PART V. —*cont.*

Planting of trees in private streets.

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

Provided that no such tree shrub grass margin guard or fence shall be placed or laid out in such a situation as to hinder the reasonable use of the highway by any person entitled to the use thereof or so as to be a nuisance or injurious to the owner or occupier of any land or premises adjacent to the said street:

Provided also that for the purposes of section 7 of the Telegraph Act 1878 any work done in exercise of the powers conferred by this section shall be deemed to be work done in the execution of an undertaking authorised by an Act of Parliament and the Corporation shall be deemed to be the undertakers.

As to hoardings and similar structures.

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

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

(ii) if there be no such line beyond any line which is enforceable by the Corporation for buildings under subsection (2) of section 140 of the Housing Act 1936; or

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

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

51 & 52 Vict. c. 52.

(*b*) Any person who shall offend against the provisions of this subsection shall be liable to a penalty

PART V. —*cont.*

not exceeding five pounds and to a daily penalty not exceeding forty shillings and the Corporation may take down or remove any structure erected in contravention of those provisions and recover the expenses incurred by them in so doing from the offender.

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

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

(3) The provisions of this section shall not be enforceable with regard to any structure existing at the passing of this Act for a period of five years from such date and shall not apply to any wooden structure fence or hoarding of a moveable or temporary character erected by a builder for his use during the construction alteration or repair of any building unless the same is not taken down or removed immediately after such construction alteration or repair is complete.

(4) The provisions of this section shall not apply to any wall erected on land belonging to a railway company so long as such land is used by the railway company primarily for railway purposes.

As to erection of hoardings &c. at street corners.

105.—(1) Before placing or erecting any hoarding wall (not being a wall forming part of the structure of a permanent edifice) or fence at or within a distance of ten yards from the corner of any street the person



CHAPTER xxiv.

An Act to confer powers upon the mayor aldermen and burgesses of the borough of Gosport relative to the acquisition and use of certain cliff lands and buildings and the pier and other premises at Lee-on-the-Solent in the said borough to extend the boundaries of the borough and to make further provision in regard to the undertakings of the said mayor aldermen and burgesses and the health local government and improvement of the borough and for other purposes.

[25th May 1939.]

WHEREAS the borough of Gosport in the county of Southampton is under the local government of the mayor aldermen and burgesses of that borough (hereinafter referred to as "the Corporation"):

And whereas the Lee-on-the-Solent pier was constructed in pursuance of the Lee-on-the-Solent Pier Order 1885 (which was confirmed by the Pier and Harbour Orders Confirmation Act 1885): 48 & 49 Vict. c. civ.

And whereas an agreement set forth in the First Schedule to this Act has been entered into for the sale to the Corporation of certain lands and premises at Lee-on-the-Solent in the borough comprising lands known as the "cliff lands" foreshore and buildings and the said pier and it is expedient to confirm that agreement and to confer powers upon the Corporation

relative to the carrying on of the undertaking comprised therein and the use and enjoyment of the said premises:

And whereas it is expedient to extend the boundaries of the borough so as to include therein the added areas referred to in this Act the greater part of which is now in the city of Portsmouth and at high water is covered with water and to enact provisions incidental thereto:

And whereas it is expedient to make further provision in reference to the several undertakings of the Corporation and the health local government and improvement of the borough and to confer upon the Corporation the further powers contained in this Act:

And whereas it is expedient that the provisions with regard to the finances of the Corporation which are contained in this Act should be made:

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

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

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

23 & 24 Geo. 5. c. 51.

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

Part I.

Preliminary.

Short and collective titles.

1.—(1) This Act may be cited as the Gosport Corporation Act 1939.

9 & 10 Geo. 5. c. cxxii.

(2) The Gosport and Alverstoke Urban District Council Act 1919 and this Act may be cited as the Gosport Corporation Acts 1919 and 1939.

PART I. —*cont.*

Division of Act into Parts.

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

Part I.—Preliminary.
Part II.—Lee-on-the-Solent undertaking.
Part III.—Lee-on-the-Solent pier.
Part IV.—Extension.
Part V.—Streets buildings sewers and drains.
Part VI.—Infectious disease and sanitary provisions.
Part VII.—Finance.
Part VIII.—Miscellaneous.
Part IX.—General.

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

3. The Lands Clauses Acts except sections 127 to 132 of the Lands Clauses Consolidation Act 1845 and except the provisions with respect exclusively to the purchase and taking of lands otherwise than by agreement are hereby incorporated with and form part of this Act.

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

4.—(1) In this Act the several words and expressions to which meanings are assigned by the Acts incorporated herewith or by the Public Health Act 1936 shall 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—

"Existing" in relation to any area altered by this Act means existing immediately before the appointed day;

"The borough" means until the appointed day the existing borough of Gosport and thereafter the existing borough of Gosport as extended by this Act;

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

"The council" means the council of the borough;

"The town clerk" "the treasurer" "the medical officer" "the surveyor" and "the sanitary inspector" mean respectively the town clerk the treasurer the medical officer of health the

PART I. —*cont.*

surveyor and any sanitary inspector of the borough;

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

"The scheduled agreement" means the agreement dated the sixteenth day of November nineteen hundred and thirty-eight and made between the Westminster Bank Limited of the first part Diana Elizabeth Prestidge Lionel Edmund Prestidge and Archibald William Norman Addison of the second part Arthur James Sydney Pratt of the third part the Lee-on-the-Solent Pier Company Limited of the fourth part and the Corporation of the fifth part which is set forth in the First Schedule to this Act;

"The Lee-on-the-Solent undertaking" means the undertaking and properties which are to be conveyed to the Corporation in pursuance of the scheduled agreement and of this Act and any extensions alterations and improvements thereof and additions thereto;

"The pier" means the pier constructed in pursuance of the Lee-on-the-Solent Pier Order 1885 and the land buildings works property and conveniences connected therewith;

"The pier buildings" means the buildings included in the Lee-on-the-Solent undertaking situate on the landward side of the pier and comprising winter garden restaurant ball-room cinema tower and other premises;

"The cliff lands" means the lands and premises comprised in the Lee-on-the-Solent undertaking except—

(*a*) the site of the pier; and

(*b*) the site of the pier buildings;

"The day of transfer" means the date upon which the purchase under the scheduled agreement is completed;

"The city" means the city of Portsmouth;

PART I. —*cont.*

"The Portsmouth Corporation" means the lord mayor aldermen and citizens of the city of Portsmouth ;

"The county" means the administrative county of Southampton and "the county council" means the county council of the county ;

"The appointed day" means the first day of April nineteen hundred and forty ;

"The borough map" means the map marked "Map of the borough as extended by the Gosport Corporation Act 1939" and signed in triplicate by the Right Honourable the Earl of Onslow the chairman of the committee of the House of Lords to which the Bill for this Act was referred one copy of which map has been deposited in the Parliament Office of the House of Lords one in the Committee and Private Bill Office of the House of Commons and one with the town clerk at his office ;

"The added areas" means so much of the area which is included within the inner edge of the red line on the borough map as is not comprised in the borough immediately before the appointed day ;

"The Corporation undertakings" means the undertakings of the Corporation from time to time existing from which revenue is derived ;

"The gas company" means the Portsmouth and Gosport Gas Company ;

"The water company" means the Gosport Waterworks Company ;

"Statutory company" means the gas company or the water company ;

"The statutory undertakers" means the gas company and the water company and the Portsmouth Corporation when exercising their powers under the Portsmouth Electricity Acts and Orders 1890 to 1935 and the enactments incorporated therewith ;

"Daily penalty" means a penalty for every day on which any offence is continued by a person after conviction ;

PART I. —*cont.*

1 & 2 Geo. 6. c. 56.

"Food" has the meaning assigned to it by section 100 (Definitions) of the Food and Drugs Act 1938 ;

"Statutory borrowing power" includes a power of borrowing money conferred on the Corporation by or under any enactment except paragraph (*a*) of subsection (1) of section 215 of the Act of 1933 ;

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any security of the Corporation ;

38 & 39 Vict. c. 83.

"The revenues of the Corporation" includes the general rate fund and all rates Exchequer contributions and other revenues whether arising from land or undertakings or from any other source receivable by the Corporation ;

"Authorised security" means any mortgage stock bond or other security which the Corporation are for the time being authorised to grant create or issue or upon or by means of which the Corporation are for the time being authorised to raise money ;

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

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

38 & 39 Vict. c. 55.

"The Public Health Acts" means the Public Health Act 1875 and the Acts amending the same ;

"The Act of 1919" means the Gosport and Alverstoke Urban District Council Act 1919 ;

"The Minister" means the Minister of Health.

PART II.

LEE-ON-THE-SOLENT UNDERTAKING.

Acquisition of Lee-on-the-Solent undertaking.

5. The scheduled agreement is hereby confirmed and made binding on the parties thereto and on the completion of the purchase thereunder the Lee-on-the-Solent undertaking shall become vested in the Corporation free from all mortgages debentures debenture stock and other charges and the Corporation shall have the control and management thereof.

Powers with reference to pier buildings.

6.—(1) On and after the day of transfer the Corporation may exercise the following powers in reference to so much of the Lee-on-the-Solent undertaking as is comprised in the pier buildings :—

(*a*) They may carry on such undertaking and maintain repair improve alter extend and renew the same and the premises comprised therein ;

(*b*) They may let any part of the undertaking or the premises comprised therein for such period at such rent and subject to such conditions as they may determine ;

(*c*) They may make such reasonable charges as they may think fit for admission to and for the use of any of the said premises and for the use of any facilities provided thereat ;

(*d*) They may exercise in the pier buildings the powers contained in section 157 (Power to provide concert halls &c.) and section 158 (Power to provide &c. entertainments) of this Act ; and

(*e*) They may by themselves or by any person appointed by them in that behalf apply for and hold licences for the sale of beer or intoxicating liquors or of tobacco.

(2) Nothing in paragraphs (*a*) (*b*) or (*c*) of subsection (1) of this section shall authorise the Corporation to provide or arrange for the provision of or contribute towards the expenses of a cinematograph entertainment in any part of the pier buildings or to grant the use of or let any such premises for the purpose of such

PART II. —*cont.*

entertainments except on the best terms that can be obtained.

Powers with reference to cliff lands.

7.—(1) On and after the day of transfer the Corporation may exercise the following powers in reference to the cliff lands :—

(*a*) They may use the said lands or permit the same to be used for the purposes for which they were used before the passing of this Act ;

(*b*) They may lay out improve maintain and plant the said lands and erect and provide buildings enclosures pavilions stands shelters lavatories kiosks and seats ;

(*c*) They may determine which parts of the said lands shall be used permanently or temporarily as public recreation grounds and the parts for the time being so determined shall be deemed to be recreation grounds for the purposes of the Public Health Acts ;

(*d*) They may determine which parts of the said lands shall be used permanently or temporarily for the purposes of the Physical Training and Recreation Act 1937 ;

1 Edw. 8. & 1 Geo. 6. c. 46.

(*e*) They may determine which parts of the said lands shall permanently or temporarily be parking places and the provisions of section 68 (Power to provide parking places) of the Public Health Act 1925 section 16 (Extension of powers of local authorities as to parking places) of the Restriction of Ribbon Development Act 1935 section 90 of the Road Traffic Act 1930 (which relates to the appointment of a parking place as a station for public service vehicles) and subsection (2) of section 29 of the Road Traffic Act 1934 (which relates to charges made for the use of a parking place as a station for public service vehicles) shall apply to the parts for the time being so determined ; and

15 & 16 Geo. 5. c. 71.
25 & 26 Geo. 5. c. 47.
20 & 21 Geo. 5. c. 43.
24 & 25 Geo. 5. c. 50.

(*f*) They may make such reasonable charges as they think fit for admission to and for the use of the said lands and of any buildings or facilities provided therein :

PART II. —*cont.*

Provided that the Corporation shall not charge for admission to any part of the cliff lands for the time being determined to be a recreation ground on more than thirty-two days in any one year or more than sixteen consecutive days on any one occasion.

(2) Any public baths or bathing places upon the cliff lands shall be deemed to have been provided in pursuance of Part VIII of the Act of 1936.

Sea defence works.

8. The Corporation may provide construct and maintain such works appliances and things as they may consider necessary for protecting the Lee-on-the-Solent undertaking from encroachment by the sea.

Power to advertise Lee-on-the-Solent undertaking.

9. The Corporation may from time to time pay or contribute towards the cost of advertising by means of handbooks leaflets posters advertisements in newspapers or otherwise the Lee-on-the-Solent undertaking and any performances or other attractions thereon or given in connection therewith:

Provided that the amount to be expended in any year for the purposes of this section together with the amount (if any) expended by the Corporation in that year for the purposes of the Health Resorts and Watering Places Act 1936 shall not exceed the amount (calculated in accordance with the rules made from time to time by the Minister under sections 9 and 58 of the Rating and Valuation Act 1925) which would be produced by a rate of twopence in the pound levied in that year to the general rate.

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

15 & 16 Geo. 5. c. 90.

Agreements with and saving for waterworks company.

10.—(1) On and after the day of transfer the following documents (namely):—

(*a*) The agreement dated the fifteenth day of August nineteen hundred and thirty-two and made between Solent Properties Limited and the water company;

(*b*) The deed of grant dated the second day of September nineteen hundred and thirty-five and made between the Lee-on-the-Solent Estate Limited and the water company; and

(*c*) The agreement dated the third day of September nineteen hundred and thirty-five and

PART II. —*cont.*

made between the water company of the first part the Lee-on-the-Solent Pier Company Limited of the second part and Cliff Lands Limited of the third part;

shall be as binding and may be enforced as fully and effectually by or against the water company against or by the Corporation as if the Corporation had been a party thereto.

(2) The Corporation shall not exercise the powers of paragraph (*e*) of subsection (1) of section 7 (Powers with reference to cliff lands) of this Act in such manner as to obstruct or render less convenient the access to any valve fire-plug or fire-hydrant of the water company.

PART III.

LEE-ON-THE-SOLENT PIER.

Preliminary.

Commencement interpretation and repeal.

11.—(1) This Part of this Act shall come into operation on the day of transfer.

(2) In this Part of this Act in the enactments incorporated therewith and in the Second Schedule to this Act—

"The Harbours Clauses Act 1847" means the Harbours Docks and Piers Clauses Act 1847;

10 & 11 Vict. c. 27.

"The Order of 1885" means the Lee-on-the-Solent Pier Order 1885;

"Vessel" includes a seaplane on the surface of the water; and

"Seaplane" includes a flying boat and any other aircraft designed to manœuvre on the water.

(3) The Order of 1885 and so much of the Pier and Harbour Orders Confirmation Act 1885 as relates thereto are hereby repealed.

Application of Harbours Clauses Act 1847.

12. The Harbours Clauses Act 1847 except sections 6 to 13 16 to 19 25 26 and 84 to 90 of that Act is hereby incorporated with and forms part of this Part of this Act:

Provided that nothing in the Harbours Clauses Act 1847 or this Part of this Act shall in any circumstances require or authorise a piermaster or other

officer to require the dismantling of a seaplane or any part thereof or the making of any alteration whatever of the structure or equipment of a seaplane. PART III. —*cont.*

Limits.

13. The limits within which the Corporation shall have authority and within which the powers of the piermaster may be exercised and within which the power to levy rates may be exercised shall comprise the pier and an area below high-water mark within a distance of one hundred yards from any part of the pier which limits are in this Part of this Act termed "the limits of the pier." Limits of pier.

Works and powers.

14.—(1) Subject to the provisions of this Act the Corporation may within the limits of the pier maintain restore reconstruct widen alter improve and extend the pier and in connection therewith may from time to time construct erect maintain alter and improve all necessary jetties landing-places approaches roads sewers drains watercourses cuts gas and water pipes electric light and power works steps warehouses offices sheds and other buildings cranes weighing machines machinery moorings buoys and other works apparatus and conveniences and may also from time to time lay down and maintain rails on and along the pier. Power to maintain and improve pier.

(2) A line of rails constructed under the powers of this Act shall not be used for the public conveyance of passengers unless and until it has been certified by the Minister of Transport to be fit for that purpose.

(3) Any electric light and power works and other works or apparatus constructed and maintained under this Part of this Act shall be so constructed used and maintained as to prevent any interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line or with such wireless communications as may be used by the Royal Air Force or in connection with an aerodrome licensed pursuant to an order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating that Act. 41 & 42 Vict. c. 76. 10 & 11 Geo. 5. c. 80.

PART III. —*cont.*

(4) Nothing in this Part of this Act shall authorise the Corporation to alter or otherwise interfere with any mains pipes valves or other works or apparatus of a statutory company without the consent of the company but such consent shall not be withheld unreasonably and any question in regard thereto shall be determined by arbitration.

Power to erect pavilions and other buildings.

15.—(1) The Corporation may construct and maintain on the pier and may furnish and equip fishing-platforms pavilions saloons assembly concert lecture waiting refreshment reading and other rooms automatic machines bicycle-stands bandstands shops bazaars kiosks aquaria lavatories baths and sanitary and other conveniences and they may also construct under the pier head and maintain floating swimming baths and may make such reasonable charges as they may determine for the use of such conveniences and for admission to such buildings or places as aforesaid.

(2) No pavilion saloon or room constructed or maintained by the Corporation under the powers of this section shall be used by the Corporation for the purposes of a cinematograph theatre.

Power to dredge.

16.—(1) The Corporation may deepen dredge scour and excavate any portion of the foreshore and bed of the sea to the extent necessary to secure a sufficient waterway and approach to the pier for vessels using the same.

(2) All sand mud and other materials dredged up or removed for the purposes and to the extent aforesaid shall be the property of the Corporation and they may sell or otherwise dispose of or remove or deposit the same as they think fit:

Provided that no sand mud or other material shall be laid down or deposited in any place below high-water mark without the consent in writing of the Board of Trade having been first obtained:

Provided also that the powers of the Corporation under this section shall be exerciseable subject to the provisions of section 175 (Crown rights) of this Act and in particular and without prejudice to that general limitation any consent given to the exercise of such powers by the Commissioners of Crown Lands or the Board of Trade on behalf of His Majesty may be

PART III. —*cont.*

given subject to such restrictions and conditions including the payment by the Corporation to the Commissioners of Crown Lands or to the Board of Trade of royalties rents or sums of money in respect of materials raised from any place below high-water mark and sold by the Corporation under this section or in respect of any place below high-water mark upon which materials may be deposited as may be fixed by the Commissioners of Crown Lands or the Board of Trade as the case may be.

