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

Saving for trusts etc.

73. No power conferred upon the Corporation by section 52 (Power to erect weighbridges) of this Act shall be exercised in such a manner—

(*a*) as to be at variance with any trust subject to which any land or building is held managed or controlled by the Corporation without an order of the High Court or of the Charity Commissioners or of the Minister of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of the donor or that other person; or

(*b*) as to contravene any covenant or condition subject to which a gift or lease of any land or building has been accepted by or granted to the Corporation without the consent of the donor grantor lessor or other person entitled in law to the benefit of the covenant or condition.

PART IX
—*cont.*

Saving for town and country planning.

74. 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.

Costs of Act.

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

SCHEDULE

SECTIONS OF PUBLIC HEALTH ACT 1936 APPLIED

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284	Authentication of documents.
285	Service of notices &c.
288	Penalty for obstructing execution of Act.
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304	Judges and justices not to be disqualified by liability to rates.
328	Powers of Act to be cumulative.

PART II

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276	Power of local authority to sell certain materials.
277	Power of councils to require information as to ownership of premises.
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291	Certain expenses recoverable from owners to be a charge on the premises: Power to order payment by instalments.
292	Power to make a charge in respect of establishment expenses.
293	Recovery of expenses &c.
294	Limitation of liability of certain owners.
295	Power of local authority to grant charging orders.
299	Inclusion of several sums in one complaint &c.
329	Saving for certain provisions of the Land Charges Act 1925.

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Table of Statutes referred to in this Act

Short title	Session and chapter
Theatres Act 1843	6 & 7 Vict. c. 68.
Lands Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 18.
Local Loans Act 1875	38 & 39 Vict. c. 83.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Electric Lighting Act 1882	45 & 46 Vict. c. 56.
Croydon Corporation Act 1884	47 & 48 Vict. c. cxli.
Croydon Corporation Act 1895	58 & 59 Vict. c. cliv.
Croydon Corporation Act 1900	63 & 64 Vict. c. ccxxix.
Croydon Corporation Act 1905	5 Edw. 7 c. lvi.
Public Health Acts Amendment Act 1907 ...	7 Edw. 7 c. 53.
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5 c. 57.
Croydon Corporation Act 1924	14 & 15 Geo. 5 c. xcviii.
Roads Improvement Act 1925	15 & 16 Geo. 5 c. 68.
Home Counties (Music and Dancing) Licensing Act 1926	16 & 17 Geo. 5 c. 31.
Croydon Corporation Act 1927	17 & 18 Geo. 5 c. cvi.
Road Traffic Act 1930	20 & 21 Geo. 5 c. 43.
Local Government Act 1933	23 & 24 Geo. 5 c. 51.
Croydon Corporation Act 1935	25 & 26 Geo. 5 c. cix.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Factories Act 1937	1 Edw. 8 & 1 Geo. 6 c. 67.
Local Government Superannuation Act 1937...	1 Edw. 8 & 1 Geo. 6 c. 68.
Education Act 1944	7 & 8 Geo. 6 c. 31.
Ministers of the Crown (Transfer of Functions) Act 1946	9 & 10 Geo. 6 c. 31.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51.
Lands Tribunal Act 1949	12 & 13 Geo. 6 c. 42.
Arbitration Act 1950	14 Geo. 6 c. 27.
Public Utilities Street Works Act 1950 ...	14 Geo. 6 c. 39.
Magistrates' Courts Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 55.
Local Government Superannuation Act 1953	1 & 2 Eliz. 2 c. 25.
Town and Country Planning Act 1954 ...	2 & 3 Eliz. 2 c. 72.

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