Power to purchase dredgers &c.

17. The Corporation may provide purchase take on lease hire and use such steam or other dredgers eroders engines lighters or other vessels machinery and apparatus as they may think necessary for effecting the purposes of this Part of this Act and may let the same on hire for such sums and upon and subject to such terms and conditions as they may think fit or may sell or dispose of the same.

Restrictions on mooring.

18. Subject to the provisions of section 33 of the Harbours Clauses Act 1847 no vessel or boat of any kind shall be moored or attached alongside or to the pier without the consent of the Corporation or the piermaster.

Rates.

Power to levy rates.

19. The Corporation may within the limits of the pier subject and according to the provisions of this Part of this Act levy and demand for the use of the pier and the conveniences connected therewith and subject to the provisions of the Air Navigation Act 1920 and any Act amending or extending that Act or of any order made in pursuance thereof in respect of seaplanes using the pier such reasonable rates as may from time to time be approved by the Minister of Transport and in respect of all other vessels persons and things any rates not exceeding those specified in the Second Schedule to this Act and they may receive and recover payment accordingly.

Power to vary exemptions and compound for rates.

20. The Corporation may confer vary or extinguish exemptions from and compound with any person with respect to the payment of the rates or charges authorised by this Part of this Act but so that no preference be in any case given to any person over any other person

PART III. —*cont.*

using the pier under the like circumstances and that anything done under this section shall not prejudice the other provisions of this Part of this Act.

Rates in respect of services &c.

21. The Corporation may (so far as the rates or charges specified in the Second Schedule to this Act do not extend) demand and recover such reasonable rates or other consideration as they may determine for the use of any buildings works and conveniences belonging to or provided by them or in respect of any services rendered by them in connection with the pier.

Payment of rates not to confer right to use buildings.

22. No pass ticket or payment of rates payable under this Part of this Act for the use of the pier shall entitle the holder of the pass ticket or the person paying to the use of the buildings and erections on the pier or any of them or any part of the pier which is set apart for a particular purpose unless the Corporation otherwise determine.

Exemption of lifeboat crew.

23. All persons going to or returning from any lifeboat or using any apparatus for saving life and being persons either belonging to the crew of the lifeboat or to the coastguard or being persons for the time being actually employed in saving life or in exercising or using the lifeboat or the apparatus for saving life and all persons brought ashore from any vessel in distress shall at all times have the free ingress passage and egress to along and from the pier.

Officers exempt from rates.

24. Officers of the Ministry of Transport the Board of Trade and the Corporation of Trinity House of Deptford Strond British sea fishery officers and police officers acting in the execution of their duty shall at all times have free ingress passage and egress to along and from the pier without payment.

Power to close pier on special occasions.

25.—(1) The Corporation may on any special occasions but not on more than twelve days in any one year or for more than three days consecutively close the pier or any part thereof against the public and may on such occasions admit any person to the pier or such part on payment of such special rates of admission not exceeding one shilling for each person as the Corporation may determine.

(2) On all such occasions the Corporation shall reserve a sufficient passage along the pier between the

landing steps and the shore for any persons landing or embarking at the pier the reserved passage to be open for use by those persons at the ordinary charge and without payment of any special rates so long only as they use the pier as a passage and do not remain upon it. PART III. —*cont.*

(3) The special rate charged under this section shall be in lieu of and not in addition to the rate specified in the Second Schedule to this Act and any person paying the special rate shall not be liable to pay any further or other rate or sum for admission to the pier on the day for which the special rate is charged.

(4) During at least two days before the day on which the pier is to be closed the Corporation shall exhibit conspicuously at the entrance to the pier a notice of their intention to close the pier under this section.

Pass and family tickets.

26.—(1) The Corporation may grant pass tickets or family tickets to passengers and promenaders or others for the use of the pier (either inclusive or exclusive of admission to any building or room for the time being thereon) at such rates on such terms and for such periods not exceeding one year as the Corporation may determine and may issue books containing any number of pass tickets at a reduced rate and day tickets available for one day or part of a day only for any number of admissions on such day or part of a day at a reduced rate but so that no preference be given to any person.

(2) The Corporation shall have power to prescribe the conditions on which pass tickets and family tickets are issued and the persons by whom such tickets may be used.

(3) A pass ticket shall not be transferable and shall not be used by any person except the person to whom it is granted.

A pass ticket or family ticket shall not be used otherwise than in accordance with the conditions on which it is issued or after the period limited for its use.

(4) There shall be printed on every pass ticket and family ticket the terms and conditions upon and subject to which the same is issued.

PART III. —*cont.*

(5) If any person wilfully and with intent to defraud acts in any way in contravention of the provisions of this section or uses or attempts to use any false or counterfeit ticket he shall for each offence be liable to a penalty not exceeding twenty shillings.

Power of leasing.

Power to lease pier or rates.

27.—(1) The Corporation may with the previous consent in writing of and upon such terms conditions and restrictions and for such period as may be approved by the Minister of Transport lease to any company corporation or person—

(*a*) the pier; or

(*b*) the right to demand take and recover the rates and charges authorised to be taken by this Part of this Act.

(2) As from the commencement of any lease made under the last preceding subsection the lessee during the continuance of and to the extent provided in his lease shall have and may exercise all or any of the rights powers privileges authorities and exemptions (including all powers of demanding taking and recovering rates and charges) vested in or had or enjoyed by the Corporation under this Part of this Act and shall be subject to all the liabilities and obligations to which the Corporation are subject and shall perform all the duties of the Corporation under this Part of this Act.

(3) No lease made under this section shall be assigned without the previous consent in writing of the Minister of Transport and the provisions of this Act with respect to such lease or to the lessee shall apply to any such assignment or to the assignee respectively.

(4) The Corporation shall within one month after the date of any lease made under this section deposit a certified copy thereof with the Minister of Transport and shall upon failure to do so be liable to a penalty not exceeding twenty pounds.

(5) No lease made under this section shall be made in consideration or part consideration of any fine premium or other capital sum.

PART III. —*cont.*

(6) Nothing in this section shall exempt the Corporation from their obligation to keep and render accounts and as from the date of any lease made under this section all the provisions of the Harbours Clauses Act 1847 incorporated with this Part of this Act and of this Act as to the keeping delivery and audit of accounts shall apply to and be binding upon as well the lessee as the Corporation and all moneys received by the Corporation under or in respect of any such lease shall be deemed to be moneys levied by virtue of and income received under this Part of this Act.

Power to lease pavilions &c.

28. The Corporation may let for hire or lease for any term not exceeding seven years any pavilions rooms shops baths sheds warehouses or other buildings separately from any other part of the pier upon such terms and under such restrictions and conditions as they may determine:

Provided that the Corporation shall not let for hire or lease any buildings for the purposes of a cinematograph theatre except on the best terms that can be obtained but a lessee shall not be concerned to inquire whether this condition is complied with.

Finance.

Accounts to be furnished to Minister of Transport.

29. The Corporation shall within three months of the close of their financial year or such longer period as the Minister of Transport may allow send to that Minister a copy of the annual accounts of the pier.

Byelaws.

Byelaws.

30.—(1) In addition to any other powers for making byelaws conferred on the Corporation by this Act they may make byelaws in relation to the pier for all or any of the following matters:—

(*a*) For regulating the collection and levying of the rates and charges authorised by this Part of this Act;

(*b*) For regulating the conditions of the user of any portion of the pier and buildings and other property thereon or attached thereto;

PART III. —*cont.*

(*c*) For preventing injury to and protecting the pier and the buildings vehicles and other property thereon or attached thereto;

(*d*) For preventing refuse of any kind being thrown or suffered to fall into the sea within the limits of the pier;

(*e*) For regulating the conduct of persons frequenting the pier and preserving order thereon;

(*f*) For regulating vessels near to the pier or goods on the pier;

(*g*) For preventing nuisance or annoyance by smoke and noise caused by vessels and the machinery and appliances thereof;

(*h*) For regulating the removal and disposal of ballast brought by vessels to the pier and for preventing ballast being thrown overboard from vessels within the limits of the pier or so as to obstruct access to the pier.

(2) The byelaws which may from time to time be made by the Corporation in exercise of the power in that behalf conferred on them by this Part of this Act or by section 83 of the Harbours Clauses Act 1847 may provide for imposing a penalty not exceeding forty shillings for the breach or non-observance of any of the byelaws.

(3) As respects byelaws made under the powers conferred by this Part of this Act the confirming authority for the purposes of section 250 of the Act of 1933 shall be the Minister of Transport:

Provided that in the case of any code or series of byelaws which the Minister of Transport and the Board of Trade shall deem primarily to concern the interests of navigation the provisions of this section shall apply as if the Board of Trade were substituted for the Minister of Transport and the allowance of such byelaws by the said Minister or the Board respectively shall be sufficient evidence of compliance with the provisions of this section.

Appointment of officers to enforce byelaws and regulations.

31. The Corporation may appoint officers for securing the observance of the byelaws and regulations made by the Corporation under this Part of this Act and may procure such officers to be sworn as constables

for that purpose but no such officers shall act as constables until so sworn and unless in uniform or provided with a warrant. PART III. —*cont.*

Life-saving apparatus.

Provision for life-saving apparatus.

32.—(1) The Corporation shall whenever required by the Board of Trade provide at their own expense and to the satisfaction of the Board of Trade a site on or near to the pier and build on that site a house or other proper accommodation for a lifeboat rocket apparatus and other life-saving apparatus.

(2) If the Corporation fail to comply with this section they shall be liable to a penalty not exceeding ten pounds for every month during which the failure continues.

Life-saving apparatus may be attached to pier.

33. The officers of the coastguard and all other persons for the time being actually employed in connection with the lifeboat or the apparatus for saving life may either permanently or temporarily without payment attach or cause to be attached to any part of the pier spars and other apparatus for saving life and may also either in course of using or of exercising the apparatus for saving life fire rockets from or over the pier.

Life-buoys to be kept.

34. The Corporation shall at all times keep at convenient places on the pier and in obedience to any requirements which may be made by the Board of Trade life-buoys and life-lines in good order and fit and ready for use.

Lights.

Permanent lights on works.

35.—(1) The Corporation shall at the outer extremity of the pier below high-water mark of ordinary spring tides exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Corporation of Trinity House Deptford Strond shall from time to time direct.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable to a penalty not exceeding twenty pounds and in the case of a continuing offence to a daily penalty not exceeding two pounds.

PART III. —*cont.*

Provision against danger to navigation.

36.—(1) In the case of injury to or destruction or decay of the pier or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Corporation shall lay down such buoys exhibit such lights or take such other means of preventing so far as may be danger to navigation as shall from time to time be directed by the Corporation of Trinity House Deptford Strond and shall apply to that Corporation for directions as to the means to be taken.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Lights on works during construction.

37.—(1) The Corporation shall at or near such part of any works by this Part of this Act authorised as shall be below high-water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade shall from time to time require or approve.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable to a penalty not exceeding twenty pounds and in the case of a continuing offence to a daily penalty not exceeding two pounds.

Miscellaneous.

Meters and weighers.

38. The Corporation shall have the appointment of meters and weighers within the limits of the pier.

Recovery of penalties.

39. All penalties under this Part of this Act shall be recovered and applied as penalties are recoverable and applicable under the Harbours Clauses Act 1847.

Local lighthouse authority. 57 & 58 Vict. c. 60.

40. The Corporation shall within the limits of the pier be a local lighthouse authority for the purposes of the Merchant Shipping Act 1894.

PART III. —*cont.*

For protection of Portsmouth Corporation. 45 & 46 Vict. c. 56.

41. Nothing in Part II or this Part of this Act shall extend to or authorise any interference with any works of the Portsmouth Corporation to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section and the provisions of that section shall be deemed to extend to and include any electric lines or works of the Portsmouth Corporation constructed or placed upon or above the level of the ground.

Saving for water company.

42. Nothing in this Part of this Act shall take away prejudice alter or affect any rights or powers of the water company to enter upon the pier or any part thereof for the purpose of inspecting repairing maintaining or renewing any main pipe valve meter washout hydrant or other work or apparatus of the water company or in or for the purpose of the exercise of any of their functions under any Act or Order for the time being relating to the water company.

PART IV.

EXTENSION.

Commencement.

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

Provided that for the purposes of—

(*a*) the compilation alteration or rearrangement of any register of electors made under the Representation of the People Acts;

(*b*) the qualification of candidates for election to the office of councillor;

(*c*) the preparation of any precept to be issued or made in respect of any period commencing on or after the appointed day;

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

Extension of borough.

44.—(1) The boundary of the borough the area of which is included within the outer edge of the blue line on the borough map shall be altered so as to include

PART IV. —*cont.*

in addition to that area all the areas which are situate within the inner edge of the red line shown on that map and are not within the existing borough.

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

Borough map.

45.—(1) Copies of the borough map certified by the town clerk to be true shall be sent by him as soon as may be after the passing of this Act to the clerk of the county council to the town clerk of the city to the Board of Inland Revenue to the Commissioners of Customs and Excise to the Registrar-General to the Board of Trade to the Minister to the Minister of Transport to the Minister of Agriculture and Fisheries to the Commissioners of Crown Lands and to the Postmaster-General.

(2) Copies of or extracts from the borough map certified by the town clerk to be true shall be received in all courts of justice and elsewhere as prima facie evidence of the contents of such map so far as they relate to the boundary of any area altered by this Act and to any ward of the existing borough altered by this Act.

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

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

Alteration of county city and other areas.

46.—(1) The added areas shall be added to and form part of—

(*a*) the county;

(*b*) the parish of Alverstoke;

(*c*) the petty sessional division of Gosport; and

(*d*) the Fareham coroner's district.

PART IV. —*cont.*

(2) So much of the added areas as is now included in the city and the parish of Portsmouth shall cease to be included therein or to form part thereof.

Existing mayor aldermen and councillors.

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

Municipal wards aldermen and councillors.

48. Subject to the provisions of the Act of 1933 with respect to the alteration of the boundaries of wards the following provisions shall have effect :—

(1) The number of aldermen and councillors of the borough shall remain unaltered :

(2) For the purposes of the election of councillors the borough shall continue to be divided into nine wards :

(3) The Alverstoke ward the Elson ward the Forton ward the Lee ward the Newtown ward and the Town ward shall be altered in the manner shown on the borough map to include those parts of the added areas which adjoin those wards respectively :

(4) The councillors representing the wards referred to in the last preceding paragraph immediately before the appointed day shall be deemed on and after that day to have been elected to represent those wards as altered by this section respectively and shall continue in office until they would have gone out of office if this Act had not been passed.

Electoral divisions and county councillors.

49. The several parts of the added areas shall be included in the electoral divisions of Gosport Alverstoke Gosport Newtown Gosport North and Gosport Town which they adjoin and the persons who immediately before the appointed day are the county councillors representing those divisions respectively shall be deemed to have been elected and to represent those divisions as altered by this Act and shall retire on the date on which they would have retired if this Act had not been passed.

PART IV. —*cont.*

Qualification for election and office.

50. For the purposes of the application to the borough of the provisions of paragraph (*c*) of section 57 of the Act of 1933 the added areas shall be deemed always to have formed part of the borough.

Corporation property liabilities &c.

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

Mortgage debts of Corporation.

52.—(1) So much of any sums borrowed by the Corporation or by their predecessors as immediately before the appointed day is owing and charged upon a fund or rate of the existing borough or the revenues of the Corporation of the existing borough shall be charged upon the revenues of the Corporation.

(2) All borrowed moneys to which this section applies shall be repaid by the Corporation within the respective periods for which the loans in respect of which the said sums are owing were originally sanctioned or within which the same are otherwise required to be repaid or are made repayable and all interest due on any such moneys outstanding at any time shall be paid out of the revenues of the Corporation.

Powers of Portsmouth Corporation.

53. Subject to the provisions of this Act the Portsmouth Corporation shall cease to exercise any powers or discharge any duties within any part of the added areas.

Property &c. of Portsmouth Corporation.

54. Subject to the provisions of this Act and to any necessary adjustments—

(*a*) any property or liabilities which immediately before the appointed day is or are vested in or attach to the Portsmouth Corporation in relation exclusively to any part of the added areas shall by virtue of this Act be transferred

PART IV. —*cont.*

to and vest in or attach to the Corporation and shall be a matter for adjustment under this Act;

(*b*) any property or liabilities which immediately before the appointed day is or are vested in or attach to the Portsmouth Corporation in relation to any part of the added areas conjointly with any other area shall be a matter for adjustment under this Act.

Local Acts.

55.—(1) Subject to the provisions of this Act the unrepealed provisions of the Act of 1919 or any other local Act or Provisional Order duly confirmed by Parliament and affecting the existing borough or the Corporation thereof as the same respectively are in force within the existing borough on the appointed day shall extend and apply to the borough and any reference in any such Act or Order to the existing borough and the Corporation thereof shall be deemed to refer to the borough and the Corporation thereof.

(2) The provisions of any protective section for the benefit of the Portsmouth Corporation contained in any local Act confirmation Act or Provisional Order by whomsoever obtained so far as they relate to or affect any part of the added areas shall enure on and after the appointed day to the benefit of the Corporation and shall be construed as if a reference to the Corporation were substituted for any reference to the Portsmouth Corporation.

Adoptive Acts.

56.—(1) The provisions of any public general Act which is in force in the existing borough immediately before the appointed day shall be in force in and apply to the borough as if the same had been adopted for the borough.

(2) The provisions of any adoptive Act other than the provisions which are referred to in subsection (1) of this section shall cease to be in force in any part of the added areas.

(3) Any order under or having effect as if made under Part V of the Act of 1936 or the Infectious Disease (Notification) Act 1889 or under any adoptive Act mentioned in subsection (1) of this section which is in force immediately before the appointed day throughout the existing borough shall extend and apply to the

52 & 53 Vict. c. 72.

PART IV. —*cont.*

added areas and any such order in force immediately before the appointed day in the added areas or any part thereof shall save as hereinbefore provided cease to be in force in the added areas or such part thereof.

Powers under section 33 of Local Government Act 1894. 56 & 57 Vict. c. 73.

57. Subject to the provisions of any order which the Minister may hereafter make the provisions of any order heretofore made by the Local Government Board or the Minister and conferring upon the council of the existing borough any of the powers relating to the matters mentioned in section 33 of the Local Government Act 1894 and in that order so far as such powers are still in force or still have effect shall be deemed to have effect as if any reference in those provisions to the existing borough the council of the existing borough and the existing parish of Alverstoke extended and applied respectively to the borough the council of the borough and the parish of Alverstoke as extended by this Act.

Orders under Wild Birds Protection Acts.

58. Any order under the Wild Birds Protection Acts 1880 to 1908 which is in force at the appointed day in the existing borough shall extend to the added areas and any order under those Acts which is then in force in the city shall cease to extend to the added areas.

Orders under Public Health Acts Amendment Act 1907 or Public Health Act 1925. 7 Edw. 7. c. 53.

59. Subject to any order which the Minister or the Secretary of State may make on or after the appointed day the following provisions shall have effect as regards orders under the Public Health Acts Amendment Act 1907 or the Public Health Act 1925 :—

(1) The provisions of any order made before the appointed day and declaring to be in force throughout the existing borough any parts or sections of either of those Acts shall have effect as if any reference in that order to the existing borough extended and applied to the borough and as if such parts or sections were accordingly declared to be in force within the borough :

(2) The provisions of any other order made under either of those Acts which is in force immediately before the appointed day throughout the existing borough shall extend and apply to the added areas :

PART IV. —*cont.*

(3) The provisions of any order made before the appointed day and declaring to be in force within any part of the added areas any parts or sections of either of those Acts shall cease to apply to any such part of the added areas and the parts or sections declared by any such order to be in force shall (save as in this section provided) cease to be in force within any such part of the added areas but this section shall not prejudice or affect any proceedings which are pending on the appointed day.

Byelaws regulations and scales of charges.

60.—(1) All byelaws made by the Corporation or by the watch or education committees of the existing borough or by the county council or the standing joint committee of the county and in force in the existing borough immediately before the appointed day shall apply to the borough until repealed or altered and any byelaw made by the Portsmouth Corporation or by the watch or education committees of the council of the city shall on that day cease to apply within the added areas.

(2) Any proceedings which if this Act had not been passed might have been taken for any offence against any byelaw committed before the appointed day within the added areas may be taken by the Corporation.

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

Apportionment of balances and collection of rates.

61.—(1) As soon as practicable after the appointed day the Portsmouth Corporation shall as regards any cash balances in their hands at the appointed day estimate the proportion thereof derived from contributions paid by any part of the added areas and subject to a deduction on account of undischarged liabilities in respect of such part of the added areas accruing up to the appointed day shall transfer such amount to the Corporation.

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

PART IV. —*cont.*

(3) Any sum received after the appointed day by the Portsmouth Corporation under a rate made before that day in respect of any part of the added areas shall be dealt with in the manner prescribed by subsection (1) of this section.

(4) The apportionment under this section of any balance or sum received shall be subject to review on an adjustment under this Act.

(5) Any rates or sums so collected or recovered shall be a matter for adjustment under this Act.

Deduction in ascertaining rateable value of railways &c.

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

Valuation lists.

63.—(1) The valuation list of the existing borough and the portions of the valuation list of the city which relate to hereditaments within the added areas (modified as may be necessary to give effect to the provisions of section 62 (Deduction in ascertaining rateable value of railways &c.) of this Act) shall together form the valuation list of the borough as from the appointed day.

(2) As from the appointed day the remaining portion of the valuation list of the city shall be the valuation list of the city as altered by this Act.

Officers of Corporation continued.

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

Parish books and documents.

65.—(1) All public books writings and papers of the parish of Portsmouth in relation exclusively to any part of the added areas and all documents relating

PART IV —*cont.*

to any part of the added areas and directed by law to be kept with the public books writings and papers of such parish (except any book or document relating to the affairs of the church or to ecclesiastical charities or to a parochial non-ecclesiastical charity) and all plans papers and writings of the Portsmouth Corporation relating exclusively to any part of the added areas shall be deposited in such custody as the Corporation may direct.

(2) Any ratepayer of the parish of Portsmouth shall at all times have the same right of inspection and of making extracts from the public books writings papers and documents referred to in this section as he would have had if this Act had not been passed.

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

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

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

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

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

(*b*) Where application is made for an official search the local registrar for the borough shall issue free of charge a certificate of official search in the register of the borough and shall

PART IV. —*cont.*

forward to the local registrar for the city the application received by him together with the fees paid in respect thereof;

(*c*) The local registrar for the city shall permit and make such searches and furnish such office copies and certificates as he would have been required to permit make and furnish and shall in relation thereto have the same powers and be subject to the same obligations as if this Act had not been passed;

(*d*) The fees in respect of searches permitted or made and in respect of certificates furnished by the local registrar for the city in pursuance of the provisions of paragraph (*c*) of this subsection shall be paid by the Corporation;

(*e*) Where an entry of a local land charge which has been duly made in the local land charges register of the city is required by this section to be transferred from the register of the city to the register of the borough such charge shall not be void as against a purchaser for money or money's worth of a legal estate in the land affected thereby by reason only that it has not been entered in the register of the borough.

As to registration districts.

67. Nothing in this Act shall affect the area of any existing registration district or sub-district without prejudice however to the exercise of the powers contained in the Births and Deaths Registration Acts 1836 to 1929 as to the alteration thereof.

Financial adjustments with Portsmouth Corporation.

68.—(1) The Corporation shall pay to the Portsmouth Corporation on or before the appointed day the sum of thirteen hundred and eighty pounds as the net amount in full settlement of all claims of either of them against the other of them in respect of financial adjustments and claims consequent upon or incidental to the extension of the existing borough whether for increase of burden or for assets and liabilities (including loan debt properties and other capital assets pensions and allowances) or otherwise.

(2) The provisions of subsection (5) of section 151 (Financial adjustments) of the Act of 1933 and of

PART IV. —*cont.*

paragraph (*b*) of article 17 of the Consolidated Loans Fund (Portsmouth) Scheme 1935 shall respectively apply to the capital sum to be paid and received in pursuance of this section.

Adjustments.

69. Where under this Part of this Act any adjustment is to be made it shall be made by agreement or arbitration in accordance with section 151 of the Act of 1933 and the provisions of that section shall apply accordingly.

Adjustment as to properties.

70. In any adjustment between the Corporation and any council or other authority which may be made in consequence of this Act regard shall be had to the interest or share (if any) of the added areas or any part thereof or of any council or authority in any property—

(*a*) which is retained by or transferred to such council or other authority after or as from the appointed day who will thereby be relieved from providing accommodation; or

(*b*) which was before the appointed day subject to beneficial user by the inhabitants of the added areas or any part thereof; or

(*c*) which or some part of which is realisable;

and due credit shall be given in such adjustment to the Corporation or any other council or authority in respect of such interest or share (if any) except to the extent to which the property will remain or become a burden on the council or other authority by whom it is retained or to whom it is transferred.

Saving for qualification of aldermen and councillors.

71. Any alderman or councillor who is to continue in office after the appointed day shall not during his term of office current immediately before that day be deemed to lose his qualification for being an alderman or councillor by reason of the alterations of area made by this Act.

Continuing council of city.

72.—(1) The council of the city shall continue and shall be deemed to have been elected for and shall be the council for the city as altered by this Part of this Act.

(2) The persons who immediately before the appointed day are the councillors elected to represent

PART IV. —*cont.*

the wards of the city which are altered by this Part of this Act on the council of the city shall continue to hold office for those wards respectively as altered by this Part of this Act until the day or days upon which they would have retired respectively from office if this Act had not been passed.

Jurisdiction of coroner quarter sessions &c. of the city.

73. The powers and duties of the quarter sessions recorder clerk of the peace and coroner of and justices of the peace and stipendiary magistrates appointed for the city and of the clerk to those justices and of the police constables and other peace officers of the city shall cease to apply throughout the added areas:

Provided that—

(*a*) every person committing an offence in any part of the added areas prior to the appointed day shall be tried and dealt with as if this Act had not been passed;

(*b*) every proceeding which prior to the appointed day shall have been begun by or is pending before any justice or any coroner in relation to any matter arising in or concerning any part of the added areas may be continued or completed in like manner and with the like incidents and consequences as nearly as may be as if this Act had not been passed.

As to administrative scheme under Local Government Act 1929. 19 & 20 Geo. 5. c. 17.

74. The administrative scheme of the city under Part I of the Local Government Act 1929 dated the twenty-fourth day of September nineteen hundred and twenty-nine and approved by the Minister on the thirteenth day of December nineteen hundred and twenty-nine shall with the amendment approved by the Minister on the thirteenth day of December nineteen hundred and twenty-nine cease to apply to the added areas.

Contribution orders and precepts.

75. Notwithstanding the alteration of areas effected by this Part of this Act all contribution orders and precepts made or issued before the appointed day shall be as valid in law as if this Act had not been passed.

PART IV. —*cont.* Settlement and irremovability and transfer of liability for maintenance of poor.

76.—(1) Every person resident in the added areas immediately before the appointed day who has acquired or is in the course of acquiring—

(*a*) a settlement in the city by reason of residence birth or other qualification therein; or

(*b*) a status of irremovability from the city by reason of residence therein;

shall be deemed to have acquired or to be in the course of acquiring thereby as the case may require a settlement in or a status of irremovability from the county.

(2) For the purposes of this section consecutive periods of residence in any portions of the city shall (if and so far as those periods would immediately before the appointed day be reckoned for the purposes of determining questions of settlement in or irremovability from the city) be aggregated and shall be reckoned as continuous residence in that part of the city in which the person was residing immediately before the appointed day.

(3) Where immediately before the appointed day a person is in receipt of poor relief from the Portsmouth Corporation as an inmate of an institution or of rate aid from the Portsmouth Corporation as an inmate of an institution for persons of unsound mind and was resident in the added areas immediately before he last commenced to receive poor relief or rate aid he shall for the purposes of the foregoing provisions of this section be deemed to be resident in the added areas immediately before the appointed day.

(4) The liability for the cost accruing on and after the appointed day of the maintenance in any institution of any inmate of that institution to whom subsection (3) of this section applies shall by virtue of this Act be transferred to and attach to the county council but this subsection shall not prevent the county council from obtaining an order of removal or an adjudication of the chargeability of any person who notwithstanding the provisions of this section is liable to be removed or made chargeable to any other county or county borough.

(5) Nothing in this section shall authorise the inclusion in any computation of a period of residence

Part IV. —*cont.*
20 & 21 Geo. 5. c. 17.

for the purposes of this section of such residence as is excluded by subsection (1) of section 93 (Persons who may not be removed) of the Poor Law Act 1930 from a computation of residence for the purpose of the acquisition of a status of irremovability or shall prevent any residence so excluded from breaking the continuity of residence for the purpose of the acquisition by residence of a settlement.

Town planning.
22 & 23 Geo. 5. c. 48.

77.—(1) Any resolution passed or other proceeding taken by the Portsmouth Corporation under the Town and Country Planning Act 1932 or any enactment thereby repealed (including the making of any agreement or order or the giving of any approval consent or notice under that Act or repealed enactment) shall in so far as it relates to land within the added areas have effect as if it had been passed or taken by the Corporation in respect of that land.

(2) Nothing in this section shall cause the Corporation to become in respect of the added areas a constituent authority of a committee appointed under section 3 of the Town and Country Planning Act 1932 or the corresponding provision of any enactment thereby repealed of which they were not a constituent authority before the appointed day.

(3) Any dispensation approval or consent given by the Minister under or in pursuance of the Town and Country Planning Act 1932 or any enactment thereby repealed shall so far as it relates to land within the added areas have effect as if the same had been given to the Corporation and any powers and duties conferred by virtue of such a dispensation approval or consent upon the Portsmouth Corporation shall have effect as though they had been conferred upon the Corporation.

As to supply of electricity.

78. Nothing in this Part of this Act shall affect the limits of the Portsmouth Corporation for the supply of electricity or the powers duties and privileges of that Corporation with reference to such supply.

Saving for Portsmouth Corporation in

79.—(1) Nothing in this Part of this Act shall prejudice or affect any rights powers or duties of the Portsmouth Corporation with respect to the recovery of tolls rates or dues within the port of Portsmouth

under the Act of 1839 or the Portsmouth Camber Dock and Flathouse Wharf Order 1911 or any other enactment relating to that Corporation.

PART IV. —*cont.* respect of harbour dues &c.

(2) In this section "the Act of 1839" means the Act 2 & 3 Victoria cap. lxxii intituled "An Act for "enlarging the town quay of the borough of Portsmouth "and for improving that portion of the harbour of "Portsmouth called the Camber."

Saving for port health authority.

80. Nothing in this Part of this Act shall prejudice or affect any rights powers duties liabilities or obligations of the Portsmouth Corporation as a port health authority with respect to any part of the added areas within the port of Portsmouth.

Savings for actions contracts &c.

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

Provided that—

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

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

(2) All legal proceedings pending immediately before the appointed day may be amended in such

PART IV. —*cont.*

manner as may be necessary or proper in consequence of this Act.

Other saving provisions.

82. Nothing in this Act shall—

(*a*) be construed as restricting any power under the Local Government Act 1929 or the Act of 1933 of altering any of the areas or the constitution of any authority or committee;

(*b*) alter the area of the parliamentary county of Southampton or any division thereof or any division of the parliamentary borough of Portsmouth or affect the powers of the county council or the Portsmouth Corporation under section 31 of the Representation of the People Act 1918 or any order or scheme for the division of a constituency into polling districts for parliamentary elections and the appointment of polling places for parliamentary elections;

7 & 8 Geo. 5. c. 64.

(*c*) affect the ecclesiastical divisions of any parish or prejudice vary or affect any power right interest or jurisdiction in over or in connection with any charitable endowment;

(*d*) (save as in this Act expressly provided) affect the provisions of the Rating and Valuation Acts 1925 to 1932;

(*e*) affect land tax; or

(*f*) affect any limitation imposed on the duration of any byelaw by the Act of 1936.

PART V.

STREETS BUILDINGS SEWERS AND DRAINS.

No building allowed until street defined.

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

PART V. —*cont.*

lawful for any person except with such consent to erect the building or any fence nearer to the centre of the street than the posts or other marks by which the width of the street has been defined.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

No buildings to be erected until street formed.

84.—(1) Any person who lays out or intends to lay out a new street or part of a new street shall before any building is begun to be erected abutting on such new street or part of a new street if required by the Corporation so to do construct the carriageway of such new street or such part of the new street as may be required by the Corporation in accordance with the byelaws for the time being in force with respect to new streets and shall also if required sewer such street or such part of such street:

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

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

55 & 56 Vict. c. 57.

(3) Any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

Means of access to buildings.

85.—(1) At any time within one month after the deposit of the plans of any new building intended or adapted for use as a dwelling-house (or where such plans have been approved but the erection of the building has not been begun before the passing of this

PART V. —*cont.*

Act at any time before the erection thereof has been commenced) the Corporation may by notice in writing require the provision either before the building is erected or before it is sold let or occupied (as the Corporation shall specify) of sufficient means of communication between the building and a street which is either a highway repairable by the inhabitants at large or has been laid out and constructed in accordance with the byelaws or other provisions for the time being in force with respect to new streets.

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

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

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

As to termination of new streets.

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

PART V. —*cont.*

street or intended street or for the purpose of securing an adequate opening at either end of the new street:

Provided that such prohibition shall not become operative until the streets on both sides of such wall or fence shall become highways repairable by the inhabitants at large.

(2) If any person acts in contravention of any order made by the Corporation under the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Rounding of corners at street junctions.

87. The powers conferred upon the Corporation by section 17 of the Public Health Acts Amendment Act 1907 to vary the intended position of a new street so far as is necessary for the purpose of securing more direct easier or more convenient means of communication with any other street or intended street shall be extended so as to enable them (subject to the provisions of that section) to require that the corners formed at the junction of a new street with another street (whether new or existing) shall for the purposes of safety be rounded off so as to be coincident with the arc of a circle tangential to the adjacent boundaries of the two streets and having such radius as may be determined by the Corporation.

As to neglected sites.

88.—(1) In this section "neglected site" means the site of a demolished building in the borough which is in such a condition as to be prejudicial to the property in or the inhabitants of the neighbourhood.

(2) A court of summary jurisdiction on complaint by the Corporation may order the owner of any neglected site to remove any rubbish resulting from the demolition of the building within a reasonable time to be fixed by the order.

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

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

Amendment of section 17 of Public Health Acts Amendment Act 1907.

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

Development scheme may be required in connection with new streets.

90.—(1) Whenever application shall be made to the Corporation to approve the laying out of or notice shall be given to the Corporation of intention to lay out a new street the Corporation may require the applicant or the person giving such notice to furnish them with plans and particulars of the proposed development of any neighbouring land belonging to him the development of which is in their opinion likely substantially to affect or be affected by the determination of the site of the proposed street and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans and particulars required as aforesaid shall be so furnished.

(2) In this section the expression "lay out a new street" includes the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street.

(3) If after receiving the plans and particulars referred to in subsection (1) of this section the Corporation shall approve the laying out of any such new street either unconditionally or subject to any modification of such plans and particulars neither the owner of the lands nor his successors in title shall carry out the development of such lands in such a manner as to conflict substantially with such plans and particulars as approved.

(4) If any person shall offend against the provisions of this section he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(5) The owner may at any time submit to the Corporation for their approval any alteration in the

said plans and particulars and the Corporation may if they think fit approve such alteration. PART V. —*cont.*

(6) Nothing in this section shall be deemed to authorise any contravention of any byelaw or statutory provision in force in the borough.

Further powers as to future line of street.

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

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

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

(4) The amount of any compensation payable under this section and any other question under this section the determination whereof is not otherwise provided for by this Act shall in default of agreement be determined in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 but in estimating the amount of any such compensation the benefit arising from the widening or improvement of the street and accruing to the property in respect of which such compensation shall be payable shall be fairly estimated and set off against such compensation. 9 & 10 Geo. 5. c. 57.

(5) Any person who shall fail to comply with a requirement of the Corporation under this section shall

PART V. —*cont.*

be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Provision for intersecting streets.

92.—(1) On the approval of any plan for a new street or new streets submitted to the Corporation under any byelaw or enactment for the time being in force the Corporation may require provision for such intersecting streets as may be reasonably required.

(2) The expression "intersecting street" in subsection (1) of this section means a side or cross street forming a junction with another street.

(3) Any person who fails to comply with any requirement of the Corporation under subsection (1) of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

Adjustment of boundaries of estates.

93.—(1) For the purpose of securing the proper laying out or development of any estate or lands in respect of or in connection with which plans for any new street (including in that expression the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) are submitted to the Corporation for approval the Corporation may require that provision shall be made for adjusting and altering the boundaries of any such estate or lands or any lands adjacent or near thereto and for effecting such exchanges of land and the removal imposition or other regulation of covenants restrictions and conditions attaching to such lands as may be necessary or convenient for such purposes and the provision so to be made and the terms and conditions upon which such provision is to be made shall failing agreement between the Corporation and the respective persons interested in such estate or lands be determined on the application of the Corporation or any such person by an arbitrator to be appointed by the Minister and the Corporation may for securing the execution of any such purposes agree to pay and may and shall pay to any such person or persons such sums as may be agreed upon or in default of agreement be determined by arbitration as aforesaid:

Provided that the payment of money by any such person shall not be made a term or condition of

any award made under this section otherwise than with his consent. PART V. —*cont.*

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

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

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

Power to vary width of carriageways and footways.

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

Provided that twenty-one days before commencing any work under this section which will materially

PART V. —*cont.*

reduce the width of any carriageway or footway the Corporation shall send notice of the proposed work to the Minister of Transport.

Crossings for horses or vehicles over footways.

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

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

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

(2) If the Corporation require the construction of any carriage-crossing across the footway or allow the use of the footway subject to a condition that it is strengthened or adapted they may execute such works as may be necessary to secure compliance with such requirement or condition and may recover the expenses of so doing and any expenses incurred by the Corporation in respect of any alteration of the apparatus of statutory undertakers which may be necessary in consequence thereof from the owner or occupier.

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

(4) Notwithstanding the provisions of section 18 of the Public Health Acts Amendment Act 1907 every

person desirous of forming a carriage-crossing across a footway in any street or of strengthening or adapting any part of any such footway as a carriage-crossing shall apply in writing to the Corporation for an estimate of the cost thereof and after having obtained such estimate may deposit with the Corporation the amount thereof When such deposit shall have been made the Corporation shall with all convenient speed carry out the works and any difference between the sum so deposited and the actual cost of the works shall be paid to or by the Corporation by or to such person as the case may require.

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

Provisions as to forecourts.

96.—(1) If the Corporation shall by resolution determine that any stall structure or other erection on any forecourt is by reason of its character injurious to the amenities of the street in which such forecourt is situate they may by notice in writing require the owner of or person responsible for such stall structure or other erection within such period (not being less than seven days) as may be specified in the notice to make such alterations to such stall structure or other erection as may be necessary to prevent the same from being injurious to the amenities of such street.

(2) Any person neglecting or refusing to comply with the requirement of any such notice shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Direction signs.

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

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

PART V. —*cont.*

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

(4) The exercise of the powers conferred by this section shall be subject to the provisions of the Road Traffic Acts 1930 to 1937 with respect to traffic signs and to any regulations made or any general or other directions given by the Minister of Transport in pursuance of the said provisions.

Window blinds &c.

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

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

(3) Every person who shall offend against the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Signs over streets.

99.—(1) In this section "sign" means any banner streamer notice board sign or lettering for the purposes of advertisement or announcement (including the supports thereof) which is suspended or extends for more than two feet over any street or which extends for more than six inches over any street and is more than two feet six inches in height from the top to the bottom thereof.

(2) (*a*) If it appears to the Corporation that any sign which is placed over any street at the date of the passing of this Act is a source of danger or objectionable by reason of its size construction or situation or an injury to the amenities of the street over which it is placed they may by notice in writing require the owner of or person responsible for the placing of such sign to

PART V. —*cont.*

remove it or to comply with such conditions as may be specified in the notice within such period not being less than seven days as may be specified in the notice.

(*b*) For a period of two years from the passing of this Act the foregoing provisions of this subsection shall not apply to any sign which was in use on the twenty-sixth day of November nineteen hundred and thirty-eight.

(3) (*a*) After the date of the passing of this Act no person shall without the consent of the Corporation place any sign over any street.

(*b*) The consent of the Corporation under this subsection shall not be withheld except on the ground that in their opinion the sign would be a source of danger or objectionable by reason of its size construction or situation or an injury to the amenities of the street and such consent may be given subject to such conditions as the Corporation may think fit.

(4) Any person who (*a*) neglects or refuses to comply with the requirement of any such notice as is referred to in subsection (2) of this section or (*b*) after the date of the passing of this Act places any sign over any street without the consent of the Corporation or without complying with any conditions attached to any such consent shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding ten shillings and the Corporation may themselves remove any such sign and any expense incurred by them in so doing may be recovered by them from such person.

Power to place fences near school entrances &c.

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

PART V. —*cont.*

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

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

Provided always that nothing in this section contained shall empower the Corporation to prevent any person residing in any premises in or abutting on any such street having full and free right and liberty of access to and from such premises from and to the metalled or paved portion of such street:

Provided further that for the purposes of section 7 of the Telegraph Act 1878 any work done in exercise of the powers conferred by this section shall be deemed to be work done in the execution of an undertaking authorised by Act of Parliament and the Corporation shall be deemed to be the undertakers.

Prohibition of persons vehicles &c. on grass margins.

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

(2) Nothing contained in this section shall affect—

(*a*) the duty of the Corporation under section 58 (Provision of footpaths and grass or other margins) of the Road Traffic Act 1930;

(*b*) the statutory rights of the statutory undertakers with respect to any area which is situate in or forms part of a street.

PART V. —*cont.*

proposing to place or erect such hoarding wall or fence shall give notice of his intention so to do to the Corporation and such notice shall be accompanied by plans and particulars of the hoarding wall or fence proposed so to be placed or erected.

(2) If the placing or erection of such hoarding wall or fence would constitute a danger to the traffic in the streets upon adjoining or near to which the same is proposed to be placed or erected by obstructing the view of any foot passenger or the driver of any vehicle in a street of vehicular or pedestrian traffic the Corporation may within one month of the receipt of the said notice prohibit such placing or erection or may allow the same subject to such conditions or modifications of the said plans and particulars as they may think fit.

If within one month of the receipt of the said notice the Corporation shall not have prohibited such placing or erection or allowed the same subject to a condition or to a modification of such plans or particulars they shall be deemed to have allowed such placing or erection.

(3) Any person who places or erects any hoarding wall or fence in contravention of the provisions of this section shall be liable to a penalty not exceeding five pounds and the Corporation may remove the hoarding wall or fence so placed or erected and may recover the expense incurred by them in so doing from such person.

(4) For the purposes of this section the corner of any street shall be deemed to be the point at which the frontage or boundary line of that street (if necessary continued in a straight line) intersects the frontage or boundary line of any other street (if necessary similarly continued).

(5) The provisions of this section shall not apply to any part of a street with respect to which restrictions have been imposed under section 4 of the Roads Improvement Act 1925 or by section 1 or section 2 of the Restriction of Ribbon Development Act 1935. 15 & 16 Geo. 5. c. 68.

Restriction on advertisement hoardings.

106.—(1) For the purpose of preserving the amenities of the borough it is hereby enacted that it shall not be lawful after the passing of this Act to erect

PART V. —*cont.*

in or within fifteen feet of any street in the borough any hoarding or similar structure to be used either partly or wholly for advertising purposes to a greater height than twelve feet above the level of such street without the consent of the Corporation and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoarding or similar structure as the Corporation may determine.

(2) Any person acting in contravention of this section or of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) The consent of the Corporation under this section shall not be required for a hoarding or similar structure erected within any railway station or upon any property of a railway company for the purposes of such railway company except in so far as such hoarding or similar structure fronts upon a street repairable by the inhabitants at large.

Regulation of petroleum filling stations. 18 & 19 Geo. 5. c. 32.

107. Section 11 (Byelaws as to petroleum filling stations) of the Petroleum (Consolidation) Act 1928 in its application to the borough shall be extended so as to empower the Corporation to make byelaws in accordance therewith for the purpose of preserving for the enjoyment of the public or residents the amenities of any street.

Stopping up and diversion of highways.

108.—(1) Subject to the provisions of this section a court of summary jurisdiction if satisfied on the application of the Corporation that a highway within the borough is unnecessary may by order authorise the stopping up thereof and if so satisfied that a highway within the borough can be diverted so as to make it nearer or more commodious to the public may by order authorise it to be so diverted:

Provided that the Corporation shall not make an application under this section in regard to a county road without the consent of the county council which shall not be unreasonably withheld and any question as to whether such consent is unreasonably withheld shall be determined by the Minister of Transport.

PART V. —*cont.*

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

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

(*a*) has at least twenty-eight days before the date on which the application is made been served either personally or by registered post on the owners or reputed owners and the occupiers of all land abutting on the highway and (when the application relates to a classified road as defined in the Local Government Act 1929) on the Minister of Transport and the county council; and

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

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

(4) On the hearing of such an application the Corporation and any person who is interested in land abutting on or served by the highway or uses the highway or is otherwise aggrieved shall have a right to be heard and an appeal against the decision of the court may be brought to quarter sessions either by the Corporation or by any such person as aforesaid who was or claimed to be heard by the court.

(5) For the purposes of the provisions of the Summary Jurisdiction Act 1879 as amended by the 42 & 43 Vict. c. 49.

PART V. —*cont.*
23 & 24 Geo. 5. c. 38.

Summary Jurisdiction (Appeals) Act 1933 with respect to appeals to quarter sessions—

(*a*) a refusal by a court of summary jurisdiction to make an order under this section shall be deemed to be an order;

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

(*c*) any appeal under this section whether against an order or against a refusal to make an order shall be in the nature of a re-hearing.

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

(7) Provided that—

(i) nothing in this section shall authorise the diversion over any land of any highway unless the written consent of every person having a legal interest in that land is produced to and deposited with the court; and

(ii) an order under this section authorising the diversion of a highway shall not authorise the stopping up of any part thereof until the new part to be substituted for the part stopped up has been completed to the satisfaction of two justices and a certificate to that effect signed by them has been transmitted by their clerk to the clerk of the peace.

(8) Where an order is made by a court of summary jurisdiction under this section authorising the stopping up or diversion of a highway the clerk of the court

PART V. —*cont.*

shall forthwith transmit the order to the clerk of the peace for the county of Southampton together if the order be for diverting a highway with the written consents produced to the court and the said clerk of the peace shall enrol any documents so transmitted to him and any certificates transmitted to him under subsection (7) of this section among the records of quarter sessions.

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

(10) Any application or order under this section—

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

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

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

(12) The provisions of this section shall be in addition to and not in derogation of any other provisions relating to the stopping up and diversion of highways.

Restrictions on rights of breaking up streets.

109.—(1) If not less than three months before commencing any work involving the closing to vehicular traffic of any street or part of a street in the borough either absolutely or to the extent of one-third or more of the width of the carriageway thereof the Corporation shall give notice in writing of their intention to execute such work to all undertakers having statutory powers to break up that street then when such work has been executed by the Corporation it shall not be lawful for any such undertakers within twelve months of the completion of such work to break up the street or part of a street so closed without the consent of the Corporation which consent shall not be unreasonably withheld and the Corporation may if they think fit

PART V. —*cont.*

and without prejudice to their other rights and powers attach to any consent given under this section such conditions as may be reasonable with respect to the times at which and the period within which the work of the undertakers shall be executed and completed:

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

(2) Any dispute or difference which may arise between the Corporation and any undertakers under the provisions of the preceding subsection shall be referred to arbitration the arbitrator in the absence of agreement being appointed by the President of the Institution of Civil Engineers.

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

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

62 & 63 Vict. c. 19.

Streets broken up to be reinstated.

110.—(1) When any street repairable by the inhabitants at large shall be opened or broken up by any person he shall with all convenient speed complete the work on account of which the same shall have been broken up and fill in the ground and reinstate and make

good to the reasonable satisfaction of the surveyor and with materials to be reasonably approved by him the street so opened or broken up.

PART V. —*cont.*

(2) Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) Nothing in this section shall apply to the statutory undertakers but nothing in this subsection shall relieve the statutory undertakers from any obligation or liability to which they would have been subject if this section had not been enacted.

As to evasion by owners of private street works expenses.

111. If—

(i) any owner of land fronting adjoining or abutting on a street within the meaning of section 5 of the Private Street Works Act 1892 and situate in the borough conveys sells leases or otherwise disposes of the part or any portion of the part of that land which fronts adjoins or abuts on that street; and

(ii) any expenses of works executed by the Corporation under the said Act of 1892 in or in relation to that street are apportioned on such part or portion of that land; and

(iii) the Corporation are unable to recover such expenses in whole or in part from the person to whom such part or portion of that land was conveyed sold leased or disposed of or by the sale of such part or portion of that land; and

(iv) a court of summary jurisdiction is satisfied that such conveyance sale lease or disposal was intended for the purpose of evading the payment of any expenses under the said Act of 1892;

then such expenses or so much thereof as has not been recovered by the Corporation may to such extent as the court may determine be recovered from that owner in the same manner as expenses of the execution of works under the said Act of 1892 may be recovered as

PART V. —*cont.*

though he had not made such conveyance sale lease or disposal and as though the said amount of the said expenses had been apportioned on the land of that owner which before such conveyance sale lease or disposal was made fronted adjoined or abutted on such street.

As to urgent repairs of private streets.

112.—(1) Where in the opinion of the Corporation repairs the cost of which will not exceed twenty pounds are required in the case of any street not being a highway repairable by the inhabitants at large to obviate or remove danger to any passenger or vehicle in the street the Corporation may execute such repairs as they deem necessary and may themselves pay such cost and the execution of such repairs and the payment of such cost shall not prejudice or affect any statutory provisions for the time being in force relating to private street works and private improvement expenses or similar matters or of section 19 (As to urgent repairs to private streets) of the Public Health Acts Amendment Act 1907.

(2) The Corporation shall not exercise the powers of this section in reference to any street repairable by the Southern Railway Company except with that company's consent.

Elevations of new buildings.

113.—(1) Section 61 of the Act of 1936 is hereby extended so as to enable the Corporation to make byelaws providing in such manner as they may think necessary that any person intending to erect a new building in any street specified in the byelaws shall furnish the Corporation with drawings or other sufficient indication of the design or external appearance of the building including such indication of the materials to be used in its construction as may be necessary for the purpose (which drawings and particulars are in this section included in the expression "specifications").

(2) Where the specifications of any building proposed to be erected are required to be submitted to the Corporation by a byelaw made under the said section 61 as extended by this section the Corporation shall within one month after the submission to them of the specifications by notice in writing—

(*a*) approve the specifications; or

PART V. —*cont.*

(*b*) if they shall consider that having regard to the character of the locality and of the neighbouring buildings in the street the building to which the specifications relate would seriously disfigure the street whether by reason of the height of the building or its design or external appearance disapprove the specifications and in that event the notice shall be accompanied by a statement of the grounds for the disapproval.

(3) The grounds on which a person may appeal against any such disapproval to a court of summary jurisdiction under section 165 (As to appeals) of this Act shall include the ground that compliance with the Corporation's decision would involve an increase in the cost of the building which would be unreasonable having regard to the character of the locality and of the neighbouring buildings.

(4) Where the specifications of a building have been disapproved under this section it shall not be lawful to erect the building until the specifications thereof have been approved by the Corporation and any person who offends against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(5) The provisions of this section shall to the extent that the subject-matters thereof are dealt with by provisions in a planning scheme coming into operation after the passing of this Act cease to have effect upon the coming into operation of such provisions.

(6) The provisions of any byelaw made under or by virtue of this section shall not apply to any building (not being a dwelling-house showroom or office) to be erected by a statutory company for the purposes of their undertaking or by the Portsmouth Corporation for the purposes of their electricity undertaking.

As to erection of retaining walls.

114.—(1) Before any person shall erect on any land within the borough a retaining wall of greater height than six feet abutting on or adjacent to or within twelve feet of any street he shall submit to the Corporation plans sections and specifications thereof

PART V. —*cont.*

and no such wall shall be erected except in accordance with such plans sections and specifications as may be approved by the Corporation.

(2) Any person who shall erect a retaining wall contrary to the provisions of this section or any owner who after erection shall after reasonable notice in writing from the Corporation requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Corporation be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) The provisions of this section shall not extend or apply to any land belonging to or which may hereafter be acquired by a railway company or to any retaining wall erected thereon.

Erection of buildings to greater height than adjoining building.

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

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

Powers on inspection.

116.—(1) In exercising any powers of entry upon and inspection of any building or works in course of construction the surveyor and his assistants shall have from the builder of or contractor for such building or works free of expense all reasonable use and assistance of ladders scaffolding and plant in and about such building or works.

(2) Any person who shall refuse such use and assistance as aforesaid or shall obstruct the surveyor

PART V. —*cont.*

or his assistants in the use of such ladders scaffolding and plant as aforesaid shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Closet accommodation in houses occupied by more than one family.

117. Section 44 of the Act of 1936 shall with the necessary modifications apply to a part of a house within the borough occupied by a separate family as it applies to the whole of a house.

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

118.—(1) Where the Corporation resolve to construct a sewer in a street or part of a street within the borough repairable by the inhabitants at large which has not been previously sewered and the resolution states that the construction of the sewer will in the opinion of the Corporation increase the value of premises fronting adjoining or abutting on such street or part of a street then subject to the provisions of section 120 (Provisions applicable to the last two preceding sections) of this Act the expenses incurred by the Corporation in constructing the sewer so far as they do not exceed the sum authorised by the last-mentioned section shall be apportioned by the Corporation on the premises fronting adjoining or abutting on the street or part of a street according to the frontages of the respective premises as existing at the date when the resolution becomes operative.

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

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

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

Apportionment to frontagers of expenses of construction

119.—(1) Where the Corporation have incurred expenses in constructing after the passing of this Act a length of sewer in land within the borough and that land has subsequently become a street (whether repairable by the inhabitants at large or not) then

PART V. —*cont.* of sewer before land became a street.

subject to the provisions of the next succeeding section the expenses so incurred so far as they do not exceed the sum authorised by that section shall be apportioned by the Corporation on the premises fronting adjoining or abutting on the street according to the frontages of the respective premises.

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

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

Provisions applicable to the last two preceding sections.

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

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

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

If the court finds that the certificate of the surveyor is erroneous the court shall order the revision

of the sums apportioned not only to the appellant but also to the owners of the other premises affected. PART V. —*cont.*

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

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

For the purposes of this subsection—

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

(*b*) any such re-erection alteration or extension of a building as is mentioned in the Third Schedule to the Restriction of Ribbon Development Act 1935 shall be deemed to be the erection of a new building:

Provided that references in the said schedule to the date on which the restrictions came into force shall for the purposes of this subsection be construed as references to the date when the resolution became operative or the street was laid out as the case may be.

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

PART V. —*cont.*

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

(7) Where such a resolution as is mentioned in section 118 (Apportionment to frontagers of expenses of sewer constructed under public highway) of this Act has been passed but the construction of the sewer to which it relates has not been completed within two years from the date when the resolution became operative all liabilities of frontagers consequent thereon shall cease to have effect.

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

(9) Where under this section any sum becomes recoverable in respect of any premises that sum together with interest from the date of service of a demand therefor may be recovered summarily as a civil debt by the Corporation from the person who is the owner of the premises at the date when a demand for payment is served and as from that date that sum and interest accrued due thereon shall until recovered be a charge on the premises and on all estates and interests therein and the following provisions of the Act of 1936 shall apply as if they were re-enacted in this Act and in terms made applicable thereto (that is to say) :—

Subsections (2) to (4) of section 291 (Certain expenses recoverable from owners to be a charge on the premises : power to order payment by instalments);

PART V. —*cont.*

Subsection (2) of section 293 (Recovery of expenses &c.); and

Section 329 (Saving for certain provisions of the Land Charges Act 1925).

For protection of statutory undertakers.

121. For the protection of the statutory undertakers (each of whom is in this section referred to as "the undertakers") the following provisions notwithstanding anything in this Act contained shall unless otherwise agreed in writing between the Corporation and the undertakers apply and have effect:—

(1) In this section "apparatus" means—

(*a*) in the case of a statutory company mains pipes valves meters washouts hydrants plugs fittings and other apparatus belonging to the company;

(*b*) in the case of the Portsmouth Corporation electric lines (as defined in the Electric Lighting Act 1882) posts poles and apparatus:

(2) Not less than twenty-eight days before—

(*a*) the Corporation in the exercise of the powers of section 94 (Power to vary width of carriageways and footways) of this Act add to the carriageway of a street any portion of the street not theretofore forming part of the carriageway thereof in or under which any apparatus is for the time being situate; or

(*b*) pursuant to the provisions of section 95 (Crossings for horses or vehicles over footways) of this Act a carriage-crossing is constructed across the footway of any street in or under which any apparatus is for the time being situate or the use of any such footway as a carriage-crossing is allowed by the Corporation;

the Corporation shall give notice in writing to the undertakers accompanied by a plan and section and if in consequence thereof it shall be reasonably necessary to alter the position of such apparatus the undertakers may (and if so required by the Corporation shall) alter

Part V. —*cont.*

the position of such apparatus by relaying it in such position under either the carriageway or the footway and at such depth as may be agreed between the undertakers and the Corporation or as in default of agreement shall be determined by arbitration and the Corporation shall subject to the provisions of this section repay to the undertakers the cost reasonably incurred by them in so doing:

(3) (*a*) Whenever the Corporation in the exercise of the powers of section 108 (Stopping up and diversion of highways) of this Act stop up or divert any highway or any part of a highway in or under which any apparatus is for the time being laid or placed the undertakers shall be at liberty to remove such apparatus and to relay or replace the same in the highway (if any) substituted for the highway or part of a highway so stopped up or diverted or in such other situation as may be agreed between the Corporation and the undertakers or to provide and lay or place in such substituted highway or other situation apparatus equally suitable in lieu of such existing apparatus and the Corporation shall subject to the provisions of this section repay to the undertakers the cost reasonably incurred by them in so doing;

(*b*) Whenever by reason of the exercise by the Corporation of the powers of the said section any apparatus (other than apparatus for which new apparatus is substituted at the expense of the Corporation under the provisions of this subsection) is rendered derelict useless or unnecessary the Corporation shall pay to the undertakers such a sum as may be agreed between the Corporation and the undertakers or as failing such agreement shall be determined by arbitration to be the value of such apparatus and such apparatus shall upon such payment become the property of the Corporation:

(4) In determining any sum payable by the Corporation to the undertakers under the

PART V. —*cont.*

provisions of subsection (2) or subsection (3) of this section regard shall be had to the following provisions:—

(*a*) If any apparatus is laid of greater dimensions than the apparatus for which it is substituted the amount payable by the Corporation shall not thereby be increased; and

(*b*) If apparatus is substituted for existing apparatus regard shall be had to any increase in the effective life thereof:

(5) The undertakers shall give to the Corporation not less than twenty-one days' notice of their intention to alter (otherwise than by the requirement of the Corporation) the position of any apparatus under the provisions of subsection (2) of this section or to remove and relay or replace any apparatus under the provisions of paragraph (*a*) of subsection (3) of this section and shall at the same time deliver a plan and section showing the proposed new position or situation of such apparatus.

If such plan and section are not disapproved by the Corporation within twenty-one days from the receipt thereof the alteration or removal of the apparatus and the depth and position and situation of the apparatus shown on the plan and section shall be deemed to be reasonable:

(6) The Corporation shall pay to a statutory company the reasonable cost of and incidental to the cutting off of any apparatus from any other apparatus and of and incidental to any other works or things rendered reasonably necessary in consequence of any such alteration of the position of apparatus as is referred to in subsection (2) of this section or any such removal and relaying or replacing of apparatus as is referred to in paragraph (*a*) of subsection (3) of this section or in consequence of any such apparatus being rendered derelict useless or unnecessary:

(7) The provisions of section 91 (Further powers as to future line of street) and section 93

Part V. —*cont.*

(Adjustment of boundaries of estates) of this Act shall not extend to or apply with reference to—

(*a*) any land which the gas company are at the passing of this Act specifically authorised to hold and use for the manufacture or storage of gas; or

(*b*) any land which the water company are at the passing of this Act specifically authorised to hold and use as a pumping station or reservoir for water; or

(*c*) any building or erection (not being a dwelling-house office or showroom) erected or intended to be erected on such land and used or intended to be used for the purposes of the undertaking of the gas company or the water company (as the case may be):

(8) The Corporation shall not exercise the powers of—

Section 101 (Power to lay out grass margins &c. in streets); and

Section 103 (Planting of trees in private streets);

of this Act so as to cause damage to or to obstruct or render less convenient the access to any apparatus:

(9) (*a*) Section 165 (As to appeals) of this Act shall not authorise an appeal by any of the statutory undertakers aggrieved by any requirement refusal or other decision of the Corporation under section 114 (As to erection of retaining walls) of this Act;

(*b*) The Corporation shall not unreasonably withhold their approval of plans sections and specifications submitted to them by any of the statutory undertakers under the said section 114 and any question which may arise in regard thereto shall be determined by arbitration:

(10) Any difference between the Corporation and the undertakers under this section (other than

a difference as to the meaning or construction of this section which does not arise in the course of the arbitration) shall be referred to arbitration.

PART V. —*cont.*

PART VI.

INFECTIOUS DISEASE AND SANITARY PROVISIONS.

Information to be furnished in case of notifiable disease.

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

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

Parents &c. to notify certain diseases.

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

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

(2) The diseases to which this section applies are notifiable diseases as defined by the Act of 1936 and any other disease which the Minister by regulation

PART VI. —*cont.*

made under section 143 of the Act of 1936 declares to be a notifiable disease for the purpose of this section.

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

Restrictions on attendance at schools and places of assembly.

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

(*a*) who is or has been attending any school or any part thereof which for the time being is closed by order of the Corporation or of the education committee of the council with the view of preventing the spread of a disease to which this section applies; or

(*b*) who is suffering from a disease to which this section applies; or

(*c*) who with the view of preventing the spread of a disease to which this section applies has been prohibited from attending school by the medical officer or school medical officer;

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

(2) The diseases to which this section applies are notifiable diseases as defined by the Act of 1936 and any other disease which the Minister by regulation made under section 143 of the Act of 1936 declares to be a notifiable disease for the purpose of this section.

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

PART VI. —*cont.*

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

Power to close schools and exclude children from entertainments.

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

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

(3) The diseases to which this section applies are notifiable diseases as defined by the Act of 1936 and any other disease which the Minister by regulation made under section 143 of the Act of 1936 declares to be a notifiable disease for the purpose of this section.

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

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

126. If any person at the request of the Corporation or the medical officer stop his employment for the purpose of preventing the spread of a notifiable disease the Corporation may make compensation to him for any loss occasioned by reason of such stoppage.

Removal of infirm and diseased persons in certain cases.

127.—(1) If the medical officer certifies in writing that any person in the borough—

(*a*) is aged or infirm or physically incapacitated and resides in premises which are insanitary

PART VI. —*cont.*

owing to any neglect on the part of the occupier thereof or under insanitary conditions; or

(*b*) is suffering from any grave chronic disease;

and that such person is unable to devote to himself or to receive from persons with whom he resides proper care and attention and that thorough inquiry and consideration have shown the necessity in the interest of the health of such person and for preventing injury to the health of or serious nuisance to other persons that he should be removed from the premises in which he is residing the medical officer may make application to a court of summary jurisdiction and such court upon oral proof of the allegations in such certificate and subject to examination of such person by a registered medical practitioner to be nominated by them (if they think fit) may make an order for the removal of such person to a suitable hospital infirmary or other institution or other suitable place provided within the borough or within a convenient distance of the borough and for the detention and maintenance of such person therein for such period not exceeding three months as may be determined by such order or such further period or periods each not exceeding three months as may be determined by any further order or orders made under and in accordance with the provisions of this section.

(2) The medical officer shall give to any person proposed to be removed under the provisions of this section or to some person being in charge of such person three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(3) The cost of the removal of any person to a hospital infirmary or other institution or place as aforesaid and of his detention and maintenance therein in pursuance of an order made under this section shall be borne by the Corporation and during any period for which a person is so detained the Corporation may and if so required by the court shall make towards the maintenance of any dependants of that person such contributions as the Corporation think fit or as may be directed by the court as the case may be :

PART VI. —*cont.*

Provided that where the institution to which the said person is to be removed is a public assistance institution the authority to which the institution belongs may in the exercise of their powers under any scheme made under Part I of the Local Government Act 1929 assume such obligations with regard to the maintenance of the said person and his dependants as may be agreed between that authority and the Corporation.

(4) An order under this section may be addressed to such officers of the Corporation as the court making the same may think expedient and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.

(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to a court of summary jurisdiction acting for the same place as the court which made the order by or on behalf of the person in respect of whom the order was made for the rescission of the order and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made.

Such person or other the person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

(6) The powers of this section shall not be put into operation by the medical officer unless he is authorised by a resolution of the Corporation so to do either generally or in any particular case in which those powers are proposed to be exercised and no order shall be made under the provisions of this section for the removal of any person to any hospital or other institution without the consent in writing of the authority or body having the control thereof.

Entry into premises in case of disease.

128.—(1) If the medical officer has reasonable cause to believe that in any premises there is a person who is suffering or who has recently suffered from a notifiable disease he may on obtaining a warrant from

PART VI. —*cont.*

a justice of the peace which such justice is hereby authorised to grant enter such premises and examine any person found therein with a view to ascertaining whether he is suffering or has recently suffered from such disease :

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

(*a*) enter any premises except between the hours of seven in the morning and ten in the evening; or

(*b*) examine a person who is already under the treatment of a medical practitioner except with the consent of the latter.

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

Byelaws as to lodging-houses.

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

Sanitary conveniences for workmen.

1 Edw. 8. & 1 Geo. 6. c. 67.

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

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Discontinuance of offensive trade.

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

PART VI. —*cont.*

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

(2) Any person who fails or neglects to comply with any requirement of the Corporation under the provisions of subsection (1) of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

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

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

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

Byelaws as to stables.

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

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

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

PART VI. —*cont.*

Notice of slaughter of animal unfit for food.

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

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

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

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

1 Edw. 8. & 1 Geo. 6. c. 70.

Registration of hawkers of meat fish fruit and vegetables and premises.

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

(*a*) any person other than a person keeping open shop for the sale of meat or meat food product or fish or fruit or vegetables who shall by himself or by any person employed by him sell or offer or expose for sale any meat or meat food product or fish or fruit or vegetables from any cart barrow or other vehicle or from any basket pail tray or other receptacle; and

(*b*) any premises used or proposed to be used as storage accommodation for any meat or meat food product or fish or fruit or vegetables intended for sale from any such vehicle or receptacle;

shall be registered with the Corporation in the case of any such person by himself and in the case of any such premises by the owner or occupier or intending owner or occupier thereof. PART VI. —*cont.*

(2) (*a*) No person other than a person keeping open shop for the sale of meat or meat food product or fish or fruit or vegetables shall by himself or by any person employed by him sell or offer or expose for sale any meat or meat food product or fish or fruit or vegetables from any cart barrow or other vehicle or from any basket pail tray or other receptacle unless he is so registered as aforesaid.

(*b*) No premises shall be used as storage accommodation for any meat or meat food product or fish or fruit or vegetables intended for sale from a cart barrow or other vehicle or from a basket pail tray or other receptacle unless such premises are so registered as aforesaid.

(3) Any person who offends against the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(4) (*a*) The Corporation may refuse to register any such person or premises as is or are referred to in subsection (1) of this section or (after giving one month's notice in writing to the person registered or in whose name any such premises are registered) may revoke the registration of any such person or premises if they are satisfied (as regards any such person) that the public health is or is likely to be endangered by any act or default of such person in relation to the quality storage or distribution of the meat or meat food product or fish or fruit or vegetables as the case may be or (as regards any such premises) that such premises are not suitable to be used for the purposes aforesaid:

Provided that before refusing or revoking such registration the Corporation shall serve upon the person applying for registration or upon the person registered or in whose name such premises are registered a notice to appear before them not less than seven days after the date of the notice to show cause why the Corporation should not for reasons to be specified in the notice

PART VI. —*cont.*

refuse to register or revoke the registration of the person or premises Any such notice shall state the effect of paragraphs (*b*) and (*c*) of this subsection.

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

(*c*) Any person appealing to a court of summary jurisdiction under section 165 (As to appeals) of this Act against any such refusal or revocation shall do so within fourteen days from the date of the notice of such refusal or revocation.

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

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

(7) In and for the purposes of this section—

"meat" means the flesh of cattle swine sheep or goats including bacon and ham and edible offal and fat which is sold or intended for sale for human consumption;

"meat food product" means any article of food intended for sale for human consumption and derived or prepared in whole or in part from meat.

PART VI. —*cont.*

Power to prohibit persons in advanced state of tuberculosis from selling &c. food.

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

(2) If any such person shall fail to comply with such request the Corporation may apply to a court of summary jurisdiction for an order requiring him to stop his employment and the court shall have power to make such an order if after consideration of all the circumstances it thinks fit to do so and may direct that such compensation as it deems equitable shall be paid by the Corporation to such person.

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

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

PART VII.

FINANCE.

Power to borrow.

136.—(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 of the said table and they shall pay off all moneys so borrowed within such periods as the Corporation may

PART VII. —*cont.*

determine not exceeding those respectively mentioned in the third column of the said table :—

1	2	3
Purpose.	Amount.	Period of repayment.
(*a*) For the purchase of the Lee-on-the-Solent undertaking and for defraying the costs and expenses incident to such purchase and to the transfer of such undertaking to the Corporation (other than the costs of this Act) and for the payment of any sum payable by the Corporation under the scheduled agreement.	The sum requisite.	Fifty years from the date of transfer.
(*b*) The payment of the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

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

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

Application of Act of 1933 to existing sinking funds.

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

Consolidated loans fund.

138.—(1) Notwithstanding anything contained in this or any other Act or order on and after the thirty-first day of March nineteen hundred and forty

PART VII. —*cont.*

the Corporation may (if they think fit) establish a fund to be called "the consolidated loans fund" to which shall be paid—

(*a*) all moneys borrowed by the Corporation by the issue of authorised securities together with any moneys borrowed without security in connection with the exercise of any statutory borrowing power;

(*b*) all moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose; and

(*c*) the appropriate sums provided in each year out of other funds of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers or otherwise provided for the repayment of debt:

And there shall also be carried to the credit of the consolidated loans fund the unapplied balances of all moneys so borrowed or received and of all sums provided by the Corporation as aforesaid before the date on which the consolidated loans fund is established.

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

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

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

And the moneys of the consolidated loans fund not used or applied in these ways or intended to be so used or applied within a reasonable period shall be invested in statutory securities and the sums realised by the sale of such securities shall be repaid on receipt to the consolidated loans fund and the moneys of the consolidated loans fund shall not except with the consent of the Minister be used or applied otherwise than as provided in this section.

PART VII. —*cont.*

(3) There shall also be transferred to the consolidated loans fund such sums as are necessary to meet interest charges and the financing and other revenue expenses connected with the management of that fund and separate account shall be kept of these sums and their application.

(4) The Corporation may pay into the consolidated loans fund any moneys forming part of any reserve capital renewal and repairs depreciation contingency insurance accident superannuation or other similar fund (hereinafter referred to as "the lending fund") and not for the time being required and such moneys shall be deemed to be moneys borrowed by the Corporation within the meaning of subsection (1) of this section and shall be used accordingly subject to the following conditions:—

(*a*) the moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the said fund was established; and

(*b*) interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the average rate of interest payable by the Corporation on their current borrowings.

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

(6) Nothing in this section shall apply to moneys borrowed from the Public Works Loan Commissioners.

(7) The powers conferred by this section shall not be put into operation by the Corporation except in accordance with a scheme to be approved by the Minister and such scheme may make provision for any matters incidental to the establishment and administration of the consolidated loans fund.

(8) Any scheme approved by the Minister under this section may be altered amended or revoked by a scheme made in like manner as the original scheme.

PART VII. —*cont.*

Use of moneys forming part of sinking and other funds.

139. Notwithstanding anything contained in this or any other Act or order the Corporation may use for the purpose of any statutory borrowing power exerciseable by them any moneys forming part but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a reserve capital renewal and repairs depreciation contingency insurance accident or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

(1) The moneys so used shall be repaid out of the general rate or the general rate fund to the lending fund within the period and by the methods within and by which a loan raised under the statutory borrowing power would be repayable:

Provided that the Corporation shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding (as the case may be) as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the general rate fund or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power:

(2) In the accounts of the general rate fund an amount equal to interest calculated at such rate per centum per annum as may be determined by the Corporation to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power on any money so used and for the time being not repaid shall be credited to the lending fund and debited to the undertaking or purpose with reference to which the moneys are so used:

(3) The statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had

Part VII. —*cont.*

been raised in exercise of the power and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Date of operation of certain sections and repeal.

140.—(1) The following sections of this Act (namely) :—

Section 141 (Receipts and expenses);

Section 142 (Accounts);

Section 143 (Application of revenue of undertakings); and

Section 144 (Reserve funds);

shall be deemed to have come into operation on the first day of April nineteen hundred and thirty-nine.

(2) Section 100 (Separate accounts and application of revenue of harbour undertaking and ferry undertaking) and section 101 (Deficiencies in revenue of harbour undertaking or ferry undertaking) of the Act of 1919 are hereby repealed.

Receipts and expenses.

141.—(1) Notwithstanding anything contained in this or any other Act or order all moneys received by the Corporation whether on capital or revenue account including (but without prejudice to the generality of this provision)—

(*a*) all money received on account of the revenue of any of the Corporation undertakings; and

(*b*) interest and other annual proceeds received on the investments forming part of any fund accumulated for the redemption of debt or as a reserve or as a capital renewal and repairs depreciation contingency insurance accident superannuation consolidated loans or other similar fund (including any interest payable to any such fund in pursuance of section 138 (Consolidated loans fund) and section 139 (Use of moneys forming part of sinking and other funds) of this Act);

shall be carried to and form part of the general rate fund and all payments and expenses made and incurred by the Corporation in respect of any such undertaking or in carrying into execution the powers and provisions of this or any other Act whether public or local

PART VII. —*cont.*

(including interest on moneys borrowed by the Corporation and all sums required by law to be paid or transferred or which the Corporation may determine to pay or transfer to any such fund as is referred to in paragraph (*b*) of this subsection) shall be paid or transferred out of the general rate fund:

Provided that an amount equivalent to the interest and other annual proceeds as aforesaid shall (subject in the case of any of the said funds to any prescribed limit on the amount thereof) be credited in the accounts to the fund on the investments of which the same is received.

(2) Nothing in this section shall authorise the Corporation to apply capital money to any purpose other than purposes to which capital money is properly applicable.

Accounts.

142.—(1) The Corporation shall keep their accounts so as to distinguish capital from revenue and shall keep separate accounts in respect of each of the Corporation undertakings and as to revenue shall show under a separate heading or division on the one side all income in respect of the undertaking (including the interest and other annual proceeds received by the Corporation on the investments representing or forming part of any such fund provided in connection with the undertaking as is referred to in paragraph (*b*) of subsection (1) of the last preceding section) and on the other side all expenditure in respect of the undertaking such expenditure being divided so as also to show the amounts representing—

(*a*) the working and establishment expenses and cost of maintenance of the undertaking;

(*b*) the interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking or used for those purposes in pursuance of section 138 (Consolidated loans fund) and section 139 (Use of moneys forming part of sinking and other funds) of this Act;

(*c*) the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed or used as aforesaid;

PART VII. —*cont.*

(*d*) all other expenses (if any) of the undertaking properly chargeable to revenue;

(*e*) the amount (if any) credited to reserves or to a reserve fund provided in respect of the undertaking;

(*f*) any money expended or applied for any of the purposes mentioned in the next succeeding section.

(2) The Corporation shall show in their accounts relating to each undertaking all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking.

(3) The Corporation shall so far as reasonably practicable apportion between the accounts of separate undertakings or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

Application of revenue of undertakings.

143. If in respect of any year the moneys received by the Corporation on account of the revenue of any of the Corporation undertakings (including the interest and other annual proceeds received by the Corporation in that year on the investments representing or forming part of any such fund as is referred to in paragraph (*b*) of subsection (1) of section 141 (Receipts and expenses) of this Act provided in connection with the undertaking) shall exceed the moneys expended or applied by the Corporation in respect of that undertaking for the several purposes mentioned in paragraphs (*a*) (*b*) (*c*) (*d*) and (*e*) of subsection (1) of the last preceding section the Corporation may in respect of that year (if they think fit) apply out of the general rate fund a sum not exceeding the amount of such excess to any of the following purposes:—

(*a*) in the reduction of capital moneys borrowed for the purposes of the undertaking; and

(*b*) in the renewal and the construction extension or improvement of any works and conveniences for the purposes of the undertaking.

Reserve funds.

144.—(1) The Corporation may (if they think fit) provide a reserve fund in respect of any of the Corporation undertakings by setting aside such an amount

PART VII. —*cont.*

as they may from time to time think reasonable and (unless the amounts so set aside are applied in any manner authorised by this Act) investing the same in statutory securities until the fund so provided amounts to the maximum reserve fund for the time being prescribed by the Corporation.

(2) Any reserve fund or contingency or depreciation fund which has been provided in respect of any of the Corporation undertakings and which was in existence on the first day of April nineteen hundred and thirty-nine shall be carried to and form part of any reserve fund provided under this section in respect of such undertaking.

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

(*a*) in making good to the general rate fund any deficiency at any time happening in the income of the Corporation from the undertaking in connection with which it is formed; or

(*b*) in meeting any extraordinary claim or demand at any time arising against the Corporation in respect of that undertaking; or

(*c*) in or towards the payment of the cost of renewing improving or extending any works forming part of the undertaking or otherwise for the benefit thereof;

and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(4) Resort may be had to a reserve fund provided under this section although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

Capital fund.

145.—(1) The Corporation may establish a fund to be called "the capital fund" to which they may pay any sums derived from the sale of corporate estate the balance of the general rate fund in hand at the close of any year and such other sums from the general rate fund (including a sum equal to the interest earned on the capital fund and any income arising from the

PART VII. —*cont.*

application of the fund to the purposes authorised) as the Corporation may by resolution direct not being moneys directed by law to be applied to any other purpose:

Provided that—

(*a*) any sum directed by the Corporation to be paid to the capital fund from the general rate fund (exclusive of the sum equal to the interest earned on the capital fund and the income (if any) arising from the application of the fund to the purposes authorised) shall not exceed in any year the equivalent of a rate of twopence in the pound calculated according to the rules made pursuant to sections 9 and 58 of the Rating and Valuation Act 1925;

(*b*) payments into the capital fund shall cease to be made whenever the said fund amounts to the sum of twenty-five thousand pounds.

(2) The Corporation may apply the moneys in the capital fund for the purpose of defraying (to an amount not exceeding five thousand pounds in any one transaction) expenditure to which capital is properly applicable other than expenditure in connection with the Corporation undertakings or expenditure in respect of which moneys standing to the credit of the sea defence reserve fund provided under the provisions of section 148 of this Act are applicable.

(3) (*a*) Pending the application of the capital fund to the purpose authorised in the foregoing subsection the moneys in the fund shall (unless applied in any other manner authorised by this Act) be invested in statutory securities.

(*b*) Any income arising from the investment or use of the moneys in the capital fund in the manner provided by the foregoing paragraph of this subsection and any income arising from the application of the fund to the purpose authorised shall be carried to and form part of the general rate fund.

(4) All moneys derived from the sale of corporate land which are applied from the capital fund under the provisions of this section shall and all other moneys

PART VII. —*cont.*

which are applied from the capital fund under those provisions may if the Corporation think fit be repaid from the account to which such moneys were advanced by such annual instalments with or without interest and within such period as may be determined by the Corporation:

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

Insurance fund.

146.—(1) The Corporation may (if they think fit) establish a fund to be called "the insurance fund" with a view to providing a sum of money which shall be available for making good all losses damages costs and expenses to which the Corporation may be subjected in consequence of the whole or any part of all or any of the following risks (that is to say):—

(*a*) Risk of fire in respect of buildings works premises and the contents thereof and other property whether belonging or on loan to or under the care custody or control of the Corporation;

(*b*) Risk of accident and claims by third parties in respect of any vehicles whether belonging to or hired by or under the control of the Corporation and whether drawn or propelled by man or horse or mechanical or other means or power;

(*c*) Risk of explosion in respect of boilers;

(*d*) Risks under the common law the Employers' Liability Act 1880 the Workmen's Compensation Act 1925 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of accidents to the officers servants or workmen of the Corporation or to third parties; 43 & 44 Vict. c. 42. 15 & 16 Geo. 5. c. 84.

(*e*) Risks of injuries to school children through accident caused by the negligence of a teacher attendant or other person or defect in any school premises provided or maintained by the Corporation;

PART VII. —*cont.*

(*f*) Risks of mechanical or electrical breakdown at or in connection with any of the works of the Corporation;

(*g*) Risks of loss due to infidelity of officers or servants of the Corporation;

(*h*) Any other risks against which in the absence of such an insurance fund the Corporation would ordinarily insure.

(2) The establishment of an insurance fund under this section shall not prevent the Corporation from insuring in one or more insurance offices of good repute against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide.

(3) In each year after the establishment of the insurance fund the Corporation shall pay into that fund either—

(*a*) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the Corporation fully insured in some insurance office of good repute against the several risks for which the insurance fund is intended to provide; or

(*b*) if the Corporation partly insure in some insurance office of good repute against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.

(4) When the insurance fund shall amount to sixty thousand pounds the Corporation may if they think fit discontinue the yearly payments to the fund but if the fund is at any time reduced below sixty thousand pounds the Corporation shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the sum of sixty thousand pounds.

(5) The Corporation shall provide the yearly payments aforesaid by contributions from the general

PART VII. —*cont.*

rate fund and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking or department of the Corporation which if the risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance.

(6) (*a*) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence of risks for which the fund is intended to provide all moneys for the time being standing to the credit of the fund shall (unless applied in any manner authorised by this Act) be invested in statutory securities.

(*b*) In addition to the sum required to be paid into the insurance fund by subsection (3) of this section the Corporation shall in every year so long as the fund is less than sixty thousand pounds pay into that fund out of the general rate fund an amount equal to the interest and other annual proceeds received by the Corporation in respect of or on investments forming part of the insurance fund and carried to the general rate fund.

(*c*) If and so long as the insurance fund amounts to sixty thousand pounds the interest and other annual proceeds received by the Corporation in respect of or on investments forming part of the insurance fund and carried to the general rate fund shall be apportioned in the accounts of the Corporation between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

(7) For the purposes of this section the Corporation may if they deem it expedient include in the risks provided for under paragraph (*d*) of subsection (1) of this section risks of accident to any teacher employed in any public elementary school maintained by the Corporation notwithstanding that such school has not been provided by the Corporation as the local education authority.

(8) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the Corporation in consequence of risks for which it is

PART VII. —*cont.*

intended to provide in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the Corporation may with the sanction of the Minister borrow at interest such sums of money as will be necessary to make up the deficiency.

The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the general rate fund and charged in the accounts of the Corporation under the separate headings or divisions in respect of such undertakings departments or services of the Corporation and in such proportions as the Minister may direct having regard to the risks through which such deficiencies arise.

Renewal and repairs fund.

147.—(1) The Corporation may if they think fit in any year carry from the general rate fund to the credit of a fund to be called "the renewal and repairs fund"—

(*a*) any sum not exceeding an amount equal to twelve and one-half per centum of the cost incurred by the Corporation (otherwise than for the purposes of the Corporation undertakings) in connection with the provision of horses carts mechanically propelled vehicles stables depots boilers and equipment and apparatus in connection therewith as shown in the accounts at the thirty-first day of March in any such year; and

(*b*) any sum not exceeding the average annual cost incurred by the Corporation during the previous three years in connection with the maintenance and repair of buildings (other than buildings forming part of or used for the purposes of the Corporation undertakings or buildings in respect of which the Corporation are required by the Housing Acts to keep a housing repairs account).

(2) The maximum amount standing to the credit of the renewal and repairs fund shall not at any time exceed five thousand pounds.

PART VII. —*cont.*

(3) The renewal and repairs fund shall be applicable only to meet expenses requisite for the repair maintenance and renewal of the things referred to in subsection (1) of this section which are not comprised in the Corporation undertakings and shall be so applied from time to time for the purpose of equalising so far as may be the annual charge to revenue in respect of such expenses but this section shall not apply to any appliances works equipment and buildings for the purposes of any of the Corporation undertakings or to buildings in respect of which the Corporation are required by the Housing Acts to keep a housing repairs account.

(4) Any moneys standing to the credit of any existing fund formed by the Corporation for the purposes for which the renewal and repairs fund is authorised to be formed shall be carried to the credit of that fund in the accounts of the Corporation.

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

(*b*) Any income from the investment or use of the moneys in the renewal and repairs fund in manner provided by this subsection together with any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitation imposed by subsection (2) of this section) an amount equivalent to such income shall be credited to the renewal and repairs fund.

Sea defence reserve fund.

148.—(1) The Corporation may if they think fit apply from the general rate fund to a fund to be called "the sea defence reserve fund" any sum not exceeding in any year the equivalent of a rate of one penny in the pound calculated according to the rules made pursuant to sections 9 and 58 of the Rating and Valuation Act 1925 and the maximum amount standing to the credit of such fund shall from time to time be determined by the Corporation.

(2) (*a*) Pending the application of moneys forming part of the sea defence reserve fund to the purposes

PART VII. —*cont.*

authorised by subsection (3) of this section such moneys shall (unless applied in any other manner authorised by this Act) be invested in statutory securities.

(*b*) Any income arising from the investment or use of the moneys in the sea defence reserve fund in manner provided by this subsection together with any income arising from the application of the fund to the purposes authorised shall be carried to and form part of the general rate fund and (subject to the limitations imposed by subsection (1) of this section) an amount equivalent to such income shall be credited to the sea defence reserve fund.

(3) The sea defence reserve fund shall be applicable to the construction of works as a defence against the sea and to make good any damage and to meet any extraordinary claim or demand arising from accident to any of such works and so that if at any time the fund be reduced it may thereafter be again restored to the maximum sum determined by the Corporation and so from time to time as often as such reduction happens.

(4) Resort may be had to the sea defence reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the maximum sum determined by the Corporation.

PART VIII.

MISCELLANEOUS.

Payment of pension &c. of person of unsound mind.

53 & 54 Vict. c. 5.

149.—(1) Subject to the provisions of this section where a person entitled to receive from the Corporation any sum to which this section applies is lawfully detained as a person of unsound mind in accordance with the Lunacy Act 1890 as amended by any enactment the Corporation may pay the whole of that sum or so much thereof as they think fit to the institution or person having the care of the person so detained as aforesaid and may pay or apply the whole or so much as they think fit of the surplus (if any) thereof to or for the maintenance or benefit of the wife or husband or relations of the person so detained as aforesaid.

PART VIII. —*cont.*

(2) Subject to the provisions of this section where a person entitled to receive from the Corporation any sum to which this section applies is in the opinion of the Corporation through mental infirmity incapable of managing his affairs the Corporation may pay or apply the whole or so much as they think fit of that sum to or for the maintenance or benefit of such person or of his wife or husband or relations.

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

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

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

(6) The Corporation shall be discharged from all liability in respect of—

(*a*) any payment or application of money effected by them in exercise of the said power; and

PART VIII. —*cont.*

(*b*) any payment or application of money effected by them before the commencement of this Act which might have been effected by them in exercise of the said power if the provisions of subsections (1) (2) and (3) of this section had been in force at the date of the payment or application and had applied to sums of any amount.

Subscriptions to local government associations and other expenses.

150. The Corporation may pay out of the general rate fund and general rate—

(*a*) reasonable subscriptions whether annually or otherwise to the funds of any association of local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings;

(*b*) the reasonable expenses of the Corporation in providing public entertainments on the occasion of or otherwise in connection with public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the district.

Recovery of rate from persons removing.

151. If a justice is satisfied on complaint by any rate collector or other authorised officer of the Corporation that any person is quitting or about to quit any premises in the borough and has failed to pay on demand any general rate which may be due from him and intends to evade payment of the same by departing from the borough the justice may in addition to issuing a summons for non-payment of the same issue a warrant under his hand authorising the person named therein to seize forthwith and detain the goods and chattels of such person until the complaint is determined upon the return of the summons.

PART VIII. —*cont.*

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

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

Compensation for injuring lamps &c.

153. Every person who negligently breaks throws down or otherwise damages any public lamp or lamp-post or street orderly bin or other receptacle for the temporary deposit and collection of dust ashes and rubbish or street sand bin or life-saving apparatus or any other property of the Corporation shall make full compensation to the Corporation for the damage done and such compensation to an amount not exceeding twenty pounds shall be recoverable summarily as a civil debt:

Provided that where the public lamp or lamp-post in respect of which any sum is paid to or recovered by the Corporation under the provisions of this section is for the time being maintained by or at the expense of the gas company or by or at the expense of the Portsmouth Corporation as undertakers for the supply of electricity any sum so paid or recovered shall on demand be paid by the Corporation to the said company or to the Portsmouth Corporation (as the case may be).

Maintenance of graves in burial grounds. 42 & 43 Vict. c. 31.

154.—(1) Subsection (3) of section 2 of the Public Health (Interments) Act 1879 shall be extended to enable the Corporation to maintain in perpetuity or for such period as they may determine a grave or grave space or monument in any burial ground or cemetery provided or maintained by them and to accept a sum of money from any person in consideration of such maintenance.

(2) The Corporation may apply for the purposes of this section any sum of money received by them before the passing of this Act in consideration of such maintenance.

PART VIII. —*cont.*

(3) The Corporation may if they think fit invest in statutory securities the whole or any part of any such sum as is referred to in subsection (1) or subsection (2) of this section or use the same in manner provided by section 138 (Consolidated loans fund) or section 139 (Use of moneys forming part of sinking and other funds) of this Act.

As to maintenance of cemeteries &c.

155.—(1) The Corporation may in connection with the maintenance of any cemetery provided under the Public Health Acts or any burial ground provided under the Burial Acts 1852 to 1906 alter repair straighten or maintain any tombstone or monument and put in order and maintain any grave space therein.

(2) Before the Corporation exercise any of the powers of this section they shall publish once at least in each of two successive weeks in one or more newspapers circulating in the borough notice of their intention so to do together with a statement of the works to be carried out and such notice shall also state that any person desiring to object to the carrying out of any such works shall give notice in writing to the Corporation of his objection and the grounds thereof within the date stated in the notice (which date shall not be earlier than ten days after the last publication of the notice) If any objection shall be so given to the Corporation and not withdrawn the works to which the objection relates shall not be carried out without the consent of the Secretary of State.

Charges for and letting of parks &c. for games.

156. When any portion of any park or place of public resort or recreation is set apart by the Corporation for any purpose under section 76 of the Public Health Acts Amendment Act 1907 the Corporation may permit the exclusive use by any club or other body or persons of any part of any park or place of public resort or recreation set apart as aforesaid and of any pavilions buildings or refreshment or other rooms or conveniences subject to such charges and conditions as the Corporation may think fit:

Provided that nothing in this section shall empower the Corporation to permit at one and the same time the exclusive use of more than twenty per centum of the total area of any park or place of public resort

or recreation for the time being belonging to them or under their control. PART VIII, —*cont.*

Power to provide concert halls &c.

157.—(1) The Corporation may provide concert halls entertainment rooms reading rooms pavilions and bandstands with all necessary and suitable offices refreshment rooms kitchens cloak rooms lavatories conveniences and appliances.

(2) For the purposes aforesaid the Corporation may—

(*a*) erect or adapt buildings in any public park or pleasure ground belonging to them;

(*b*) acquire buildings or acquire land and erect buildings thereon;

(*c*) with the consent of the Minister adapt any premises or erect buildings on any land belonging to them but not already appropriated to entertainment purposes;

and may provide erect and maintain shops and offices as part of the buildings so acquired or erected.

(3) The Corporation may furnish and equip any premises provided by them under this section.

Power to provide &c. entertainments.

158.—(1) The Corporation may use or allow to be used or let any premises provided under subsection (1) of the last preceding section for concerts and other entertainments and may themselves provide or arrange for the provision of or contribute towards the expenses of any such concerts or entertainments and may make or allow to be made such charges as they think fit in connection therewith:

Provided that—

(*a*) The Corporation shall not themselves use any such premises for a cinematograph theatre except for the exhibition of a cinematograph film relating to the functions of county councils or other local authorities nor shall they grant or let the use of any such buildings for the purposes of a theatre music hall or cinematograph theatre except on the best terms that can be obtained;

PART VIII. —*cont.*

(*b*) The power of the Corporation themselves to provide entertainments shall include a power to provide concerts and pierrot or other entertainments whether theatrical costume is or is not used in connection therewith and either with or without appropriate scenery but save as aforesaid the Corporation shall not provide or arrange for the provision of stage plays performed by persons other than members of any amateur dramatic society or any entertainment for which scenery or theatrical costume is used and which forms a complete programme of variety entertainments as usually given at a music hall;

(*c*) The net amount of the expenses incurred by the Corporation under this section when added to the net amount of the expenses incurred by them in the provision of entertainments under section 56 of the Public Health Act 1925 shall not in any one year exceed the amount (calculated in accordance with the rules made from time to time by the Minister under sections 9 and 58 of the Rating and Valuation Act 1925) which would be produced by a rate of one penny and a third in the pound:

Provided that the limitation hereby imposed shall not apply in respect of any excess rate which may be approved by the Minister under the provisions of subsection (3) of section 56 of the Public Health Act 1925.

(2) The Corporation may provide and sell or authorise the provision and sale of programmes of any concerts or entertainments given in pursuance of this section.

(3) The Corporation may make byelaws for securing good and orderly conduct during any concerts or entertainments given in pursuance of this section.

(4) Nothing in this or in the last preceding section shall be taken to dispense with the consent of the Board of Education to any appropriation lease or other disposition of any lands of the Corporation in any case

in which such consent would have been required if this section had not been passed. PART VIII. —*cont.*

(5) Nothing in this section shall affect the provisions of any enactment by virtue of which a licence is required for the public performance of stage plays or for public music or dancing or other public entertainment of the like kind or a cinematograph exhibition.

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

Music at public baths.

159. The powers of the Corporation under section 226 of the Act of 1936 shall extend to enable them to provide or arrange for the provision of music at any public baths provided by them when such baths are not closed under that section.

Power to establish information bureaux.

160. The Corporation may establish and maintain or may subscribe towards the establishment and maintenance of an information bureau or information bureaux in the borough for the purpose of supplying information with regard to the borough and neighbourhood and may employ and pay such number of clerks assistants and servants as they may think fit for the purpose and may if they think fit make charges for the use of such bureau or bureaux or for information supplied by means thereof.

PART IX.

GENERAL.

Breach of conditions of consent of Corporation.

161. Where under this Act or under any general or local Act the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms

Part IX. —*cont.*

or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

As to byelaws.

162. As respects byelaws made under this Act the confirming authority for the purposes of section 250 (Procedure &c. for making byelaws) of the Act of 1933 shall (except where otherwise provided) be the Minister.

Commencement of certain provisions of this Act.

163.—(1) The provisions of this Act to which this section applies shall come into operation on but not until such date as may be fixed by a resolution of the Corporation of which date public notice shall be given by the Corporation by advertisement in one or more local newspapers circulating in the borough.

Every such advertisement shall also state the effect of the provisions to which it relates and the date specified therein as the date on which such provisions shall come into operation shall not be less than one month after the date of publication of the advertisement :

Provided that if the provision is one which requires the registration of any person or premises the application for registration may be made and determined before the provision comes into operation.

(2) A copy of a newspaper containing such advertisement shall be sufficient evidence of the publication of the advertisement.

(3) This section shall apply to the following sections of this Act :—

Section 123 (Parents &c. to notify certain diseases);

Section 124 (Restrictions on attendance at schools and places of assembly);

Section 133 (Notice of slaughter of animal unfit for food);

Section 134 (Registration of hawkers of meat fish fruit and vegetables and premises).

(4) As respects any of the said provisions which requires the registration of persons carrying on any

PART IX. —*cont.*

business or of premises used for any purpose it shall be lawful for any person who when such provision came into operation—

(*a*) was carrying on any such business or using any premises for any such purpose; and

(*b*) had made application in accordance with the provisions of this Act for such registration as is required by this Act;

to continue to carry on such business and to use such premises for such purpose until such time as he has been informed of the decision with regard to his application and if the decision is adverse during such further time as is provided under subsection (6) of section 165 (As to appeals) of this Act.

Restriction on right to prosecute.

164. Section 298 (Restriction on right to prosecute) of the Act of 1936 shall apply to offences created by or under Part V (Streets buildings sewers and drains) and Part VI (Infectious disease and sanitary provisions) of this Act as if they were offences created by or under that Act except that the said section shall not apply to those created by or under section 107 (Regulation of petroleum filling stations) of this Act.

As to appeals.

165.—(1) Any person aggrieved by any requirement refusal or other decision of the Corporation or of any officer thereof under Part V (Streets buildings sewers and drains) or Part VI (Infectious disease and sanitary provisions) of this Act may except where otherwise expressly provided or when some other right of appeal is conferred by this Act appeal to a court of summary jurisdiction.

(2) The procedure upon any such appeal shall be by way of complaint for an order and the Summary Jurisdiction Acts shall apply to the proceedings.

(3) The time within which any such appeal may be brought shall except where otherwise expressly provided be twenty-one days from the date on which notice of the requirement refusal or decision was published or served upon the person desiring to appeal and for the purposes of this subsection the making of the complaint shall be deemed to be the bringing of the appeal.

PART IX. —*cont.*

(4) In any case in which such an appeal lies the document notifying the requirement refusal or decision in the matter shall state the right of appeal to a court of summary jurisdiction and the time within which such an appeal may be brought unless these have already been stated in a notice to the person concerned informing him of his right to a hearing before the Corporation with regard to the same matter.

(5) Where a person aggrieved by any order determination or other decision of a court of summary jurisdiction under this Act is not by any other enactment authorised to appeal to a court of quarter sessions he may except where otherwise expressly provided appeal to such a court.

(6) Where any requirement refusal order determination or other decision against which a right of appeal is conferred by this Act involves the execution of any work or the taking of any action or makes it unlawful for any person to carry on any business which he was lawfully carrying on up to the time of such requirement refusal order determination or other decision or to use any premises for any purpose for which they were lawfully used up to such time—

(*a*) no proceedings in respect of any failure to execute the work or take the action shall be taken;

(*b*) the Corporation shall not execute such work or take such action; and

(*c*) any such person may carry on such business and use such premises for such purpose;

until the time for appealing has expired or when an appeal is lodged until the appeal has been disposed of or withdrawn or fails for non-prosecution thereof.

(7) Where upon an appeal under this Act a court varies or reverses any requirement refusal or other decision of the Corporation effect shall be given to the order of the court and in particular any necessary consent certificate or other document shall be granted or issued and any necessary entry in any register shall be made.

PART IX. —*cont.*

Damages and charges to be settled by court.

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

Application of Arbitration Acts.

167. Where under this Act any question or dispute is to be referred to an arbitrator or to arbitration (other than questions or disputes to which the provisions of section 170 (Compensation how to be determined) of this Act apply) the reference shall be subject to the provisions of the Arbitration Acts 1889 to 1934 and unless other provision is made or it is otherwise agreed the arbitrator shall be appointed by the Minister.

Inquiries by Minister.

168. The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or the giving of consents under this Act and section 290 (Power of government departments to direct inquiries) of the Act of 1933 shall apply accordingly.

Inquiries by Minister of Transport.

169.—(1) The Minister of Transport may hold such inquiries as he may consider necessary in regard to the exercise of any powers or duties conferred upon him or the giving of consents under this Act or any existing Act or Order of the Corporation.

(2) Where the Minister of Transport causes any inquiry to be held in pursuance of this section or of any provision of any Act or Order of the Corporation section 290 of the Act of 1933 shall apply to such inquiry notwithstanding the provisions of any such Act or Order of the Corporation.

Compensation how to be determined.

170. When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by subsection (2) of section 278 of the Act of 1936.

In executing works for owner Corporation liable for

171. Whenever the Corporation the surveyor or the sanitary inspector under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in

Part IX. —*cont.* negligence only.

default or at the request of the owner occupier or other person required to do such work act or thing the Corporation the surveyor or the sanitary inspector shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or the sanitary inspector or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Application of provisions of Public Health Act 1936.

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

Section 275 (Power of local authority to execute certain work on behalf of owners or occupiers);

Section 277 (Power of councils to require information as to ownership of premises);

Section 283 (Notices to be in writing; forms of notices &c.);

Section 284 (Authentication of documents);

Section 285 (Service of notices &c.);

Section 286 (Proof of resolutions &c.);

Section 287 (Power to enter premises);

Section 288 (Penalty for obstructing execution of Act);

Section 289 (Power to require occupier to permit works to be executed by owner);

Section 291 (Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments);

Section 292 (Power to make a charge in respect of establishment expenses);

PART IX. —*cont.*

Section 293 (Recovery of expenses &c.);
Section 294 (Limitation of liability of certain owners);
Section 295 (Power of local authority to grant charging orders);
Section 296 (Summary proceedings for offences);
Section 297 (Continuing offences and penalties);
Section 304 (Judges and justices not to be disqualified by liability to rates);
Section 328 (Powers of Act to be cumulative);
Section 329 (Saving for certain provisions of the Land Charges Act 1925):

Provided that the said sections 277 287 288 289 291 292 294 295 and 329 shall only apply to the provisions contained in Part V (Streets buildings sewers and drains) and Part VI (Infectious disease and sanitary provisions) of this Act.

(2) The following sections of the Act of 1936 shall extend and apply in relation to any local Act for the time being in force in the borough as if such sections were re-enacted in that local Act and in terms made applicable thereto (that is to say):—

Section 283 (Notices to be in writing; forms of notices &c.);
Section 285 (Service of notices &c.).

Abatement of work abandoned or decayed.

173.—(1) Where any work constructed by the Corporation or any other body or person under the powers of this Act and situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Board of Trade may by notice in writing either require the Corporation or such other body or person at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Board of Trade may think proper.

PART IX. —*cont.*

(2) If during the period of thirty days from the date when the notice is served upon the Corporation or any other body or person they have failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at the expense of the Corporation or such other body or person and the amount of such expense shall be a debt due from the Corporation or such other body or person to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

Works below high-water mark not to be constructed without consent of Board of Trade.

174.—(1) The Corporation or any other body or person shall not under the powers of this Act carry out on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides any work or any dredging or excavation without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries under-secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand as last aforesaid and where any such work may have been constructed the Corporation or such other body or person shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval.

(2) If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the owner of such work and the amount of such costs and charges shall be a debt due from the owner of such work to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

Crown rights.

175. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary

PART IX. —*cont.*

or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Crown minerals.

176. Notwithstanding the provisions contained in section 175 (Crown rights) of this Act or in any public statute His Majesty and His lessees for their respective interests may work any minerals belonging to His Majesty in right of His Crown under or adjacent to lands and works of the Corporation authorised to be taken or constructed by this Act.

Costs of Act.

177. 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 out of the general rate fund and the general rate or out of moneys to be borrowed under this Act for that purpose.

The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

AN AGREEMENT made the 16th day of November 1938 between WESTMINSTER BANK LIMITED whose registered office is situate at 41 Lothbury in the city of London (hereinafter called "the Bank") of the first part DIANA ELIAZBETH PRESTIDGE of Birmingham House Lee-on-the-Solent in the county of Hants widow LIONEL EDMUND PRESTIDGE of the same address builder and ARCHIBALD WILLIAM NORMAN ADDISON of 12 Hampshire Terrace in the city of Portsmouth in the said county solicitor (hereinafter called "the Executors") of the second part and ARTHUR JAMES SYDNEY PRATT of 102 Victoria Road North Southsea in the city of Portsmouth aforesaid incorporated accountant (hereinafter called "the Trustee") of the third part THE LEE-ON-THE-SOLENT PIER COMPANY LIMITED whose registered office is situate at Lee-on-the-Solent in the county of Hants (hereinafter called "the Pier Company") of the fourth part (all of which said parties of the first four parts are hereinafter collectively referred to as "the Vendors") and THE MAYOR ALDERMEN AND BURGESSES OF THE BOROUGH OF GOSPORT (hereinafter called "the Corporation") of the fifth part.

WHEREBY the Vendors agree to sell and the Corporation to buy:—

(1) At the price of £52,500 First All those pieces or parcels of land at Lee-on-the-Solent in the county of Hants more particularly delineated and described (for the purpose of identification only) on the plan attached hereto and thereon coloured pink green mauve mauve hatched black blue blue hatched black brown brown hatched black and red together with the licensed restaurant cinema and other buildings

1ST SCH. —*cont.*

erected thereon or on some part or parts thereof And secondly All that the estate and interest of the Company of and in the hereditaments forming part of the foreshore and bed of the Solent off Lee-on-the-Solent aforesaid containing in all one rood and 38 perches or thereabouts which hereditaments are (for the purpose of identification only) more particularly delineated and coloured yellow on the said plan together with the pier or jetty known as the Lee-on-the-Solent Pier erected thereon or on some part or parts thereof and constructed under the authority of the Lee-on-the-Solent Pier Order 1885 and the Harbour Orders Confirmation Act 1885 together with all buildings erections machinery fixtures and plant thereon and the full benefit of the undertaking authorised by the said Order and Confirmation Act and of the powers privileges and obligations conferred upon the undertakers therein named in so far as the same are now subsisting and have not been amended or altered by any subsequent agreements or enactments for an estate in fee simple in possession free from incumbrances;

Subject to and with the benefit of the reservations restrictions stipulations rights of way and other easements etc. affecting the said land or any part or parts of it set out in the First and Second Schedules hereto (but with the benefit of the release hereinafter referred to) and as regards the property secondly described subject to the payment to the King's most Excellent Majesty his heirs and successors of the yearly rent of 1/– if demanded and with the benefit also of the goodwill of the business of licensed victuallers carried on upon portions of the said premises and with the benefit (so far as the Executors and the Trustee can convey the same) of the goodwill of the business of cinematograph theatre proprietors carried on upon other portions of the premises and with the full benefit (so far as the same can be granted) of all licences (including the cinematograph licences except so far as they are the property of the tenants of the cinema) held in connection with the said businesses and also full right to recover and receive all compensation which may at any time become payable on account of the non-renewal of any of the said licences under the provisions of any Licensing Act and the Trustee will in the conveyance to the Corporation agree to do all things necessary to assist in obtaining the legal transfer of the said licences held in connection with the business of licensed victuallers to the Corporation or their nominee:

1st Sch. —*cont.*

(2) The furniture fittings and equipment in and around the bars and restaurant in accordance with the inventories supplied to the Corporation and identified by the signature of the Trustee on behalf of the Vendors and Messrs. Paine & Marsh on behalf of the Corporation at a price to be ascertained by a valuation to be made immediately before the completion and such valuation shall be made in accordance with the provisions of clause 3 of the Law Society's Conditions of Sale (1934) (hereinafter called "the Law Society's conditions"):

(3) The stock of wines spirits beers minerals food and refreshments in the restaurant buildings at the date of the completion of the purchase at cost price less a proper allowance for any deterioration which may have occurred.

1. This contract is made subject to the Corporation being successful in carrying through a Bill which they are now promoting to give them certain powers in connection with the property hereby agreed to be purchased and shall be scheduled to such Bill and shall be subject to such alterations as Parliament may think fit to make therein but in the event of Parliament making any material alteration in this contract any party hereto may by notice in writing to the others determine this contract.

2. Completion of the purchase hereunder shall take place within one calendar month after the said Bill shall have received the Royal Assent (hereinafter called "the date for completion") Provided that if for any reason other than this contract becoming void or being determined under the provisions of the preceding clause the purchase is not completed on or before the 1st day of April 1939 the Corporation shall pay to the Vendors interest on the purchase money (less the sum of £3,659 referred to in clause 3 hereof) at the rate of $2\frac{1}{2}$ per cent. per annum from the said day until the day of actual payment thereof And provided further that if the purchase is not completed on or before the date for completion the Corporation shall pay to the Vendors such interest as aforesaid at the rate of 5 per cent. per annum in lieu of the aforesaid rate of $2\frac{1}{2}$ per cent. from the date for completion until actual completion.

3. The Vendors shall pay to the Corporation on completion the sum of £3,659 in respect of road charges due to the Corporation in respect of the frontage of the land sold and in consideration of such payment the Corporation agree that they will not during the continuance in force of this contract or after completion of the purchase take any steps to enforce any rights which they may now or subsequently have by virtue of the

Private Street Works Act 1892 or otherwise against the Vendors or any of them in respect of the said road charges. 1ST SCH. —*cont.*

4. The Corporation shall pay the costs of the Vendors' surveyors incurred in connection with this sale (which are hereby agreed at £375–14–0) according to the Rydes scale and shall also pay the legal costs (which are hereby agreed at £226–13–4) of the Vendors in accordance with the scale laid down in Schedule 1 Part 1 of the Solicitors Remuneration Order 1882 as amended by the General Order 1936.

5. The cinema forming part of the Lee Tower Buildings is let to Southdowns Cinemas Ltd. upon a lease dated the 21st day of February 1938 (a copy of which has been supplied to the Corporation).

6. There are a number of machines the property of the Amusement Equipment Company Limited of Wembley deposited in the central building and the terms upon which the machines are so deposited are contained in an agreement dated the 3rd day of August 1935 (a copy of which has been supplied to the Corporation).

7. The two kiosks at the entrance to the said Lee Tower Building are let to Mr. P. A. Bushell at £1–1–0 per week each until the 8th day of April 1939 upon the terms of a letter dated the 14th day of April 1938 (a copy of which has been supplied to the Corporation).

8. The property secondly hereinbefore described (being the pier property) is sold subject to and with the benefit of an agreement made the 3rd day of September 1935 between the Gosport Waterworks Co. of the first part the Pier Company of the second part and Cliff Lands Ltd. of the third part (a copy of which has been supplied to the Corporation).

9. The abstract of title hereinafter referred to shall commence—

(i) As to the greater part of the property with a conveyance on sale dated the 29th day of November 1902 and made between Sir John Charles Robinson of the one part and the Lee-on-the-Solent Estate Ltd. of the other part;

(ii) As to a further part of the property with a conveyance on sale dated the 31st day of December 1903 and made between the said Sir John Charles Robinson of the first part the said Lee-on-the-Solent Estate Ltd. of the second part and the Pier Company of the third part;

(iii) As to the property coloured blue and blue hatched black on the said plan with a conveyance on sale

1st Sch. —*cont.*

dated the 5th day of December 1904 and made between the said Sir John Charles Robinson of the first part the Lee-on-the-Solent Estate Ltd. of the second part and the Lee-on-the-Solent Railway Company of the third part;

(iv) As to the small portion of roadway coloured brown hatched black with a conveyance dated the 17th day of December 1925 and made between the President of the Air Council of the one part and the said Lee-on-the-Solent Estate Ltd. of the other part; and

(v) As to the said property secondly hereinbefore described with a deed of exchange dated the 24th day of December 1931 and made between the Pier Company of the first part the Board of Trade of the second part and the King's most Excellent Majesty of the third part A copy of the said deed of exchange has been supplied to the Corporation and they shall buy with full knowledge of the contents thereof and shall not call for evidence of any earlier title or require the title to the land given in exchange to be deduced or make any objection or requisition whatsoever with reference thereto however the same may come to their knowledge and shall assume without inquiry that the said deed of exchange was valid in all respects and the Corporation shall in the conveyance covenant with the Pier Company to perform and observe the restrictions and stipulations contained in the said deed of exchange and to indemnify the Pier Company from and against all claims actions proceedings costs damages and demands in respect of any breach or non-performance thereof.

10. The Vendors shall procure Lee-on-the-Solent Estate Ltd. so far as it lawfully can or may to release the property first hereinbefore described from the restrictions and stipulations set out in the said Second Schedule hereto and the Corporation shall release Lee-on-the-Solent Estate Ltd. and all other parties who may be liable therefor from the road charges referred to in clause 3 hereof and all claims and demands in respect thereof.

11. Various extensions have recently been made to the said pier on and over parts of the bed of the sea not included in the grant to the Pier Company under the said deed of exchange The Pier Company has been negotiating with the Board of Trade to secure that in exchange for part of the bed of the sea included in the said deed of exchange the Board of Trade will convey those parts of the bed of the sea on and over which the extensions have been made A draft of the new

1ST SCH. —*cont.*

deed of exchange has been agreed between the Pier Company and the Board of Trade and produced to the Corporation and the Corporation may if they so desire take over the benefit of the negotiations in respect of the said new deed of exchange and the Vendors shall obtain and hand over to the Corporation a letter to the effect that the Board of Trade consent to the benefit of such negotiations passing to the Corporation The Pier Company will convey only such interest as it may have in the said extensions and no express or implied covenant of title will be given in respect thereof and the conveyance to the Corporation shall be framed accordingly.

12. The Bank are selling as mortagees the Executors are selling as personal representatives of Alfred Alexander Prestidge deceased (mortgagee) the Trustee is selling as Trustee and the Pier Company is selling as beneficial owner.

13. The Vendors shall deliver to the Corporation or their solicitor an abstract of the title to the property sold within 14 days after the Corporation shall have notified to the solicitors to the Bank that the Bill hereinbefore referred to has been passed by the parliamentary committee and the Corporation shall within 14 days after the day of the delivery of the abstract whether or not the abstract is delivered within the time prescribed send to the said solicitors a statement in writing of all the objections and requisitions if any to or on the title or evidence of title or the abstract and subject thereto the title shall be deemed to be accepted.

14.—(1) If the Corporation shall take or make any objection or requisition as to title conveyance or otherwise which the Vendors are unable or on the ground of difficulty or delay or unreasonable expense unwilling to remove or comply with and shall not withdraw the same within 10 days after being required in writing so to do the Vendors may (subject as provided in section 42 (8) or section 125 (3) of the Law of Property Act 1925) by notice in writing delivered to the Corporation and notwithstanding any intermediate negotiation or litigation rescind the contract.

(2) If the contract is rescinded under the provisions of this clause or under the provisions of clause 1 hereof the Corporation shall return all abstracts and papers in their possession belonging to the Vendors and shall not have any claim against the Vendors for costs compensation or otherwise.

15.—(1) The conveyance to the Corporation shall be prepared by them at their own expense and the draft thereof shall be delivered at the office of Messrs. Alfred Bright & Sons of 15 George Street Mansion House in the city of London the solicitors for the Bank at least 21 days before the date fixed

1st Sch. —*cont.*

for completion for perusal and approval on behalf of the Vendors.

(2) The engrossment of such conveyance for execution by the Vendors shall be left at the said office within 4 days after the draft has been returned approved on behalf of the Vendors.

(3) Delivery of the draft or of the engrossment shall not prejudice any outstanding requisition.

16. The Corporation shall pay the purchase money and other payments hereby agreed to be paid on the date for completion at the office of the said Messrs. Alfred Bright & Sons and shall as from the date for completion on payment of such purchase money be let into vacant possession of the premises subject to the tenancies and agreements hereinbefore referred to.

17. The Corporation shall from the date for completion pay all outgoings and be entitled to all rents receipts and profits and up to that date all current rents and receipts and all rates taxes and other outgoings shall (if necessary) be apportioned and the balance shall be paid by or allowed to the Corporation on completion Provided that all rates shall be apportioned so far as practicable according to the period for which they are intended to provide and not as running from the date when the same are made or allowed and where as respects any rate the date fixed for completion falls between the expiration of the period on which the last rate was made and the making of a new rate the new rate shall for the purpose of this condition be deemed to have been made at the same rate in the £ as that at which the last rate was made and shall be calculated from day to day.

18. Subject to the consent of the insurance offices and payment by the Corporation on completion of a proportionate part of the premiums for the unexpired terms of the policies the Vendors shall hold all policies of insurance on the property in trust for the Corporation and the Vendors shall duly keep up and wherever necessary renew all insurances of the property until the actual completion of the sale and shall if so requested in writing by the Corporation and at their expense increase the insurances to any figures required by the Corporation Clause 23 of the Law Society's conditions (except paragraph (1) thereof) shall be deemed to be incorporated herewith.

19.—(1) No objection shall be made on account of any discrepancy between old and present measurements of the property in regard to which a reasonable explanation is furnished by the Vendors.

1ST SCH. —*cont.*

(2) The Corporation shall be entitled—

(A) To such evidence of identity (if any) as may be gathered from the description in the documents abstracted;

(B) To a statutory declaration if they so require that the property has for 12 years and upwards preceding the date of the contract or from the date fixed from the commencement of the title whichever period is the shorter been held and enjoyed in accordance with the title shown thereto but any such declaration shall be made approved and stamped at the expense of the Corporation requiring it:

Save as aforesaid no further or other evidence shall be required as to the identity of the property described in the contract with the property to which title is shown by the abstract.

(3) Provided that the general boundaries can be sufficiently indicated the Vendors shall not be required to define the exact boundary line where the same passes along or near to any wall hedge fence or ditch or to distinguish between the parts of the property held under different titles.

(4) The Corporation shall be deemed to purchase with full notice of the actual state and condition of the property whether as to quantity state of repair means of access enjoyment of light and air or otherwise howsoever and shall take the same as it stands.

20.—(1) The property is sold and will if the Vendors so require and define the liability be conveyed subject to all quit chief and other rents (if any) remaining unextinguished rights of way water light drainage and other easements rights and privileges (if any) affecting the same and to any subsisting liability to repair party walls fences road or streets Provided that nothing in this condition shall discharge the Vendors from the obligation to disclose on or before the date of the contract the existence of all latent easements rights privileges or other liabilities which are known by them to affect the property.

(2) The property is sold subject to all land tax or tithe rentcharge (if any) affecting the same (although it is believed that tithe rentcharge has in fact been redeemed over the whole property).

21. The Corporation being the local authorities shall be deemed to have full knowledge of all matters mentioned in clause 20 of the Law Society's conditions.

22. The property is believed to be and shall be taken as correctly described as to quantity and otherwise and any

1st Sch. —*cont.*

error omission or misstatement found in the particulars sale plan if any or conditions shall not annul the sale or entitle the Corporation to be discharged from their purchase nor shall the Vendors or the Corporation claim or be allowed any compensation in respect thereof Provided that nothing in this condition shall entitle the Vendors to compel the Corporation to accept or the Corporation to compel the Vendors to convey property which differs substantially whether in quantity quality tenure or otherwise from the property agreed to be sold and purchased.

23. Pending completion of the purchase the Vendors shall allow the Corporation its servants and agents to have access to the property at all reasonable times by day and by night for the purpose of obtaining lessees of the property or any parts thereof or making arrangements as to the user thereof after completion (but so that no alterations or additions shall be made without the consent in writing of the Vendors) and shall also allow all persons authorised by the Corporation or its servants or agents and believed by them to be intending lessees or persons who might become lessees of any parts of the property and their servants and agents to have the like access but this provision shall be subject as regards any parts of the property which are let to the rights of the tenants thereof the Vendors nevertheless using their best endeavours to induce the tenants to allow such access when required.

24. If the Corporation shall fail to perform their part of the contract within 12 calendar months from the date hereof the Vendors may give to the Corporation at least one calendar month's notice in writing requiring the Corporation to carry out the same before the expiration of the notice and if the Corporation do not comply with the terms of the said notice the contract shall without prejudice to the right of the Vendors or any of them to resume possession of the whole or any part or parts (if given up) and recover documents belonging to them become void and the Vendors may re-sell the property without previously tendering a conveyance to the Corporation in such manner at such times and subject to such conditions as the Vendors may think proper.

In witness whereof the Bank the Pier Company and the Corporation have caused their respective common seals to be hereunto affixed and the Executors and Trustee have hereunto set their hands the day and year first before written.

THE FIRST SCHEDULE hereinbefore referred to.

As to the land coloured mauve.

No building other than a fence or wall not exceeding 4 feet 6 inches in height to be erected thereon.

1ST SCH. —*cont.*

As to both the land coloured mauve and mauve hatched black.

Not to use or allow the said land to be used for a racecourse or aviation ground cricket or football ground or shooting range nor for any manufacture or industry nor as a drying or bleaching ground.

Not to allow any gravel clay sand or earth to be excavated from the said land.

Not to permit any fairs or shows on the said land.

Not to permit or suffer anything which may be or grow to be an annoyance nuisance damage or disturbance to the owner or tenant of any adjoining land.

As to the land coloured blue.

Subject to two rights of way in favour of the Lee-on-the-Solent Estate Ltd. 9 feet wide between the points marked A and B and C and D respectively on the plan and subject also to certain rights of laying pipes across the said land and drawing sea water.

As to both the land coloured blue and blue hatched black.

Not to do or suffer anything which might interfere with or endanger the other property of the Southern Railway Co. or of the War Office adjoining the said land or any railway thereon or traffic thereover or imperil the stability of the works of the Southern Railway Co. thereon.

No road to be constructed on the land in such manner as to render the Southern Railway Co. liable as frontagers.

Subject also to and with the benefit of two agreements made the 3rd day of March 1926 and the 3rd day of June 1926 respectively between the Southern Railway Co. of the one part and Miss V. K. Blair of the other part so far as the same are now subsisting and copies of which have been produced to the Corporation.

As to the roadway coloured brown hatched black.

At all times to use the said piece of land as a roadway and as a diversion of Marine Parade West and for no other purpose.

The said piece of land is also conveyed subject to the reservation of all slipways and all works in connection with slipways situated thereon and to the right for the President of the Air Council for the time being his successors and assigns and all persons authorised by him at all times by day or by night to use maintain repair enlarge and renew the said slipways and works and to enter upon the said piece of land for such purposes but with the benefit of a covenant by the

1st Sch. —*cont.*

said President to make good all damage to the said road occasioned by the use of the slipways and by extraordinary traffic arising through the repair or enlargement thereof.

As to the small piece of land coloured red.

Not to allow any noxious noisome or offensive trade or business to be carried on thereon nor allow any building thereon to be used as a beershop public-house or hotel for the sale of malt or spirituous liquors or as an off-license.

As to the roadways coloured brown.

Subject to all rights of user thereof (if any) by the public or by any person or persons enjoying the same by special grant or otherwise and especially to the rights of the Lee-on-the-Solent Waterworks Company and E. A. Robinson and J. E. Clifton as assignees of Turrs Acetylene Gas Syndicate Limited so far as the same are now subsisting.

As to the pier (coloured yellow).

The restrictions and stipulations to which this part of the property is subject are contained in the deed of exchange dated the 24th day of December 1931 which forms the root of title and a copy of which has been produced to the Corporation who shall be deemed to have full notice thereof.

THE SECOND SCHEDULE hereinbefore referred to.

As to the land coloured mauve hatched black.

No building or erection to be erected thereon other than ornamental bandstands or kiosks not exceeding in height 15 feet of a design and character to be approved by the Lee-on-the-Solent Estate Ltd.

As to the land coloured blue.

Not to erect or allow to be erected any building except a fence or wall not exceeding 5 feet in height.

That the buildings (being lately the terminal station of the railway) erected on the most north-westerly of the strips coloured blue hatched black should not exceed one storey in height above the level of the top of the rails of the railway lately built on the land coloured blue and blue hatched black and no alteration affecting the height thereof should be made without the consent in writing of the Lee-on-the-Solent Estate Ltd.

As to the land coloured pink.

Not without the consent in writing of the Lee-on-the-Solent Estate Ltd. to alter or vary plans drawings and elevations of the buildings erected thereon as approved by the said Company

1st Sch. —*cont.*

or make any structural or architectural alterations to the buildings erected in accordance therewith and not at any time to erect any other buildings on the said land or on any part thereof without the like consent and not at any time to dig or remove or permit to be dug or removed on or from the said land or any part thereof any turf gravel clay or soil except such as may be necessary in excavating the foundations of any building which may be erected thereon.

The common seal of Westminster Bank Limited has been hereunto affixed in the presence of— L.S.

A. d'A. Willis Director.
J. H. Arnold Secretary.

Signed by the before-named Diana Elizabeth Prestidge in the presence of— D. E. Prestidge

Dorothy E. Channon
48 Portsmouth Rd.
Lee-on-the-Solent
Clerk.

Signed by the before-named Lionel Edmund Prestidge in the presence of— L. E. Prestidge

Dorothy E. Channon

Signed by the before-named Archibald William Norman Addison in the presence of— A. W. N. Addison

O. E. Arrow
Clerk to Messrs. Addison & Son
Solicitors
Portsmouth.

Signed by the before-named Arthur James Sydney Pratt in the presence of— A. J. Pratt

A. B. Burnett
52 Chatsworth Avenue
Cosham
Clerk.

1st Sch. —*cont.*

The common seal of The Lee-on-the-Solent Pier Company Limited has been hereunto affixed in the presence of— } L.S.

John A. Roney Director.
Alfred C. Moore Secretary.
J. Kilpatrick
Liquidator of Solent Properties Limited.

The common seal of the Corporation was hereunto affixed in the presence of— } L.S.

C. O. Graham Mayor.
H. R. Mangnall Town clerk.

THE SECOND SCHEDULE.

I.—Rates for vessels using the pier.	£	*s.*	*d.*
For every vessel not exceeding 15 tons per ton register	0	0	4
For every vessel exceeding 15 tons and under 50 tons per ton register	0	0	6
For every vessel of 50 tons and under 100 tons per ton register	0	0	8
For every vessel of 100 tons and under 150 tons per ton register	0	0	10
For every vessel of 150 tons and upwards per ton register	0	1	0

II.—Rates for use of pier.

For every passenger or other person landing on the pier from or embarking from it on board of any vessel for each time any sum not exceeding	0	0	4
For every person using the pier for the purpose of walking for exercise pleasure or any other purpose except for bathing embarking or disembarking for each time any sum not exceeding	0	0	2

2ND SCH. —*cont.*

	£	*s.*	*d.*
For every bath chair taken on the pier for each time any sum not exceeding	0	0	4
For every perambulator taken on the pier for each time any sum not exceeding	0	0	2
For every cycle taken on the pier for each time any sum not exceeding	0	0	4
For every person using the pier for the purpose of bathing any sum not exceeding	0	0	4
For every master of any vessel using the pier for the purpose of going to or returning from his own vessel an annual sum not exceeding	1	0	0

III.—RATES ON PASSENGERS' LUGGAGE LANDED OR SHIPPED OR TRANSHIPPED AT THE PIER.

For every trunk portmanteau box parcel or other package within the description of luggage and not borne by the passenger not exceeding 28 pounds	0	0	2
Over 28 pounds and not exceeding 84 pounds	0	0	4
Over 84 pounds and not exceeding 112 pounds	0	0	5
Over 112 pounds and not exceeding 140 pounds	0	0	6
Over 140 pounds and not exceeding 196 pounds	0	0	7
Over 196 pounds and not exceeding 2 hundredweight	0	0	8
If exceeding 2 hundredweight for every hundredweight	0	0	4
And for every 28 pounds in excess of an integral number of hundredweight	0	0	1

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